



VICTIMS OF CRIMES OF VIOLENCE

A GUIDE TO THE CRIMINAL INJURIES COMPENSATION SCHEME

(Effective from 1 April 1996)

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A GUIDE TO THE CRIMINAL INJURIES COMPENSATION SCHEME
(Made by the Secretary of State under the Criminal Injuries Compensation Act 1995)

PART 1 - INTRODUCTION

- 1.1 The Criminal Injuries Compensation Scheme applies to all applications received by the Criminal Injuries Compensation Authority (CICA) on or after 1 April 1996.
- 1.2 The purpose of this Guide is to explain the main provisions of the Scheme and to give you information about how the Scheme works. This should help you to apply for compensation with as little trouble as possible. The Guide is not, however, a substitute for the Scheme itself and cannot cover every situation.
- 1.3 You do not need legal advice or representation in order to apply for compensation. If you do decide to seek legal or other advice to help you make your application, we cannot pay the costs of these services. If, however, you feel you need assistance with an application under the Scheme, advice can be obtained from your local Citizens Advice Bureau or Law Centre. If you are a member of a Trade Union they may also help you. Victim Support can also help you complete your application but cannot offer you legal advice.
- 1.4 Throughout the Guide, references are made to **paragraphs** of the Scheme. If you do not have a copy of the Scheme itself, you can send for one and for any further forms or information you may require to:-

The Criminal Injuries Compensation Authority
Tay House
300 Bath Street
GLASGOW G2 4JR
Telephone No: 0141 331 2726
Fax No: 0141 331 2287

PART 2 - SHOULD YOU APPLY FOR COMPENSATION?

- 2.1 The main rules of the Scheme are listed below. The list does not, however, cover all the circumstances that can arise, and you should read or seek advice on the sections of the Guide and the Scheme which you think are relevant to your situation.
- 2.2 We are unable to consider your application under this Scheme if:
 - (a) you were injured before 1 August 1964;
 - (b) you have already applied for compensation in respect of the same criminal injury under any scheme operating in Great Britain before 1 April 1996 (**Paragraph 7a**);
 - (c) the injury happened before 1 October 1979 and you and the person who injured you were living together as members of the same family (**Paragraph 7(b)**).
- 2.3 For your application to be considered you must have been:-
 - (a) a victim of a crime of violence, or injured in some other way covered by the Scheme (see **Part 8 of this Guide**);
 - (b) physically and/or mentally injured as a result;

- (c) in England, Scotland or Wales at the time when the injury was sustained; and
- (d) injured seriously enough to qualify for at least the minimum award available under the Scheme. (The tariff levels are set out in full at the end of this Guide); or
- (e) a dependant or relative of a victim of a crime of violence who has since died (**see Part 4.16 - 4.19 of this Guide**).

2.4 Unless there are good reasons you should also:-

- (a) have reported the incident personally to the police as soon as possible after it happened (but see also **part 8 of this Guide**);
- (b) send your application so that we receive it within 2 years from the date of the incident causing the injury (but see also **Part 7.2 - 7.5 of this Guide**).

PART 3 - HOW AND WHEN TO APPLY

- 3.1 Application forms and related Guides are obtainable from our office at the address at the beginning of this Guide.
- 3.2 **Personal Injury** - if you have been injured, please ask for and complete a **Personal Injury** application form.
- 3.3 **Fatal Injury** - if you intend to apply following the death of a victim of a crime of violence, please ask for and complete a **Fatal Injury** application form.
- 3.4 **Time Limit** - completed applications should be sent to us as soon as possible, and must be received at our office no later than **2 YEARS** after the incident for which a claim is made (**Paragraph 17**). This time limit may, however, be waived if we consider that there is a good reason for the delay and it is in the interests of justice to do so. For an application to proceed there must be enough information still available for us to assess your claim (see also **Parts 7.2 - 7.5** of this Guide).
- 3.5 **Permission for enquiries** - we need your permission to approach the police, hospital, doctor, your employer or anyone else who can help to verify your claim. There is a place on the application form for you to sign to allow us to make these enquiries, which are dealt with in strict confidence.
- 3.6 **Photographs** - please do **not** send photographs of your injury unless we ask you to.

Applications on behalf of Children

- 3.7 If the application is in respect of child abuse, ask us for the separate leaflet '**Child Abuse and the Criminal Injuries Compensation Scheme**'. More generally, if you are applying on behalf of someone under the age of 18 you must be an adult with parental responsibility for the child (ie, the natural parent, adoptive parent or another person with legal parental responsibility). A copy of the child's birth certificate **must** be enclosed with the application form. If the child is in care we will expect the application to be made by the Local Authority if they have assumed parental responsibility. The application will then be signed by a responsible officer on the Local Authority's behalf. In other cases we will expect the application to be made and signed by the person having parental responsibility for the child for the time being.

- 3.8 Where there is no one legally entitled to act for the child, help should be sought from the Official Solicitor for an application in England and Wales; but in the case of an application arising in Scotland we may require the appointment of a tutor or guardian. We do not make these arrangements ourselves. Wherever possible all necessary formalities should be completed on the child's behalf before an application is made so that delays do not occur at later stages. If the incident for which the claim is made occurred some time ago, you should not delay the application but send it to us as quickly as possible.
- 3.9 If you are unsure about parental responsibility you should seek advice, for example from your local Citizen's Advice Bureau.

Adults unable to manage their own affairs

- 3.10 If you are applying on behalf of an adult who is legally incapable of managing his/her own affairs, you must be properly authorised to do so. Provided that we consider you to be a suitable person we may appoint you to act as the applicant's representative for the purpose of the Scheme. This will enable you to authorise all our enquiries and to decide on the applicant's behalf whether to accept the award, to ask for a review or to appeal to the Criminal Injuries Compensation Appeals Panel. Before we take this step we will require medical evidence that the applicant is "incapable by reasons of mental disorder as defined in the Mental Health Act of 1983 of managing and administering his/her property and affairs".

PART 4 - HOW WE DEAL WITH YOUR APPLICATION

Acknowledgement and Enquiries

- 4.1 We will acknowledge your application and give you a personal reference number which will help us to identify it quickly should you need to contact us.
- 4.2 We will then normally make enquiries of the police, medical authorities and other relevant bodies to enable your claim to be assessed.
- 4.3 It is important that you give all reasonable help to us in connection with your application (**Paragraph 13(c)**).

Assessment of your Application

- 4.4 Claims Officers in the Authority are responsible for deciding in accordance with the Scheme what awards (if any) should be made in individual cases, and how they should be paid.
- 4.5 As soon as we have the information we need, we will first decide whether your application is acceptable within the rules in **Paragraphs 6 to 12, and 38 (fatal cases)** of the Scheme. These are explained in some detail in **Parts 7-9** of this Guide but, amongst other factors, we will need to consider whether an award should be withheld or reduced under any of the provisions of **Paragraphs 13 to 16**.

Personal Injury

- 4.6 If your application is acceptable we will assess whether or not your injury is serious enough to qualify for at least the minimum award payable under the Tariff (**Paragraph 25, Note 1 on the Tariff of Awards**; see also **Part 7.6** of this Guide).
- 4.7 We will then identify the Tariff level into which your injury falls (**Paragraphs 25 to 29 and Tariff of Awards**). To help us do that, we may ask you to attend a centre as near as possible

to your home to have the injury examined by a doctor nominated by us (**Paragraph 20**). We will pay reasonable travelling expenses for this purpose (covering, where appropriate, both your and a carer's expenses).

- 4.8 Where you suffer more than one qualifying injury, the Tariff award will be that for the highest rated injury plus, where the other injuries are separate from the highest rated injury and from one another, 10% of the Tariff value of the second most serious injury and, where appropriate, 5% of the Tariff value of the third most serious injury. This means, for example, that where the injuries are a depressed fracture of the skull (single Tariff payment £6000), loss of 2 front teeth (£2000) and a broken nose (£1500), the combined award would be £6000 + £200 + £75 totalling £6275.
- 4.9 The Tariff includes an element of compensation for the degree of shock which an applicant in normal circumstances would experience as a result of an incident resulting in injury. If the shock (as defined in **Note 2** in the **Tariff of Awards**) is such that it would attract an award from a higher Tariff level than the injury itself, then the award for shock will be paid rather than the award for injury.
- 4.10 An award will be reduced by the full amount of any payment of compensation or damages received in respect of the same injuries (**Paragraph 48**).
- 4.11 If we make an award and you subsequently receive compensation or damages as described in **Paragraph 48** of the Scheme you will be required to pay to us the full amount of the other payment up to the level of our award of compensation.

