



Northern  
Ireland  
Office

**Proposed Northern Ireland Criminal Injuries  
Compensation Scheme 2009**

**Summary of Consultation Responses  
and Way Forward**

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October 2008

# SUMMARY OF RESPONSES TO THE PROPOSED NORTHERN IRELAND CRIMINAL INJURIES COMPENSATION SCHEME 2009

## BACKGROUND

The Northern Ireland Office consultation on the Proposed Northern Ireland Criminal Injuries Compensation Scheme 2009 was launched on 6 March and concluded on 4 June 2008.

2. The proposed Criminal Injuries Compensation Scheme 2009 is not a precise copy but brings Northern Ireland's tariff closer to the Great Britain Criminal Injuries Compensation Scheme of 2001 and it acknowledges that there remain some limited differences and removes a number of anomalies under which different amounts of criminal injury compensation is paid in different parts of the United Kingdom for the same injury.
3. This document attempts to reflect the range of views expressed by the consultees but does not describe all the responses in detail.
4. You can obtain copies of this report and the consultation document from [www.nio.gov.uk](http://www.nio.gov.uk) or from:

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This document can also be made available on request in different formats, for individuals with particular needs.

## **SUMMARY OF RESPONSES**

The Northern Ireland Office received a total of 11 responses to the consultation. A full list of respondents is provided at Annex A. Comments detailed in the summary of responses have not been attributed to any organisation, stakeholder or individual.

## **GENERAL RESPONSES**

Three respondents gave a “no comment” response.

Two responses supported the principle that compensation levels should be the same throughout the U.K.

Two responses agreed that levels of compensation should be consistent with levels in the rest of the UK but argued that the time was not yet right for a change or that exceptions should be made in Northern Ireland.

Two responses did not agree that levels of compensation in Northern Ireland should be paid at the UK level and in all of these cases they argued against any reduction in levels of compensation.

## **RESPONSES ON SPECIFIC PROPOSALS**

Question 1: Do you agree that compensation levels should be the same throughout the United Kingdom? If not, can you indicate why they should vary and suggest what factors should be taken into account in setting them for Northern Ireland?

Six responses answered this question directly.

Four responses agreed that compensation levels should be the same across the UK. Of those 4, one also believed that Northern Ireland should be the

baseline for levels of compensation and one thought that “special consideration should be given to those innocently caught up in civil unrest”.

One response expressed concern that lower levels of compensation would be paid in Northern Ireland and that that would send out the wrong message to victims of crime.

One response thought that compensation levels should not be brought in to line with rest of the UK and that a revision of the current scheme should bring it into line with common law damages.

Question 2: What are your views on capping compensation payments? Should a new scheme limit payments to, say £500,000, regardless of the extent of the injury, or should the Northern Ireland Scheme retain its no cap status?

Seven responses answered this question directly.

Six responses supported the retention of Northern Ireland’s no cap status.

One response argued for a cap, as in the rest of the UK.

Question 3: How do feel about how compensation is paid for multiple injuries in Northern Ireland? Should payments cover fourth and subsequent injuries?

Six responses answered this question directly.

Two responses supported the continuation of current arrangements for payment of fourth and subsequent injuries in Northern Ireland.

Two responses argued for higher levels of compensation and for greater flexibility to the existing arrangements to take account of actual need.

One response favoured the same arrangements as are in place in the rest of the UK whilst taking into account the influence of the paramilitaries.

Another response took the view that the principle of actual need should have primacy.

Question 4: Do you think that Northern Ireland should retain its unique arrangements for out of time minor abuse claims?

Five responses answered this question directly.

Five responses supported the retention of Northern Ireland's unique arrangements for out-of-time minor abuse.

Question 5: How do you think claims from minors should be treated? Is putting awards for victims under 18 into trusts, pending their eighteenth birthday, justified?

Five responses answered this question directly.

Five responses agreed with retaining the existing arrangements and expressed the view that in the case of claims for minors, it was justifiable to place awards for victims under eighteen into trusts.

Question 6: How do you feel about how claims for compensation for temporary mental anxiety are treated in Northern Ireland? Should claims be supported in this area or are you in agreement that funds should be focused on more serious cases, for example covering the cost of uncapped claims?

Seven responses answered this question directly.

Two responses agreed that compensation for temporary mental anxiety should not be introduced in Northern Ireland and that funds should be focussed on more serious cases.

Five responses disagreed and argued for the introduction of a temporary mental anxiety award, similar to the GB arrangements.

Question 7: Are there any other areas where different rates of compensation for criminal injuries should apply? Please explain why.

Four responses answered this question directly.

One response argued that offences for civil unrest should be taken in to account and less or no payment made.

One response argued that payments made to victims should be based on actual need and index linked.

One response argued that there should be a flexible approach towards compensating victims of crime to reflect the nature of the injury and the victim's loss.

One response argued that the awards for fatal injuries should not be changed.

Question 8: Do you have any other comments about the provision of criminal injuries compensation in Northern Ireland?

Five responses answered this question directly.

Two responses referred to the issue of same household sexual abuse. One response argued for no change to be made to existing arrangements and one argued that the legislation should be reconsidered.

Two responses referred to compensation payable to individuals with a criminal conviction. One response argued that in such a case people should not be able to claim for a related incident and if they are injured on the back of an offence no claim should be permitted. While on the other hand, another response argued that levels of compensation should not be affected by the existence of a criminal record and that compensation should be based on actual and real need.

One response raised the following concerns: an argument was made for a more flexible and subjective approach which could take into account individual's needs and circumstances as a victim; the existing arrangements for compensation for victims of psychiatric damage were criticised as was the requirement for those with psychological problems to be diagnosed by a

psychiatrist; a recommendation was made to increase the existing two year limit to three years; it was also suggested that applicants to the Criminal Injuries Compensation Scheme in Northern Ireland should be entitled to recover the costs of legal representation; on the appeal procedure, there was a case made for victims to be given the right of appeal to a civil court rather than the Criminal Injuries Compensation Appeals Panel of Northern Ireland.

### **OTHER ISSUES RAISED**

One response thought that the proposals may differentially affect those Section 75 groupings such as young people and political opinion.

One respondent raised a range of disability-related issues; these have been or are being addressed.

### **THE WAY FORWARD**

Having considered all of the responses from the consultation exercise, no amendments were made to the proposed scheme. The proposed new Northern Ireland Criminal Injuries Compensation Scheme 2009 moves into line with the Great Britain scheme in most areas but recognises that it is not yet appropriate to change all elements of the existing scheme simply because they are different. A number of subsequent minor changes were incorporated based on recent amendments to the GB Scheme (The Criminal Injuries Compensation Scheme 2008), for example, ensuring the Scheme is gender-neutral. Overall the principle remains that the Northern Ireland Criminal Injuries Compensation Scheme 2009 is broadly in line with the GB Scheme. It is hoped that the new Northern Ireland Scheme will be implemented on 1 April 2009.

**LIST OF RESPONDENTS**

Association of Personal Injury Lawyers

Citizens Advice Bureau

Criminal Injuries Compensation Appeals Tribunal

Department of Enterprise Trade and Development

Disability Action

Lord Chief Justice's Office

Newtownabbey Borough Council

Northern Ireland Association for the Care and Resettlement of Offenders

R.G. Connell & Son

Victim Support Northern Ireland