



THE CRIMINAL INJURIES COMPENSATION SCHEME 2005

*Approved by Tynwald
Coming into operation*

*13 December 2005
13 December 2005*

Administration

1. The Criminal Injuries Compensation Scheme 2005 ("the Scheme") will be administered by the Criminal Injuries Compensation Panel which shall consist of a Judicial Officer (who shall be Chairman) and two additional members (being persons of legal training) appointed by the Governor, such additional members being appointed for such period as shall be specified in their appointments. Two members present shall form a quorum of the Panel.
2. The Panel will be provided with money through votes of Tynwald out of which the Panel's expenditure and payment for compensation awarded in accordance with the principles set out below will be made. The Panel will have its office at the General Registry, Isle of Man Courts of Justice, Deemsters Walk, Bucks Road, Douglas, and such staff as may be necessary shall be provided from the staff of the General Registry.
3. The Panel will be entirely responsible for deciding what compensation should be paid in individual cases and their decisions will not be subject to appeal, other than as provided below, or to Government review. The general working of the Scheme will, however, be kept under review by the Government and the Panel will submit annually to the Governor in Council a full report on the operation of the Scheme, together with their accounts. The report and accounts will be open to debate in Tynwald.

Scope of the Scheme

4. The Panel will entertain applications for ex gratia payments of compensation in any case where the applicant or, in the case of an application by a spouse or other dependant (see paragraphs 16 and 17 below), the deceased, sustained in the Isle of Man personal injury directly attributable -
 - (a) to a crime of violence (including arson or poisoning) or
 - (b) to the apprehension or attempted apprehension of an offender or a suspected offender or to the prevention or attempted prevention of

an offence or to the giving of help to any constable who is engaged in any such activity.

Applications for compensation will be entertained only if made within two years of the incident giving rise to the injury, except that the Panel may in exceptional cases waive this requirement. In considering for the purpose of this paragraph whether any act is a criminal act, any immunity at law of an offender, attributable to his youth or insanity or other condition, will be left out of account.

5. Compensation will not be payable unless the Panel are satisfied that the injury, or any exacerbation of a pre-existing condition, is sufficiently serious to qualify for compensation equal at least, after deduction of social security benefits, but before any other deductions under the Scheme, to the minimum amount of compensation which shall be £1000. The minimum amount may be increased by the Treasury after consultation with the Deemsters. The application of the minimum level shall not -

- (a) affect the payment of funeral expenses under paragraph 16 below; nor
- (b) apply in any case where the Panel are satisfied that the circumstances are so exceptional that it should not apply.

6. Furthermore, compensation will not be payable where the applicant has not sought compensation from his assailant, including the issuing of proceedings to obtain the same, unless the Panel are satisfied that it is reasonable in all the circumstances of the case for the applicant not to have done so.

7. The Panel may withhold or reduce compensation if they consider that:-

- (a) the applicant has not taken, without delay, all reasonable steps to inform the police, or any other authority considered by the Panel to be appropriate for the purpose, of the circumstances of the injury and to co-operate with the police or other authority in bringing the offender to justice; or
- (b) the applicant has failed to give all reasonable assistance to the Panel or other authority in connection with the application; or
- (c) having regard to the conduct of the applicant before, during or after the events giving rise to the claim or to his character and way of life - and, in applications under paragraphs 16 and 17 below, to the character, conduct and way of life of the deceased and the applicant - it is inappropriate that a full award, or any award at all, be granted.

Furthermore, compensation will not be payable:-

(d) in the case of an application under paragraph 4(b) above where the injury was sustained accidentally, unless the Panel are satisfied that the applicant was at the time taking an exceptional risk which was justified in all the circumstances.

8. In order to determine whether there was any responsibility, either because of provocation or otherwise, on the part of the victim, the Panel will scrutinise with particular care all applications in respect of sexual offences or other offences which arise out of a sexual relationship or where the relationship between the victim and the offender is such that there may be difficulty in establishing the facts or it seems possible that the offender might benefit from any award of compensation made to the applicant. In such cases the Panel will especially have regard to any delay that has occurred in submitting the application. Compensation will not be payable unless the Panel are satisfied that the offender will not benefit from an award.

9. Where the victim and any person responsible for the injuries which are the subject of the application (whether that person actually inflicted them or not) were living in the same household at the time of the injuries as members of the same family, compensation will be paid only where:-

- (a) the person responsible has been prosecuted in connection with the offences, except where the Panel consider that there are practical, technical or other good reasons why a prosecution has not been brought; and
- (b) in the case of violence between adults in the family, the Panel are satisfied that the person responsible and the applicant stopped living in the same household before the application was made and seem unlikely to live together again; and
- (c) in the case of an application under this paragraph by or on behalf of a minor, ie a person under 18 years of age, the Panel are satisfied that it would not be against the minor's interests to make any award.