Compensation for Loss of Earnings (Paragraphs 30-34)

- 4.12 If your injury has caused you to lose or is likely to cause you to lose earnings or earning capacity for longer than 28 full weeks you may be eligible for additional compensation for this loss. If so, we will ask you for details of your loss and send you a separate Guide on how it is calculated.
- 4.13 **Please note that compensation is not payable for the first 28 full weeks of lost earnings or earning capacity.**

Compensation for Special Expenses (Paragraphs 35-36)

- 4.14 You may be considered for an additional amount of compensation if, as a direct result of the injury you have been incapacitated or are likely to be incapacitated for longer than 28 full weeks and have incurred special expenses for medical/dental/optical treatment, related equipment and care. You do not have to be employed to be considered for compensation for special expenses which, provided you meet the time condition, are **payable from the date of the injury**. We will ask you for details, sending you a separate Guide.
- 4.15 If, after completing the Personal Injury application form, your circumstances change and you think you may be eligible within the terms of the scheme to apply for additional compensation for loss of earnings and/or special expenses you should write to this address quoting your reference number and giving details of the change in your circumstances.

Fatal Cases (Paragraphs 37-44)

- 4.16 **Those eligible to apply** are dependants or relatives (as shown in the next paragraph) of someone who died as a result of a criminal injury, or who was criminally injured but died from some other cause.

4.17 A dependant or relative is someone who at the time of the deceased's death was the deceased's:-

- (a) husband or wife
 - (b) unmarried but long term partner (of the opposite sex)
 - (c) parent
 - (d) *child
- or
- (e) former husband or wife who was financially supported by the deceased.

* 'child' means a person of any age - the definition is **not** restricted to a person below the age of 18.

Death as a result of a criminal injury

4.18 If you fall into any category at section 4.17 and the deceased died as a result of the criminal injury, we will assess your eligibility for compensation in the form of a fatal injury award and/or a dependency award and/or an award for loss of parental services (**Paragraphs 38-42**). Application may be made even if an award had been made to the victim for the injury before death (**Paragraph 43**).

Death following, but not as a result of a criminal injury

4.19 Where the victim has died but the death was not as a result of the criminal injury you may be eligible to apply for supplementary compensation (**Paragraph 44**). Supplementary compensation is intended to cover loss of earnings, expenses and liabilities incurred by the victim before death as a result of the crime of violence. Payment of a Tariff injury award cannot be made.

General eligibility

4.20 Consideration of applications for compensation in respect of fatal cases are subject to the main eligibility requirements of the Scheme and apply to the applicant and the deceased (**Paragraphs 13 and 14**).

Funeral Expenses

4.21 Where the victim dies as a result of a criminal injury, an application will be considered for reimbursement of reasonable funeral expenses, even where the person bearing the cost of the funeral is otherwise ineligible to claim under the Scheme (**Paragraph 37**). In calculating the expenses to be reimbursed we will take account of the religious and cultural background of the victim and his family.

Notification of our decision

4.22 You will be told of our decision in writing and, in cases where an award has been reduced or withheld, you will be given reasons. Any award made by us may be subject to directions and arrangements considered by us to be appropriate, taking into account the circumstances of the case (**Paragraph 50**).

Payment

- 4.23 Wherever possible we will try to resolve your application by a single payment of compensation (**a final award**) but to do this the medical situation needs to be clear. However, in some cases there can be a delay and if, in all respects, you are eligible for compensation, we may make one or more interim awards on account (**Paragraph 51**). We have discretion to reconsider a decision to make a final award at any time before it is actually paid (**Paragraph 53**).

Annuities

- 4.24 Where it is likely that a high value award will be made, you may opt for payment through the purchase of an annuity or annuities. These can provide index linked, tax-free payments. We will take you or your representatives' instructions as to which annuity to purchase. Any expenses incurred will be met from the award. (**Paragraph 52**).

Reopening of Cases (Paragraphs 56-57)

- 4.25 We have discretion to re-open a case after a final decision has been made if the medical condition caused by the injury has deteriorated to such an extent that an injustice would occur if the original compensation assessment were allowed to stand. The following are examples of circumstances in which we may re-open a case:-

where the injuries are now serious enough to qualify for an award;

where the applicant would now qualify for an award from a higher injury band;

where the applicant's medical condition has deteriorated to such an extent that he/she is no longer able to pursue his/her occupation.

If any of these factors apply you should write to us asking for the case to be re-opened. You must supply medical evidence to support this application. If the application is made more than 2 years after the date of the final decision we can only consider re-opening it if we are satisfied that it would not involve us in extensive enquiries.

PART 5 - Review of Decisions (Paragraphs 58-60)

- 5.1 If you consider that you have grounds to disagree with our decision you may apply for it to be reviewed. If you decide to do this you should apply in writing within 90 days from the date on our letter giving you notice of our original decision, giving your reasons. Your case will then be considered afresh by a claims officer more senior than the one who made the original decision. Both eligibility for and the amount of any award will be reviewed and a fresh decision, with reasons, will be sent to you. On review of the decision a claims officer may increase, reduce or withhold an award.
- 5.2 We will send you an **Application for Review** and a **Guide to Review Procedures** when we issue our original decision.

PART 6 - APPEALS TO THE CRIMINAL INJURIES COMPENSATION APPEALS PANEL (Paragraphs 62-82)

- 6.1 If you consider that there are grounds for contesting the result of the review you may appeal, within 30 days from the date on our letter giving you notice of our reviewed decision, to the Criminal Injuries Compensation Appeals Panel. The members and staff of this panel are entirely independent

from the Authority and have wide powers within the terms of the Scheme to consider afresh your original application and any further information you wish to provide. On consideration of an appeal the Panel may increase, reduce or withhold an award. A decision made by the Panel, whether at an oral hearing of your case or otherwise, is final.

- 6.2 We will send you an **Application for Appeal** and a **Guide to Appeal Procedures** when we issue our reviewed decision.

PART 7 - FURTHER INFORMATION ON THE SCOPE OF THE SCHEME

Where did the incident happen?

- 7.1 The injury must have been sustained in Great Britain or one of the other places set out in **Paragraph 8** of the Scheme. Injuries sustained elsewhere, for example on holiday abroad, are not eligible although there could be a remedy under a similar scheme in force in the country concerned. If the injury was sustained in Northern Ireland you are not eligible to apply under this Scheme. Northern Ireland has its own scheme and you should seek details from:-

The Compensation Agency
Royston House
34 Upper Queen Street
BELFAST
BT1 6FD

Time Limit

- 7.2 Do not delay in making your application which should be made within **2 YEARS** of the date of the incident giving rise to the injury. We will not consider applications outside this period unless it is considered that in the particular circumstances of the case it is reasonable and in the interests of justice to do so.
- 7.3 The 2 year time limit is necessary because of the difficulties involved in investigating and substantiating late claims as we are often unable to obtain reliable evidence of police involvement and medical treatment given at the time because records are no longer available.
- 7.4 We will sympathetically consider late applications from and on behalf of victims whose ability to help themselves is or was impaired and from those who were under the age of 18 at the time of the incident, provided the application is received within reasonable time of the victim reaching 18.
- 7.5 We will also give careful consideration to your application if your injuries only become apparent some time after the incident which caused them, provided the application is made as soon as possible after discovering the cause and we can investigate and verify the details of the incident.

Criminal (Personal) Injury

- 7.6 To qualify for an award of compensation you must have suffered a physical and/or mental injury, sufficiently serious to be classified in one of the Tariff bands attached to the Scheme. Minor injuries such as scratches or bruises alone will not qualify for an award but, if you have suffered a combination of minor injuries (as shown in **Note 1** in the **Tariff of Awards**) which caused you to visit your doctor for treatment at least twice and from which you did not recover for at least 6 weeks, you may qualify.

- 7.7 To qualify for an award in respect of mental injury alone, we must be satisfied that you were put in reasonable fear of immediate physical harm to yourself, or you either witnessed or were closely involved in the immediate aftermath of an incident where a person with whom you had a close relationship of love and affection was physically injured (**Paragraph 9**).

Directly Attributable

- 7.8 You will only be compensated for injuries directly resulting from a crime of violence or threat of violence. This means that we must satisfy ourselves, on the basis of all the available facts, that not only was the incident in which you were injured a crime of violence, but also that the incident was the substantial cause of your injury. You will not, however, qualify for an award if your only injury is shock resulting from the loss of possessions following a crime which did not involve personal violence.

