



An Easy Reference to the Criminal Injuries Compensation Scheme

What is the Scheme?

Compensation for an injury caused by a violent crime is an expression of public sympathy and support for innocent victims. In 1969 Tynwald approved a scheme under which the victims of crimes of violence in the Isle of Man could be paid compensation by the Manx Government. The 2005 Scheme is the latest revision of the regulations laid down to provide such compensation and applies to injuries sustained on or after 13th December 2005.

Injuries sustained prior to 13th December 2005 will be dealt with under the Criminal Injuries Compensation Scheme 1983.

The Criminal Injuries Compensation Scheme (the Scheme) allows financial awards to be made to recognise personal injury directly attributable:-

- To a crime of violence (including arson or poisoning)
- Acts of rape and other sexual offences
- To the apprehension of an offender or to the prevention of an offence or to giving help to any constable who is trying to do so

Awards cannot be made under the Scheme to victims of road traffic accidents, unless a vehicle was used deliberately to cause injury.

Who are the Panel?

The Criminal Injuries Compensation Panel (the Panel) is made up of the Isle of Man Judicial Officer and two persons of legal training.

What do the Panel do?

The Panel are entirely responsible for considering the applications submitted and deciding what compensation should be paid, in line with the Tariff of Injuries which forms part of the Scheme. The Panel meets approximately six times a year. The Panel can only consider information which is submitted or requested in connection with the application.

Scope of the Scheme

1. **Location:** The injury must have been sustained in the Isle of Man.
2. **Date of Injury:** The injury must have been sustained on or after 13th December 2005.
3. **Time Limit:** Applications must be made within 2 years of the incident. Only in exceptional circumstances may the Panel waive this time limit.
4. **Level of Injury:** The level of injury suffered must be sufficient to qualify for a minimum amount of £1,000 in compensation, after the deduction of any social security benefits paid to the applicant (ie not minor scratches or bruises).



Compensation

It is important to understand that making an application under the Scheme is not an alternative to seeking compensation from the person who caused the injuries. If you have not tried to obtain compensation from that person, compensation cannot be paid under the Scheme unless the Panel are satisfied that it was reasonable for you not to have done so.

Compensation is payable as follows:

1. Personal Injury Award – namely a payment for the pain and suffering arising from your injuries calculated according to the tariff set out in the Scheme.
2. Loss of Earnings – if you have been unable to work as a result of being injured, you may receive compensation for your loss of earnings, although the amount which can be paid is subject to a maximum rate.
3. Other damage or expenses – compensation can be paid for loss of or damage to clothing and other possessions, not including watches or jewellery, connected with the injury. If the Panel consider it reasonable, the cost of private treatment can also be paid. Where the victim has died, a claim may be made in respect of the funeral expenses.

The total payable under these three categories in respect of the same injury cannot exceed the maximum amount of compensation under the Scheme, which is £500,000.

The compensation payable will be reduced by the amount of social security benefits to which the applicant is, or will be, entitled. Deductions will also be made in respect of any payments of compensation awarded to the applicant by the civil or criminal courts. Amounts paid out under insurance policies as a consequence of the injuries may also be deducted.

Who Can Apply?

Anyone who has suffered personal injury in the Isle of Man through a) a crime of violence, b) in attempting to prevent a crime or c) apprehending a suspect, subject to the criteria set down in the Scheme. The injury may be physical or mental, or have resulted in death. Where the victim has died as a result of the incident, an application may be made by his or her spouse, partner, parent or child.

Applications may be made on behalf of children less than 18 years of age by an adult guardian.

Behaviour of Applicants

As part of the consideration of the application and the circumstances surrounding the incident, the Panel may withhold or reduce compensation if you have not informed or co-operated fully with the Police in respect of the incident. You must also give all reasonable assistance to the Panel or other authority in respect of your application.



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When considering the application, the Panel will also take into account the conduct of the applicant before, during and after the incident and his or her general character and way of life, and that of the victim where he or she has died. The reason this is taken into account is that a person who has committed criminal offences has probably caused distress, loss or injury to other people, and has certainly caused expense to society because of police time, court appearances and the cost of supervising sentences, which is relevant when considering whether he or she should receive a payment from public monies. Also, it may not be appropriate for a person to receive compensation for injuries sustained in circumstances where he or she was an aggressor.

Damages are assessed in the light of all the factors involved in the application, and may result in the reduction or refusal of an award. Full details of the relevant factors are set out in the Scheme.

Making an Application

An application form must be submitted to:

The Secretary of the Criminal Injuries Compensation Scheme
Isle of Man Courts of Justice
Deemster Walk
Douglas
Isle of Man
IM1 3AR

The application should be completed in full and provide full details of the incident (on a separate sheet(s) if necessary).

Each applicant is required to provide verification of their identity and proof of residence:-

- Proof of Residence, ie Utility Bill, Rates Bill, Income Tax Letter, DHSS Letter etc confirming that the applicant is at the address given and Photographic proof of Identity such as copy passport or driving licence or, in the absence of these, a copy Birth Certificate.

What is the Process?

Upon receipt of an application, the Secretary will acknowledge receipt and will proceed to request a copy of the Police Report from the Isle of Man Constabulary. Also requested is a copy of the Hospital Report and/or GP Report. You should be aware that obtaining these reports can take some time. The Secretary will also make enquiries of the DHSS with regard to benefits paid to the applicant or deceased victim. The Tribunal may also make enquiries of any other person who has information relevant to the application.

Once the Reports are received, copies of the application and supporting documentation are submitted to the Panel for consideration at its next meeting. The average length of time for a case to be dealt with is six to nine months.

Following the meeting of the Panel, its decision will be notified in writing.



If Compensation is Awarded

The applicant will be notified in writing and written confirmation of the acceptance of the award will be required before an award is paid.

If compensation is awarded to a minor, the Panel may require the money to be held in Trust until the applicant reaches 18 years of age.

If the Application is Rejected

The applicant will be notified in writing of the Panel's decision and the reasons for reaching that decision.

Appeal Against the Decision

If you are dissatisfied with the decision of the Panel, you may, under certain circumstances, Appeal against its decision. There is a time limit of 90 days to lodge an appeal.

An Appeal Form should be completed and returned with written submissions supporting your reason for appeal, and also any relevant additional material you wish to have considered. This documentation should then be returned to: The Secretary of the Criminal Injuries Compensation Scheme.

What is the Appeal Process?

Upon receipt of an Appeal Form, the full application and supporting evidence will be submitted to a Deemster for a hearing. At the hearing, a representative of the Treasury may be present and both the applicant and the Treasury will be able to address the court and call witnesses to give evidence. An applicant may be accompanied by a friend or legal adviser to assist in putting their case, however no legal costs will be paid, unless the Deemster considers it in the interests of justice to do so.

The decision of the Deemster in hearing the Appeal is final.

Please note:

This document is intended only to be an easy reference to the provisions of the Scheme and not as a substitute for reading the Scheme in full. There may well be matters relevant to your application which are not referred to above. Accordingly, to ensure that you are aware of all the necessary issues, you should refer to the Scheme, a copy of which can be obtained from the General Registry, Victim Support, Tynwald Library or your Advocate.

These notes are produced by the General Registry to give general guidance only and should not be treated as a complete and authoritative statement of the law.