For the purposes of this paragraph, a man and woman living together as husband and wife shall be treated as members of the same family.

10. If in the opinion of the Panel it is in the interests of the applicant (whether or not a minor or a person under an incapacity) so to do, the Panel may pay the amount of an award to any trustee or trustees to hold on such trusts for the benefit of all or any of the following persons, namely the applicant and any spouse, widow or widower, relatives and dependants of the applicant and with such provisions for their respective maintenance, education and benefit and with such powers and provisions for the

investment and management of the fund and for the remuneration of the trustee or trustees as the Panel shall think fit. Notwithstanding the foregoing, such trusts may be made subject to such terms and conditions as the Panel may determine including, but without prejudice to the generality of that power -

- (a) provision for the absolute vesting of any interest to be made conditional on the happening of any event or otherwise and for gifts over in the event that such a condition is not met; and
- (b) the circumstances in which the trust is to be of no effect and in which the whole or any part of the funds held in trust are to be paid to the Treasury, freed of the trusts, for the benefit of the General Revenue of the Isle of Man.

Subject to this the Panel will have a general discretion in any case in which they have awarded compensation to make special arrangements for its administration. In this paragraph "relatives" means all persons claiming descent from the applicant's grandparents and "dependants" means all persons who in the opinion of the Panel are dependant on him wholly or partially for the provisions of the ordinary necessities of life.

11. The Panel will consider applications for compensation arising out of acts of rape and other sexual offences both in respect of pain, suffering and shock and in respect of loss of earnings due to consequent pregnancy, and, where the victim is ineligible for a maternity grant under the National Insurance Scheme, in respect of the expenses of childbirth. Compensation will not be payable for the maintenance of any child born as a result of a sexual offence.

12. Applications for compensation for personal injury attributable to traffic offences will be excluded from the Scheme, except where such an injury is due to a deliberate attempt to run the victim down.

Basis of compensation

13. Subject to the other provisions of this Scheme, compensation payable under an award will be a standard amount of compensation determined by reference to the nature of the injury in accordance with paragraphs 24 to 27 and will normally take the form of a lump sum payment, although the Panel may make alternative arrangements in accordance with paragraph 10 above. More than one payment may be made where an applicant's eligibility for compensation has been established but a final award cannot be calculated in the first instance - for example, where only a provisional medical assessment can be given. In a case in which an interim award has been made, the Panel may decide to make a reduced award, increase any reduction already made or refuse to make any further payment at any stage before receiving notification of acceptance of a final award. The burden of proof in relation to matters

contained in the application rests with the applicant and the standard to be applied by the Panel is the balance of probabilities.

14. The Panel will have discretion to reconsider a case after a final award of compensation has been accepted where there has been such a serious change in the applicant's medical condition that injustice would occur if the original assessment of compensation were allowed to stand, or where the victim has since died as a result of his injuries. A case will not be re-opened more than three years after the date of the final award unless the Panel are satisfied, on the basis of evidence presented with the application for re-opening the case, that the renewed application can be considered without a need for extensive enquiries.

15. Compensation will be limited as follows:-

(a) the rate of net loss of earnings or earning capacity to be taken into account shall not exceed twice the gross average earnings for all males and females in the Isle of Man at the date of assessment (as published by the Economic Affairs Division of the Treasury in the Isle of Man and adjusted as considered appropriate by the Panel);

(b) the maximum award that may be made (before any reduction under paragraphs 7, 20 and 21) in respect of the same injury will not exceed £500,000. For these purposes, where the victim has died in consequence of his injury, any application made by the victim before his death and any application made by any qualifying claimant or claimants after his death will be regarded as being in respect of the same injury.

(c) there shall be no element comparable to exemplary or punitive damages.

16. Where the victim has died in consequence of the injury, no compensation other than funeral expenses will be payable for the benefit of his estate, but the Panel will be able to entertain applications from his spouse and other dependants. For this purpose, compensation will be payable, in accordance with the other provisions of this Scheme, to any person who is:-

- (a) a spouse or registered civil partner living with the victim at the date of death;
- (b) a person who lived with the victim as husband and wife or same sex partner for at least 2 years immediately before the date of death;
- (c) a spouse or registered civil partner (not living with the victim) or former spouse or registered civil partner financially supported by the victim at the time of death;
- (d) the victim's natural parents and a person accepted by the victim as a parent of his family; and

- (e) the victim's natural child and a child accepted by the victim as a child of his family or who was dependent on him;

Provided that a person who was criminally responsible for the death of the victim is not eligible to make a claim under the Scheme notwithstanding that they belong to one of the categories (a) to (e) above.