Crime of Violence

- 7.9 There is no legal definition of the term but crimes of violence usually involve a physical attack on the person, for example assaults, wounding and sexual offences. This is not always so, however, and we judge every case on the basis of its circumstances. For example the threat of violence may, in some circumstances, be considered a crime of violence.
- 7.10 You may be eligible for compensation even if the injuries were caused by someone who could not be held responsible under criminal law, for example, because they were too young or insane (**Paragraph 10**).
- 7.11 The following types of incident may in certain circumstances be regarded as crimes of violence for the purpose of the Scheme.

Trespass on a Railway

- 7.12 If you were employed by a railway company and were present and saw another person injured or killed as a result of trespassing on the railway you may be entitled to compensation for the shock you suffered. You may also be entitled if you discovered a body on or beside the track or were involved in the immediate aftermath of the incident. You should, however, note that to receive an award the shock must be sufficiently serious to qualify under one of the Tariff levels listed or at least the lowest Tariff level.

Accidental Injury

- 7.13 As a general rule, you will not be entitled to compensation if you were injured accidentally. There are some exceptions. If your injuries were sustained as a result of your involvement (whether intentional or not) in the prevention of an offence you may be eligible. Please read **Prevention of an Offence** and **Exceptional Risk**.

Prevention of an Offence

- 7.14 If you were injured whilst you yourself were attempting to catch an offender, a suspected offender or helping a police officer to catch an offender, you may be entitled to an award (see also **Exceptional Risk** and **Accidental Injury**). You may also be entitled to an award if you were injured during the course of such an action even though you were not yourself taking part in it. If you were, for example, an innocent bystander and were knocked over and injured by the offender or the pursuer, you could be entitled to an award. These conditions apply even if the suspected offence was not a crime of violence.

Arson

- 7.15 If you have suffered an injury as a direct result of a crime of arson, you may be entitled to an award. If you were accidentally injured whilst fighting a fire resulting from an arson attack, or remedying the consequences of such an attack, you may qualify if you were taking an exceptional risk. If you are a fire fighter attending a fire resulting from an arson attack and you trip over a hose, you are unlikely to be compensated. But if, for example, your injuries are sustained in hazardous circumstances inside a burning building, this may be considered to be an exceptional risk.

Exceptional Risk

- 7.16 In assessing whether or not you were taking an exceptional risk, we will look at all the facts to decide whether the risk you took was exceptional and justified in all the circumstances. In general terms, if you are a police officer who had tripped in the street in broad daylight when running to apprehend an offender you are unlikely to be compensated. Similarly climbing over a wall or a fence would not usually be considered an exceptional risk. However, an action which we would not consider to be an exceptional risk in daylight might be so in darkness.
- 7.17 If you are an ordinary member of the public who was injured in similar circumstances whilst attempting to apprehend an offender or assisting a police officer we may, however, take a different view. Police officers, or, for example, firefighters because of their training and experience should be in a better position to assess the consequences of their actions and we believe that it would be unjust to apply the same tests to 'civilians'. Police officers injured in traffic accidents occurring during the course of car chases are not normally considered to be eligible for compensation unless there was some exceptionally risky additional factor, such as severe adverse weather conditions.

Poisoning

- 7.18 If you have suffered an injury as a direct result of a crime of poisoning, you may be entitled to an award.

Injuries caused by Animals

- 7.19 This type of injury often results from an attack by a dog, but whilst such attacks can be savage and very distressing, we have to be satisfied that the attack amounted to a crime of violence before we can consider making an award.
- 7.20 There are generally 2 main circumstances in which we would consider making an award:-
- (a) If the person in charge of the dog deliberately set it on you.
 - (b) If the attack was a result of the dog owner's failure to control an animal which was known to be vicious and the lack of control could be shown to amount to recklessness. If, for example, a dog with a previous history of vicious behaviour was allowed out without adequate restraint or in the charge of a child, this might amount to recklessness.

Injuries caused by Motor Vehicles

- 7.21 If your injuries were caused by a motor vehicle we can only award compensation if the vehicle was in effect used as a weapon. We have to be satisfied that the driver of the vehicle deliberately drove it at you in an attempt to cause you injury. The general rule is that compensation is not payable under the

Scheme for injuries caused as the result of traffic offences on a public highway. In such cases, your remedy is through the driver's insurance company or, if the driver was uninsured or unidentified, through the Motor Insurers' Bureau (MIB). The address of the Motor Insurers' Bureau is:-

152 Silbury Boulevard
Central Milton Keynes
MK9 1NB

Children Playing Dangerous Games

- 7.22 These cases present 2 problems. We must first of all be satisfied that a crime of violence has been committed and the fact that a game was dangerous will not in itself be sufficient. Secondly, even if a crime of violence is established, we will not make an award where there is little to choose between the conduct of the child who inflicted the injury and the victim. To do so would merely be compensating the loser. In a case, for example, where 11 and 12 year old boys fired stones from catapults at each other, and one boy received a serious eye injury, this would technically be an assault and therefore a crime of violence. The application would, however, be rejected. In cases where the children are of different age groups or take unequal parts in the game, a full or reduced award may be made depending on the degree of participation and understanding of the risks involved.

PART 8 - ELIGIBILITY TO RECEIVE COMPENSATION (Paragraph 13)

- 8.1 Payment of compensation for injury as a result of a crime of violence is intended to be an expression of public sympathy and support for innocent victims. The original Scheme, introduced in 1964, envisaged that it would be inappropriate for those with significant criminal records or those whose own conduct led to their being injured, to receive compensation from public funds. It was also felt that people who failed to co-operate in bringing the offender to justice should not benefit from such payments. These provisions continue in this Scheme.
- 8.2 Accordingly, we have the discretion to withhold or reduce an award which might otherwise be granted if one or more of the reasons which are set out in **Paragraph 13** of the Scheme apply to your claim.

Informing the Police (Paragraph 13(a))

- 8.3 It is not necessary for an offender to have been convicted before an award can be made. Some offenders are never found. However, we attach great importance to the duty of every victim of crime to inform the police of all the circumstances without delay and to co-operate with their enquiries and any subsequent prosecution.
- 8.4 It is particularly important that the incident should have been reported since it is our main safeguard against fraud. If you have not reported the circumstances of the injury to the police, and can offer no reasonable explanation for not doing so, you should assume that any application for compensation will be rejected. Failure to inform the police is unlikely to be excused on the grounds that you feared reprisals, or did not recognise your assailant, or saw no point in reporting it. Reporting such incidents can help the police prevent further offences against others.
- 8.5 It is for you to report the incident personally unless you are prevented from doing so because of the nature of your injuries. In this case it is then your duty to contact the police as soon as possible and co-operate with their enquiries. It is not sufficient to assume that the incident will have been reported by someone else because, even if it has, that person may not have known the full circumstances. Reports by friends, relatives or workmates will not be sufficient unless there was a good reason for your not informing the police as well.

- 8.6 You must report all the relevant circumstances. If you deliberately leave out any important information or otherwise mislead the police, an application for compensation will normally be rejected.
- 8.7 You should report to the police at the **earliest possible opportunity**. Failure to inform them promptly can make further enquiries very difficult to pursue. Every case is nevertheless treated on its merits and we will take a sympathetic view where the delay in reporting the incident to the police is clearly attributable to youth, old age, or to some physical or mental incapacity or psychological effects of the crime. The requirement may also be waived if, for example, you were unaware that your injury was due to a crime of violence, or only discovered there was a connection long after the event.
- 8.8 If, however, you fail to report immediately and only do so later just to make a claim for compensation, your application is likely to be rejected.

Informing Other Organisations or Someone Else in Authority

- 8.9 Crimes of violence must be reported to the police. We will not normally accept reports made for example to employers, Trade Union officials or Social Workers as sufficient. Exceptions may be made, however, in the case of injuries sustained, for example, in mental hospitals and prisons where a prompt report to the appropriate person in authority represents a willingness that the matter should be formally investigated. The ‘appropriate authority’ in the case of a child will often be the child’s parents, whose failure to inform the police will not prevent the child’s claim from proceeding if it would have been unreasonable to expect the child to take the matter any further. It should, however, be borne in mind that to consider any application we need to be able to investigate and substantiate any incident giving rise to a claim for compensation. Therefore if an incident involving a child is not reported by a parent/guardian to someone in authority it is unlikely the application will succeed. There may be cases involving children where it might not necessarily be appropriate to involve the police. Relatively minor incidents at school are examples of this. It might be in the best interest of the child in such cases for disciplinary action to be taken within the school and, in that type of case, we would accept a report to the school authorities as satisfactory.

Helping the Police to Prosecute (Paragraph 13(b))

- 8.10 If the incident has been promptly reported to the police we have discretion to reduce or withhold compensation if you subsequently fail to co-operate in bringing the offender to justice.
- 8.11 We make a distinction between 2 situations:-
- (a) Where you refuse to co-operate with the police by, for example, refusing to make a statement, attend court, or make a statement which you later withdraw, we will normally make no award.
 - (b) Where you were willing to co-operate but in the particular circumstances, it was decided by the police or the prosecuting authority that no further action should be taken or prosecution brought, an award may be made, assuming that no other issues of eligibility are in question.
- 8.12 As with non-reporting, fear of reprisals will not generally be an excuse. If you at first refused to co-operate with the police but subsequently changed your mind and assisted them in all respects then we may consider whether a reduction of the award in respect of the initial failure or refusal to co-operate is appropriate.

Failure to Co-operate with the CICA (Paragraph 13(c))

- 8.13 We may withhold or reduce payment of an award if you persistently fail to comply with requests for information or otherwise fail to give all reasonable assistance to us or any other relevant authority in connection with your application. This will include failure to attend medical examinations or inspections necessary to help us to reach a decision in your case.

Conduct Before, During or After the Event (Paragraph 13(d))

- 8.14 In this context 'conduct' means something which can fairly be described as bad conduct or misconduct and includes provocative behaviour and offensive language. Examples of the kind of conduct that we can take into consideration are shown below.

Fighting/Provocation

An award may be reduced or withheld in the following circumstances:-

- (a) If your injury was caused in a fight in which you had voluntarily agreed to take part. This is so even if the consequences of such an agreement go far beyond what you expected. If you invited someone 'outside' for a fist-fight, we will not usually award compensation even if you ended up with the most serious injury. The fact that the offender went further and used a weapon will not normally make a difference.
- (b) If without reasonable cause you struck the first blow, regardless of the degree of retaliation or the consequence.
- (c) If the incident in which you were injured formed part of a pattern of violence in which you were a voluntary participant; for example, if there was a history of assaults involving both parties where you had previously been the assailant.
- (d) Where you were injured whilst attempting to obtain revenge against the assailant.
- (e) If you used offensive language or behaved in an aggressive or threatening manner which led to the attack which caused your injuries.

Criminal Convictions (Paragraph 13(e))

- 8.15 Paragraph 13(e) of the Scheme provides that an award may be withheld or reduced on account of an applicant's character as shown by his criminal convictions (excluding convictions which are spent). This is because a person who has committed criminal offences has probably caused distress and loss and injury to other persons, and has certainly caused considerable expense to society by reason of court appearances and the cost of supervising sentences, even when they have been non-custodial, and the victims may themselves have sought compensation, which is another charge on society. Even though an applicant may be blameless in the incident in which the injury was sustained, Parliament has nevertheless provided in the Scheme that convictions which are not spent under the Rehabilitation of Offenders Act 1974 should be taken into account.
- 8.16 The scale of penalty points listed opposite is an indicator of the extent to which any unspent convictions may count against an award. These points, which are based on the type and/or length of sentence imposed by the Courts together with the time between the date of the sentence and receipt of the claim, are a guide to the gravity of an offence in relation to a claim. Any sentence imposed after the claim has been received will also be taken into account.

| | Sentence of the Court | Period between date of sentence and receipt of application by CICA* | Penalty Points |
|---|---|--|-----------------------|
| 1 | Imprisonment for more than 30 months | a) Period of sentence or less | 10 |
| | | b) More than period of sentence but less than sentence + 5 years | 9 |
| | | c) More than sentence + 5 years but less than sentence + 10 years | 7 |
| | | d) More than sentence + 10 years | 5 |
| 2 | Imprisonment for more than 6 months but not more than 30 months | a) Period of sentence or less | 10 |
| | | b) More than period of sentence but less than sentence + 3 years | 7 |
| | | c) More than sentence + 3 years but less than sentence + 7 years | 5 |
| | | d) More than sentence + 7 years | 2 |
| 3 | Imprisonment for 6 months or less | a) Period of sentence or less | 10 |
| | | b) More than period of sentence but less than sentence + 2 years | 5 |
| | | c) More than sentence + 2 years | 2 |
| 4 | Fine Community Service Order Probation or Supervision Order Combination Order Attendance Centre Order Bind Over Conditional Discharge Compensation Order | a) Less than 2 years | 2 |
| | | b) 2 years or more | 1 |
| 5 | Absolute Discharge Admonishment | a) Less than 6 months | 1 |
| | | b) 6 months or more | 0 |

* Sentences imposed after the date of receipt of your application will be treated as if they had occurred on the day before the application was received.

The percentage reductions attracted by various levels of penalty points are as under:

| Penalty Points | Percentage Reduction |
|-----------------------|-----------------------------|
| 0-2 | 0% |
| 3-5 | 25% |
| 6-7 | 50% |
| 8-9 | 75% |
| 10 or more | 100% |

Notes

- 1 Imprisonment, whether suspended or not, means the sentence imposed by the Court, not the time spent in prison.
- 2 Imprisonment includes a sentence of detention in a young offenders institution or borstal/borstal training or other 'custodial' sentence.
- 3 Sentences 'spent' under the Rehabilitation of Offenders Act 1974 do not attract penalty points.
- 4 Other sentences will be placed into one of the above 5 categories by CICA according to their comparative seriousness as measured by the rehabilitation period(s) they attract under the Rehabilitation of Offenders Act 1974.

- 8.17 The scale of penalty points is not binding at any stage whether on decisions made by the Authority or a determination made by the Criminal Injuries Compensation Appeals Panel. It is intended to provide a readily understood guide to the relative significance of the claimant's criminal record. The convictions recorded in any individual case and the points attributable to them will be assessed within the context of the particular circumstances of the claim and other related factors. For example, a points total which indicates a reduction or refusal of an award may be mitigated where the injury resulted from the applicant's assistance to the police in upholding the law or from genuinely helping someone under attack. Or there may be evidence of rehabilitation not otherwise indicated by the points system which may be taken into account. Conversely, a low points score is no guarantee that an award will be made where, for example, the record contains offences of violence or sexual offences

PART 9 - VIOLENCE, INCLUDING SEXUAL OFFENCES, WITHIN THE FAMILY

General

- 9.1 It is a general condition of the Scheme that any person who causes an injury (whether or not the victim is a member of the same family) must not benefit from an award payable to the victim **(Paragraph 15(a))**.
- 9.2 We also need to be satisfied in all cases where the application is made by or on behalf of a child that it would not be against the child's interest to make an award **(Paragraph 15(b))**. An example might be that a child who was very young at the time of a very minor assault, who could reasonably be expected to make a full recovery and forget that it had happened. That might be a better outcome than if we made an award, invested it on the child's behalf and released it to him or her at age 18 which might well re-open the incident in the young person's mind and cause considerable distress.
- 9.3 Those considerations, while they apply to all cases, are particularly relevant to the situation where the victim and the offender were living in the same household as members of the same family **(Paragraph 16)**.

Adults

- 9.4 If you and the person who injured you were living in the same household at the time of the incident, we will not award compensation unless:-
- (a) the person who injured you has been prosecuted (unless there are good reasons why this could not happen); and
 - (b) you and the person who injured you have permanently stopped living together.

A man and woman living together as husband and wife, even if they are not married, are treated as members of the same family.

Children

- 9.5 If it was a child who was injured, condition (b) above does not apply but, as explained at 9.1 and 9.2 above, we must be satisfied that the offender does not benefit, and that it would not be against the child's interest to make an award. Ask for the separate leaflet '**Child Abuse and the Criminal Injuries Compensation Scheme**'.

PART 10 - WHAT STANDARDS OF SERVICE CAN YOU EXPECT TO RECEIVE FROM THE CICA?

- 10.1 You can expect us to deal with your application courteously and confidentially, and to write to you with our decision as quickly as the time taken by other organisations to reply to our enquiries allows.
- 10.2 In particular, it is our aim:-
- (a) To acknowledge your application and send out all routine enquiry forms to the police and medical authorities within 2 weeks of receipt.
 - (b) Once we have received a response to all our enquiries, to make and issue a decision within 4 weeks.
 - (c) If you decide to ask for a review of our decision, to acknowledge your application for review within 2 weeks of receipt.
 - (d) To review your case, make a decision and notify you of that decision within 4 weeks of receipt of your request or, if we need to make further enquiries, within 2 weeks of receipt of the answers to those enquiries.
 - (e) If you accept our decision or the Appeals Panel has made an award, to ensure that any payment due is made within 4 weeks of receipt of either your acceptance or the Appeals Panel's decision.
 - (f) To respond to all correspondence needing a reply within 2 weeks of receipt.

PART 11 - COMPLAINTS

- 11.1 If you are dissatisfied with the decision in your case you may apply for a review and, if that is not successful, an appeal as outlined in this Guide. Once your application has been considered at both these stages the decision will be final and there is no further action we can take.
- 11.2 If on the other hand you are dissatisfied with the way in which your application has been dealt with and wish to make a formal complaint, you should put your complaint in writing and send it to:-

The Operations Manager
The Criminal Injuries Compensation Authority
Tay House
300 Bath Street
GLASGOW
G2 4JR

You should clearly mark your letter "complaint" in the top left hand corner in order to ensure that its purpose is identified on receipt.

- 11.3 All complaints will be considered by a senior member of staff who will reply to you in writing within one month of receipt.
- 11.4 Our activities also fall within the jurisdiction of the Parliamentary Commissioner for Administration (the Ombudsman). The Ombudsman is responsible for investigating complaints of maladministration. You should be aware, however, that complaints must be put to him through a Member of Parliament.

CRIMINAL INJURIES COMPENSATION SCHEME

Levels of compensation

| | |
|----------|----------|
| Level 1 | £1,000 |
| Level 2 | £1,250 |
| Level 3 | £1,500 |
| Level 4 | £1,750 |
| Level 5 | £2,000 |
| Level 6 | £2,500 |
| Level 7 | £3,000 |
| Level 8 | £3,500 |
| Level 9 | £4,000 |
| Level 10 | £5,000 |
| Level 11 | £6,000 |
| Level 12 | £7,500 |
| Level 13 | £10,000 |
| Level 14 | £12,500 |
| Level 15 | £15,000 |
| Level 16 | £17,500 |
| Level 17 | £20,000 |
| Level 18 | £25,000 |
| Level 19 | £30,000 |
| Level 20 | £40,000 |
| Level 21 | £50,000 |
| Level 22 | £75,000 |
| Level 23 | £100,000 |
| Level 24 | £175,000 |
| Level 25 | £250,000 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|--|--------|----------------------|
| Bodily functions: hemiplegia (paralysis of one side of the body) | 21 | 50,000 |
| Bodily functions: paraplegia (paralysis of the lower limbs) | 24 | 175,000 |
| Bodily functions: quadriplegia/tetraplegia (paralysis of all 4 limbs) | 25 | 250,000 |
| Brain damage: moderate impairment of social/intellectual functions | 15 | 15,000 |
| Brain damage: serious impairment of social/intellectual functions | 20 | 40,000 |
| Brain damage: permanent - extremely serious (no effective control of functions) | 25 | 250,000 |
| Burns: multiple first degree covering at least 25% of body (For other burn injuries see under individual parts of the body) | 19 | 30,000 |
| Death of viable foetus | 10 | 5,000 |
| Epilepsy: serious exacerbation of pre-existing condition | 10 | 5,000 |
| Epilepsy: fully controlled | 12 | 7,500 |
| Epilepsy: partially controlled | 14 | 12,500 |
| Epilepsy: uncontrolled | 20 | 40,000 |
| Fatal injury - one qualifying claimant | 13 | 10,000 |
| Fatal injury - each qualifying claimant if more than one | 10 | 5,000 |
| Head: burns: minor | 3 | 1,500 |
| Head: burns: moderate | 9 | 4,000 |
| Head: burns: severe | 13 | 10,000 |
| Head: ear: fractured mastoid | 1 | 1,000 |
| Head: ear: temporary partial deafness - lasting 6 to 13 weeks | 1 | 1,000 |
| Head: ear: temporary partial deafness - lasting more than 13 weeks | 3 | 1,500 |
| Head: ear: partial deafness - one ear {remaining hearing socially useful | 8 | 3,500 |
| Head: ear: partial deafness - both ears {with hearing aid if necessary | 12 | 7,500 |
| Head: ear: total deafness - one ear | 15 | 15,000 |
| Head: ear: total deafness - both ears | 20 | 40,000 |
| Head: ear: partial loss of ear(s) | 9 | 4,000 |
| Head: ear: loss of ear | 13 | 10,000 |
| Head: ear: loss of both ears | 16 | 17,500 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|--|--------|----------------------|
| Head: ear: perforated ear drum | 4 | 1,750 |
| Head: ear: perforated ear drums - both ears | 6 | 2,500 |
| Head: ear: tinnitus (ringing noise in ears) - lasting 6 to 13 weeks | 1 | 1,000 |
| Head: ear: tinnitus - lasting more than 13 weeks | 7 | 3,000 |
| Head: ear: tinnitus - permanent - moderate | 12 | 7,500 |
| Head: ear: tinnitus - permanent - very serious | 15 | 15,000 |
| Head: ear: vestibular damage (giddiness) - lasting 6 to 28 weeks | 3 | 1,500 |
| Head: ear: vestibular damage - lasting over 28 weeks - recovery expected | 7 | 3,000 |
| Head: ear: vestibular damage - permanent | 12 | 7,500 |
| Head: eye: blow out or other fracture of orbital bone cavity containing eyeball - no operation | 7 | 3,000 |
| Head: eye: blow out or other fracture of orbital bone cavity containing eyeball - requiring operation | 9 | 4,000 |
| Head: eye: blurred or double vision - lasting 6 to 13 weeks | 1 | 1,000 |
| Head: eye: blurred or double vision - lasting more than 13 weeks | 4 | 1,750 |
| Head: eye: blurred or double vision - permanent | 12 | 7,500 |
| Head: eye: cataracts one eye - requiring operation | 7 | 3,000 |
| Head: eye: cataracts both eyes - requiring operation | 12 | 7,500 |
| Head: eye: cataracts one eye - permanent/inoperable | 12 | 7,500 |
| Head: eye: cataracts both eyes - permanent/inoperable | 16 | 17,500 |
| Head: eye: corneal abrasions | 5 | 2,000 |
| Head: eye: damage to iris resulting in hyphaema (bleeding in ocular chamber) | 6 | 2,500 |
| Head: eye: damage to irises resulting in hyphaema | 11 | 6,000 |
| Head: eye: damage to retina - not involving detachment | 6 | 2,500 |
| Head: eye: damage to retinas - not involving detachment | 10 | 5,000 |
| Head: eye: detached retina | 10 | 5,000 |
| Head: eye: detached retinas | 14 | 12,500 |
| Head: eye: degeneration of optic nerve | 5 | 2,000 |
| Head: eye: degeneration of optic nerves | 10 | 5,000 |
| Head: eye: dislocation of lens | 10 | 5,000 |
| Head: eye: dislocation of lenses | 14 | 12,500 |
| Head: eye: glaucoma | 6 | 2,500 |
| Head: eye: residual floaters | 10 | 5,000 |
| Head: eye: traumatic angle recession of eye | 6 | 2,500 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|---|--------|----------------------|
| Head: eye: significant penetrating injury - one eye | 6 | 2,500 |
| Head: eye: significant penetrating injury - both eyes | 11 | 6,000 |
| Head: eye: loss of one eye | 18 | 25,000 |
| Head: eye: loss of both eyes | 23 | 100,000 |
| Head: eye: loss of sight of one eye | 17 | 20,000 |
| Head: eye: loss of sight of both eyes | 22 | 75,000 |
| Head: eye: partial loss of vision - 6/9 | 12 | 7,500 |
| Head: eye: partial loss of vision - 6/12 | 13 | 10,000 |
| Head: eye: partial loss of vision - 6/24 | 14 | 12,500 |
| Head: eye: partial loss of vision - 6/36 | 15 | 15,000 |
| Head: eye: partial loss of vision - 6/60 | 16 | 17,500 |
| Head: face: burns - minor | 5 | 2,000 |
| Head: face: burns - moderate | 10 | 5,000 |
| Head: face: burns - severe | 18 | 25,000 |
| Head: face: scarring - minor disfigurement | 3 | 1,500 |
| Head: face: scarring - significant disfigurement | 8 | 3,500 |
| Head: face: scarring - serious disfigurement | 12 | 7,500 |
| Head: facial: dislocated jaw | 5 | 2,000 |
| Head: facial: temporary clicking jaw - lasting 6 to 13 weeks | 1 | 1,000 |
| Head: facial: temporary clicking jaw - lasting more than 13 weeks | 3 | 1,500 |
| Head: facial: permanently clicking jaw | 10 | 5,000 |
| Head: facial: fractured ethmoid (bone forming bridge of nose and orbit of eye) - no operation | 5 | 2,000 |
| Head: facial: fractured ethmoid - operation required | 9 | 4,000 |
| Head: facial: fractured malar and/or zygomatic (cheek bones) | 5 | 2,000 |
| Head: facial: fractured mandible and/or maxilla (jaw bones) - no operation - full recovery | 7 | 3,000 |
| Head: facial: fractured mandible and/or maxilla - no operation - continuing disability | 10 | 5,000 |
| Head: facial: fractured mandible and/or maxilla - operation required - full recovery | 8 | 3,500 |
| Head: facial: fractured mandible and/or maxilla - operation required - continuing disability | 12 | 7,500 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|--|--------|----------------------|
| Head: facial: multiple fractures to face | 13 | 10,000 |
| Head: facial: temporary numbness/loss of feeling, lasting 6 to 13 weeks | 1 | 1,000 |
| Head: facial: temporary numbness/loss of feeling lasting more than 13 weeks - recovery expected | 3 | 1,500 |
| Head: facial: permanent numbness/loss of feeling | 9 | 4,000 |
| Head: nose: deviated nasal septum | 1 | 1,000 |
| Head: nose: deviated nasal septum requiring septoplasty | 5 | 2,000 |
| Head: nose: undisplaced fracture of nasal bones | 1 | 1,000 |
| Head: nose: displaced fracture of nasal bones | 3 | 1,500 |
| Head: nose: displaced fracture of nasal bones requiring manipulation | 5 | 2,000 |
| Head: nose: displaced fracture of nasal bones requiring rhinoplasty | 5 | 2,000 |
| Head: nose: displaced fracture of nasal bones requiring turbinectomy | 5 | 2,000 |
| Head: nose: partial loss - at least 10% | 9 | 4,000 |
| Head: nose: loss of smell and/or taste - partial | 10 | 5,000 |
| Head: nose: loss of smell or taste | 13 | 10,000 |
| Head: nose: loss of smell and taste | 15 | 15,000 |
| Head: scarring - visible, minor disfigurement | 3 | 1,500 |
| Head: scarring - significant disfigurement | 7 | 3,000 |
| Head: scarring - serious disfigurement | 10 | 5,000 |
| Head: skull: balance impaired - lasting 6 to 28 weeks | 3 | 1,500 |
| Head: skull: balance impaired - lasting over 28 weeks - recovery expected | 7 | 3,000 |
| Head: skull: balance impaired - permanent | 12 | 7,500 |
| Head: skull: concussion - lasting at least one week | 3 | 1,500 |
| Head: skull: simple fracture - no operation | 6 | 2,500 |
| Head: skull: depressed fracture - no operation | 9 | 4,000 |
| Head: skull: depressed fracture - requiring operation | 11 | 6,000 |
| Head: skull: subdural or extra dural haematoma - treated conservatively | 9 | 4,000 |
| Head: skull: subdural or extra dural haematoma - requiring evacuation | 12 | 7,500 |
| Head: skull: post traumatic epileptic fits - full recovery | 5 | 2,000 |
| Head: skull: brain haemorrhage - full recovery | 9 | 4,000 |
| Head: skull: brain haemorrhage - residual minor impairment of social/intellectual functions | 12 | 7,500 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|--|--------|----------------------|
| Head: skull: stroke - full recovery | 10 | 5,000 |
| Head: teeth: fractured/chipped tooth/teeth requiring treatment | 1 | 1,000 |
| Head: teeth: chipped front teeth requiring crown | 1 | 1,000 |
| Head: teeth: fractured tooth/teeth requiring crown | 1 | 1,000 |
| Head: teeth: fractured tooth/teeth requiring apicectomy (surgery to gum to reach root - root resection) | 5 | 2,000 |
| Head: teeth: damage to tooth/teeth requiring root-canal treatment | 1 | 1,000 |
| Head: teeth: loss of crowns | 2 | 1,250 |
| Head: teeth: loss of one front tooth | 3 | 1,500 |
| Head: teeth: loss of two or three front teeth | 5 | 3,000 |
| Head: teeth: loss of four or more front teeth | 7 | 3,000 |
| Head: teeth: loss of one tooth other than front | 1 | 1,000 |
| Head: teeth: loss of two or more teeth other than front | 3 | 1,500 |
| Head: teeth: slacking of teeth requiring dental treatment | 1 | 1,000 |
| Head: tongue: impaired speech - slight | 5 | 2,000 |
| Head: tongue: impaired speech - moderate | 10 | 5,000 |
| Head: tongue: impaired speech - serious | 13 | 10,000 |
| Head: tongue: impaired speech - severe | 16 | 17,500 |
| Head: tongue: loss of speech - permanent | 19 | 30,000 |
| Head: tongue: loss of tongue | 20 | 40,000 |
| Lower limbs: burns - minor | 3 | 1,500 |
| Lower limbs: burns - moderate | 9 | 4,000 |
| Lower limbs: burns - severe | 13 | 10,000 |
| Lower limbs: fractured or dislocated ankle - full recovery | 7 | 3,000 |
| Lower limbs: fractured or dislocated ankle - continuing disability | 10 | 5,000 |
| Lower limbs: fractured or dislocated ankles - full recovery | 12 | 7,500 |
| Lower limbs: fractured or dislocated ankles - continuing disability | 13 | 10,000 |
| Lower limbs: fractured femur (thigh bone) - full recovery | 7 | 3,000 |
| Lower limbs: fractured femur - continuing disability | 10 | 5,000 |
| Lower limbs: fractured femur - both legs - full recovery | 12 | 7,500 |
| Lower limbs: fractured femur - both legs - continuing disability | 13 | 10,000 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|---|--------|----------------------|
| Lower limbs: fractured fibula (slender bone from knee to ankle) - full recovery | 7 | 3,000 |
| Lower limbs: fractured fibula - continuing disability | 10 | 5,000 |
| Lower limbs: fractured fibula - both legs - full recovery | 12 | 7,500 |
| Lower limbs: fractured fibula - both legs - continuing disability | 13 | 10,000 |
| Lower limbs: fractured great toe | 6 | 2,500 |
| Lower limbs: fractured great toe - both feet | 10 | 5,000 |
| Lower limbs: fractured phalanges (toes) | 3 | 1,500 |
| Lower limbs: fractured heel bone - full recovery | 6 | 2,500 |
| Lower limbs: fractured heel bone - continuing disability | 10 | 5,000 |
| Lower limbs: fractured heel bone - both feet - full recovery | 10 | 5,000 |
| Lower limbs: fractured heel bone - both feet - continuing disability | 13 | 10,000 |
| Lower limbs: fractured patella (knee cap) - full recovery | 12 | 7,500 |
| Lower limbs: fractured patella - continuing disability | 13 | 10,000 |
| Lower limbs: fractured patella - both legs - full recovery | 15 | 15,000 |
| Lower limbs: fractured patella - both legs - continuing disability | 17 | 20,000 |
| Lower limbs: dislocated patella - one leg - full recovery | 1 | 1,000 |
| Lower limbs: dislocated patella - one leg - continuing disability | 10 | 5,000 |
| Lower limbs: dislocated patella - both legs - full recovery | 5 | 2,000 |
| Lower limbs: dislocated patella - both legs - continuing disability | 16 | 17,500 |
| Lower limbs: arthroscopy (investigative surgery/repair to knees) - no fracture | 5 | 2,000 |
| Lower limbs: fractured metatarsal bones - full recovery | 6 | 2,500 |
| Lower limbs: fractured metatarsal bones - continuing disability | 12 | 7,500 |
| Lower limbs: fractured metatarsal bones - both feet - full recovery | 10 | 5,000 |
| Lower limbs: fractured metatarsal bones - both feet - continuing disability | 15 | 15,000 |
| Lower limbs: fractured tarsal bones - full recovery | 6 | 2,500 |
| Lower limbs: fractured tarsal bones - continuing disability | 12 | 7,500 |
| Lower limbs: fractured tarsal bones - both feet - full recovery | 10 | 5,000 |
| Lower limbs: fractured tarsal bones - both feet - continuing disability | 15 | 15,000 |
| Lower limbs: fractured tibia (shin bone) - full recovery | 7 | 3,000 |
| Lower limbs: fractured tibia - continuing disability | 10 | 5,000 |
| Lower limbs: fractured tibia - both legs - full recovery | 12 | 7,500 |
| Lower limbs: fractured tibia - both legs - continuing disability | 13 | 10,000 |
| Lower limbs: paralysis of leg | 18 | 25,000 |
| Lower limbs: loss of leg below knee | 19 | 30,000 |
| Lower limbs: loss of leg above knee | 20 | 40,000 |
| Lower limbs: loss of both legs | 23 | 100,000 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|---|--------|----------------------|
| Lower limbs: minor damage to tendon(s)/ligament(s) - full recovery | 1 | 1,000 |
| Lower limbs: minor damage to tendon(s)/ligament(s) - both legs - full recovery | 5 | 2,000 |
| Lower limbs: minor damage to tendon(s)/ligament(s) - continuing disability | 7 | 3,000 |
| Lower limbs: minor damage to tendon(s)/ligament(s) - both legs - continuing disability | 10 | 5,000 |
| Lower limbs: moderate damage to tendon(s)/ligament(s) - full recovery | 5 | 2,000 |
| Lower limbs: moderate damage to tendon(s)/ligament(s) - both legs - full recovery | 9 | 4,000 |
| Lower limbs: moderate damage to tendon(s)/ligament(s) - continuing disability | 10 | 5,000 |
| Lower limbs: moderate damage to tendon(s)/ligament(s) - both legs - continuing disability | 13 | 10,000 |
| Lower limbs: severe damage to tendon(s)/ligament(s) - full recovery | 7 | 3,000 |
| Lower limbs: severe damage to tendon(s)/ligament(s) - both legs - full recovery | 11 | 6,000 |
| Lower limbs: severe damage to tendon(s)/ligament(s) - continuing disability | 12 | 7,500 |
| Lower limbs: severe damage to tendon(s)/ligament(s) - both legs - continuing disability | 15 | 15,000 |
| Lower limbs: scarring - minor disfigurement | 2 | 1,250 |
| Lower limbs: scarring - significant disfigurement | 4 | 1,750 |
| Lower limbs: scarring - serious disfigurement | 10 | 5,000 |
| Lower limbs: sprained ankle - disabling for at least 6 to 13 weeks | 1 | 1,000 |
| Lower limbs: sprained ankle - disabling for more than 13 weeks | 6 | 2,500 |
| Lower limbs: sprained ankle - both feet - disabling for at least 6 to 13 weeks | 5 | 2,000 |
| Lower limbs: sprained ankle - both feet - disabling for more than 13 weeks | 8 | 3,500 |
| Medically recognised illness/condition (not psychiatric or psychological) | | |
| Moderately disabling disorder where the symptoms and disability persist for more than 6 weeks from the incident/date of onset | | |
| lasting 6 to 13 weeks | 1 | 1,000 |
| lasting up to 28 weeks | 5 | 2,000 |
| lasting over 28 weeks - not permanent | 7 | 3,000 |
| permanent disability | 12 | 7,500 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|--|--------|----------------------|
| Significantly disabling disorder where the symptoms and disability persist for more than 6 weeks from the incident/date of onset | | |
| lasting 6 to 13 weeks | 1 | 1,000 |
| lasting up to 28 weeks | 9 | 4,000 |
| lasting over 28 weeks - not permanent | 12 | 7,500 |
| permanent disability | 17 | 20,000 |
| Minor injuries: multiple (see notes) | 1 | 1,000 |
| Neck: burns - minor | 3 | 1,500 |
| Neck: burns - moderate | 9 | 4,000 |
| Neck: burns - severe | 13 | 10,000 |
| Neck: scarring - minor disfigurement | 3 | 1,500 |
| Neck: scarring - significant disfigurement | 7 | 3,000 |
| Neck: scarring - serious disfigurement | 9 | 4,000 |
| Neck: strained neck - disabling for 6 to 13 weeks | 1 | 1,000 |
| Neck: strained neck - disabling for more than 13 weeks | 4 | 1,750 |
| Neck: strained neck - seriously disabling - not permanent | 10 | 5,000 |
| Neck: strained neck - seriously disabling - permanent | 13 | 10,000 |
| Neck: whiplash injury - effects lasting 6 to 13 weeks | 1 | 1,000 |
| Neck: whiplash injury - effects lasting more than 13 weeks | 4 | 1,750 |
| Neck: whiplash injury - seriously disabling - not permanent | 10 | 5,000 |
| Neck: whiplash injury - seriously disabling - permanent | 13 | 10,000 |
| Neck: fractured hyoid (bone in windpipe) | 1 | 1,000 |
| Peripheral sensory nerve damage - lasting more than 13 weeks - recovery expected | 1 | 1,000 |
| Peripheral sensory nerve damage - permanent disability - significant loss (eg loss of sensation in large area of leg) | 7 | 3,000 |
| Peripheral sensory nerve damage - permanent disability - serious (eg loss of sensation of hand) | 12 | 7,500 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|--|--------|----------------------|
| Physical abuse of children (where individual injuries do not otherwise qualify) | | |
| Minor abuse - isolated or intermittent assault(s) beyond ordinary chastisement resulting in bruising, weals, hair pulled from scalp etc. | 1 | 1,000 |
| Serious abuse - intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement | 5 | 2,000 |
| Severe abuse - pattern of systematic violence against the child resulting in minor disfigurement | 7 | 3,000 |
| Persistent pattern of severe abuse over a period exceeding 3 years | 11 | 6,000 |
| Sexual abuse of children (not otherwise covered by sexual assault) | | |
| Minor isolated incidents - non-penetrative indecent acts | 1 | 1,000 |
| Pattern of serious abuse - repetitive, frequent non-penetrative indecent acts | 5 | 2,000 |
| Pattern of severe abuse - repetitive, frequent indecent acts involving digital or other non-penile penetration and/or oral-genital contact | 7 | 3,000 |
| Pattern of severe abuse over a period exceeding 3 years | 11 | 6,000 |
| Repeated non-consensual vaginal and/or anal intercourse over a period up to 3 years | 13 | 10,000 |
| Repeated non-consensual vaginal and/or anal intercourse over a period exceeding 3 years | 16 | 17,500 |
| Sexual assault (single incident - victim any age) | | |
| Minor indecent assault - non-penetrative indecent physical act over clothing | 1 | 1,000 |
| Serious indecent assault - non-penetrative indecent act under clothing | 5 | 2,000 |
| Severe indecent assault - indecent act involving digital, or other non-penile penetration, and/or oral-genital contact | 7 | 3,000 |
| Non-consensual vaginal and/or anal intercourse | 12 | 7,500 |
| Non-consensual vaginal and/or anal intercourse by two or more attackers | 13 | 10,000 |
| Non-consensual vaginal and/or anal intercourse with other serious bodily injuries | 16 | 17,500 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|---|--------|----------------------|
| Shock (see notes as well) | | |
| Disabling, but temporary mental anxiety, medically verified | 1 | 1,000 |
| Disabling mental disorder, confirmed by psychiatric diagnosis: | | |
| lasting up to 28 weeks | 6 | 2,500 |
| lasting over 28 weeks to one year | 9 | 4,000 |
| lasting over one year but not permanent | 12 | 7,500 |
| Permanently disabling mental disorder confirmed by psychiatric prognosis | 17 | 20,000 |
| | | |
| Torso: back: fracture of vertebra - full recovery | 6 | 2,500 |
| Torso: back: fracture of vertebra - continuing disability | 10 | 5,000 |
| Torso: back: fracture of more than one vertebra - full recovery | 9 | 4,000 |
| Torso: back: fracture of more than one vertebra - continuing disability | 12 | 7,500 |
| Torso: back: prolapsed intervertebral disc(s) - seriously disabling - not permanent | 10 | 5,000 |
| Torso: back: prolapsed intervertebral disc(s) - seriously disabling - permanent | 12 | 7,500 |
| Torso: back: ruptured intervertebral disc(s) requiring surgical removal | 13 | 10,000 |
| | | |
| Torso: back: strained back - disabling for 6 to 13 weeks | 1 | 1,000 |
| Torso: back: strained back - disabling for more than 13 weeks | 6 | 2,500 |
| Torso: back: strained back - seriously disabling - not permanent | 10 | 5,000 |
| Torso: back: strained back - seriously disabling - permanent | 12 | 7,500 |
| | | |
| Torso: burns - minor | 3 | 1,500 |
| Torso: burns - moderate | 9 | 4,000 |
| Torso: burns - severe | 13 | 10,000 |
| | | |
| Torso: punctured lung | 7 | 3,000 |
| Torso: two punctured lungs | 11 | 6,000 |
| Torso: collapsed lung | 8 | 3,500 |
| Torso: two collapsed lungs | 12 | 7,500 |
| Torso: permanent and disabling damage to lungs from smoke inhalation | 10 | 5,000 |
| | | |
| Torso: loss of spleen | 9 | 4,000 |
| Torso: damage to testes | 4 | 1,750 |
| Torso: dislocated acromio clavicular joint | 5 | 2,000 |
| Torso: dislocated hip - full recovery | 4 | 1,750 |
| Torso: dislocated hip - continuing disability | 12 | 7,500 |
| Torso: fractured hip | 12 | 7,500 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|--|--------|----------------------|
| Torso: dislocated shoulder - full recovery | 4 | 1,750 |
| Torso: dislocated shoulder - continuing disability | 10 | 5,000 |
| Torso: fractured rib | 1 | 1,000 |
| Torso: fractured rib(s) - two or more | 3 | 1,500 |
| Torso: fractured clavicle (collar bone) | 5 | 2,000 |
| Torso: two fractured clavicles | 10 | 5,000 |
| Torso: fractured coccyx (tail bone) | 6 | 2,500 |
| Torso: fractured pelvis | 12 | 7,500 |
| Torso: fractured scapula (shoulder blade) | 6 | 2,500 |
| Torso: two fractured scapula | 11 | 6,000 |
| Torso: fractured sternum (breast bone) | 6 | 2,500 |
| Torso: frozen shoulder | 8 | 3,500 |
| Torso: hernia | 8 | 3,500 |
| Torso: hernias | 11 | 6,000 |
| Torso: injury requiring laparotomy | 8 | 3,500 |
| Torso: injury requiring laparotomy, including removal or repair of multiple organs | 17 | 20,000 |
| Torso: injury requiring thoracotomy | 12 | 7,500 |
| Torso: injury to genitalia requiring medical treatment - no permanent damage | 4 | 1,750 |
| Torso: injury to genitalia requiring medical treatment - permanent damage | 10 | 5,000 |
| Torso: loss of fertility | 21 | 50,000 |
| Torso: loss of kidney | 17 | 20,000 |
| Torso: loss of testicle | 10 | 5,000 |
| Torso: scarring - minor disfigurement | 2 | 1,250 |
| Torso: scarring - significant disfigurement | 6 | 2,500 |
| Torso: scarring - serious disfigurement | 10 | 5,000 |
| Upper limbs: burns - minor | 3 | 1,500 |
| Upper limbs: burns - moderate | 9 | 4,000 |
| Upper limbs: burns - severe | 13 | 10,000 |
| Upper limbs: dislocated/fractured elbow - full recovery | 7 | 3,000 |
| Upper limbs: dislocated/fractured elbow - continuing disability | 12 | 7,500 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|--|--------|----------------------|
| Upper limbs: two dislocated/fractured elbows - full recovery | 12 | 7,500 |
| Upper limbs: two dislocated/fractured elbows - continuing disability | 13 | 10,000 |
| Upper limbs: dislocated finger(s) or thumb - one hand - full recovery | 2 | 1,250 |
| Upper limbs: dislocated finger(s) or thumb - one hand - continuing disability | 6 | 2,500 |
| Upper limbs: dislocated finger(s) or thumb - both hands - full recovery | 7 | 3,000 |
| Upper limbs: dislocated finger(s) or thumb - both hands - continuing disability | 12 | 7,500 |
| Upper limbs: fractured finger(s) or thumb - one hand - full recovery | 3 | 1,500 |
| Upper limbs: fractured finger(s) or thumb - one hand - continuing disability | 8 | 3,500 |
| Upper limbs: fractured finger(s) or thumb - both hands - full recovery | 9 | 4,000 |
| Upper limbs: fractured finger(s) or thumb - both hands - continuing disability | 12 | 7,500 |
| Upper limbs: fractured hand - full recovery | 5 | 2,000 |
| Upper limbs: fractured hand - continuing disability | 10 | 5,000 |
| Upper limbs: two fractured hands - full recovery | 8 | 3,500 |
| Upper limbs: two fractured hands - continuing disability | 12 | 7,500 |
| Upper limbs: fractured humerus (upper arm bone) - full recovery | 7 | 3,000 |
| Upper limbs: fractured humerus - continuing disability | 10 | 5,000 |
| Upper limbs: fractured humerus - both arms - full recovery | 12 | 7,500 |
| Upper limbs: fractured humerus - both arms - continuing disability | 13 | 10,000 |
| Upper limbs: fractured radius (smaller forearm bone) - full recovery | 7 | 3,000 |
| Upper limbs: fractured radius - continuing disability | 10 | 5,000 |
| Upper limbs: fractured radius - both arms - full recovery | 12 | 7,500 |
| Upper limbs: fractured radius - both arms - continuing disability | 13 | 10,000 |
| Upper limbs: fractured ulna (inner forearm bone) - full recovery | 7 | 3,000 |
| Upper limbs: fractured ulna - continuing disability | 10 | 5,000 |
| Upper limbs: fractured ulna - both arms - full recovery | 12 | 7,500 |
| Upper limbs: fractured ulna - both arms - continuing disability | 13 | 10,000 |
| Upper limbs: fractured or dislocated wrist - including scaphoid fracture - full recovery | 7 | 3,000 |
| Upper limbs: fractured or dislocated wrist - including scaphoid fracture - continuing disability | 11 | 6,000 |
| Upper limbs: two fractured or dislocated wrists - including scaphoid fracture - full recovery | 11 | 6,000 |
| Upper limbs: two fractured or dislocated wrists - including scaphoid fracture - continuing disability | 13 | 10,000 |
| Upper limbs: fractured wrist - colles type - full recovery | 9 | 4,000 |

TARIFF OF INJURIES

| Description of Injury | Levels | Standard Amount £ |
|---|--------|----------------------|
| Upper limbs: fractured wrist - colles type - continuing disability | 12 | 7,500 |
| Upper limbs: two fractured wrists - colles type - full recovery | 12 | 7,500 |
| Upper limbs: two fractured wrists - colles type - continuing disability | 13 | 10,000 |
| Upper limbs: partial loss of finger other than thumb/index - one joint | 6 | 2,500 |
| Upper limbs: partial loss of thumb or index finger - one joint | 9 | 4,000 |
| Upper limbs: loss of one finger other than index | 10 | 5,000 |
| Upper limbs: loss of index finger | 12 | 7,500 |
| Upper limbs: loss of two or more fingers | 13 | 10,000 |
| Upper limbs: loss of thumb | 15 | 15,000 |
| Upper limbs: loss of hand | 20 | 40,000 |
| Upper limbs: loss of both hands | 23 | 100,000 |
| Upper limbs: loss of arm | 20 | 40,000 |
| Upper limbs: loss of both arms | 23 | 100,000 |
| | | |
| Upper limbs: paralysis of arm | 19 | 30,000 |
| Upper limbs: paralysis of both arms | 22 | 75,000 |
| Upper limbs: permanently & seriously impaired grip - one arm | 12 | 7,500 |
| Upper limbs: permanently & seriously impaired grip - both arms | 15 | 15,000 |
| | | |
| Upper limbs: scarring - minor disfigurement | 2 | 1,250 |
| Upper limbs: scarring - significant disfigurement | 6 | 2,500 |
| Upper limbs: scarring - serious disfigurement | 9 | 4,000 |
| | | |
| Upper limbs: minor damage to tendon(s)/ligament(s) - full recovery | 1 | 1,000 |
| Upper limbs: minor damage to tendon(s)/ligament(s) - continuing disability | 7 | 3,000 |
| Upper limbs: moderate damage to tendon(s)/ligament(s) - full recovery | 5 | 2,000 |
| Upper limbs: moderate damage to tendon(s)/ligament(s) - continuing disability | 10 | 5,000 |
| Upper limbs: severely damaged tendon(s)/ligament(s) - full recovery | 7 | 3,000 |
| Upper limbs: severely damaged tendon(s)/ligament(s) - continuing disability | 12 | 7,500 |
| | | |
| Upper limbs: sprained wrist - disabling for 6 to 13 weeks | 1 | 1,000 |
| Upper limbs: sprained wrist - disabling for more than 13 weeks | 3 | 1,500 |
| Upper limbs: two sprained wrists - disabling for 6 to 13 weeks | 5 | 2,000 |
| Upper limbs: two sprained wrists - disabling for more than 13 weeks | 7 | 3,000 |

Notes to the Tariff

1. Minor multiple injuries will only qualify for compensation where the applicant has sustained at least three separate injuries of the type illustrated below, at least one of which must still have had significant residual effects six weeks after the incident. The injuries must also have necessitated at least two visits to or by a medical practitioner within that six-week period. Examples of qualifying injuries are:

- (a) grazing, cuts, lacerations (no permanent scarring)
- (b) severe and widespread bruising
- (c) severe soft tissue injury (no permanent disability)
- (d) black eye(s)
- (e) bloody nose
- (f) hair pulled from scalp
- (g) loss of fingernail

2. Shock or 'nervous shock' may be taken to include conditions attributed to post-traumatic stress disorder, depression and similar generic terms covering:

(a) such psychological symptoms as anxiety, tension, insomnia, irritability, loss of confidence, agoraphobia and pre-occupation with thoughts of guilt or self-harm; and

(b) related physical symptoms such as alopecia, asthma, eczema, enuresis and psoriasis. Disability in this context will include impaired work (or school) performance, significant adverse effects on social relationships and sexual dysfunction.