Funeral expenses to an amount considered reasonable by the Panel will be paid in appropriate cases, even where the person bearing the cost of the funeral is otherwise ineligible to claim under this Scheme. Applications may be made under this paragraph where the victim has died from his injuries even if an award has been made to the victim in his lifetime. Such cases will be subject to the conditions set out in paragraph 14 for the re-opening of cases and compensation payable to the applicant will be reduced by the amount paid to the victim.

17. Where the victim has died otherwise than in consequence of the injury, the Panel may make an award in respect of loss of wages, expenses and liabilities incurred before death as a result of the injury whether or not application for compensation in respect of the injury has been made before the death.

18. Compensation will be payable for loss of or damage to clothing and other personal adjuncts arising from the injury. Personal adjuncts do not include jewellery, watches or rings lost or damaged, whether at the time of the offence or afterwards or in the course of medical or other treatment arising from the offence. Save as aforesaid, compensation will not be payable for loss of or damage to property.

19. The cost of private medical treatment will be payable by the Panel only if the Panel consider that, in all the circumstances, both the private treatment and the cost of it are reasonable.

20. Compensation will be reduced by the full value of any present or future entitlement to:-

- (a) social security benefits;
- (b) social security benefits, compensation awards or similar payments whatsoever from the funds of other countries; or
- (c) payments under insurance arrangements except as excluded below which may accrue, as a result of the injury or death, to the benefit of the person to whom the award is made.

In assessing this entitlement, account will be taken of any income tax liability likely to reduce the value of such benefits and, in the case of an application

under paragraph 16, the value of such benefits will not be reduced to take account of prospects of remarriage. If, in the opinion of the Panel, an applicant may be eligible for any such benefits the Panel may refuse to make an award until the applicant has taken such steps as the Panel consider reasonable to claim them. Subject to paragraph 19 above, the Panel will disregard monies paid or payable to the victim or his dependants as a result of or in consequence of insurance personally effected, paid for and maintained by the personal income of the victim, or in the case of a person under the age of 18, by his parent.

21. Where the victim is alive compensation will be reduced to take account of any pension accruing as a result of the injury. Where the victim has died in consequence of the injury, and any pension is payable for the benefit of the person to whom the award is made as a result of the death of the victim, the compensation will similarly be reduced to take account of the value of that pension. Where such pensions are taxable, one-half of their value will be deducted; where they are not taxable, eg where a lump sum payment not subject to income tax is made, they will be deducted in full. For the purposes of this paragraph, "pension" means any payment payable as a result of the injury or death, in pursuance of pension or other rights whatsoever connected with the victim's employment, and includes any gratuity of that kind and similar benefits payable under insurance policies paid for by employers. Pension rights accruing solely as a result of payments by the victim or a dependant will be disregarded.

22. When a civil court has given judgement providing for payment of damages or a claim for damages has been settled on terms providing for payment of money, or when payment of compensation has been ordered by a criminal court, in respect of personal injuries, compensation by the Panel in respect of the same injuries will be reduced by the amount of any payment received under such an order or settlement. Furthermore, a person who is compensated by the Panel will be required to undertake to repay them from any damages, settlement or compensation he may subsequently obtain in respect of his injuries. In arriving at their assessment of compensation, the Panel will not be bound by any finding of contributory negligence by any court, but will be entirely bound by the terms of the Scheme.

Procedure for determining applications

23. Every application will be made to the Panel in writing as soon as possible after the event on a form obtainable from the Panel's office. The decision on the amount of any compensation awarded will be taken by the Panel on consideration of the information and statements which have been obtained and where an award is made the applicant will be given a breakdown of the assessment of compensation, except where the Panel consider this inappropriate. An applicant will have no title to an award offered until the Panel have received notification in writing that he accepts the award and the conditions (if any) attached.

Standard amount of compensation

24. The standard amount of compensation will be the amount shown in respect of the relevant description of injury in the Tariff in the Schedule hereto, which sets out:

- (a) the amount of compensation for each description of injury; and
- (b) qualifying notes.

Where the injury has the effect of accelerating or exacerbating a pre-existing condition, the compensation awarded will reflect only the degree of acceleration or exacerbation.

25. Minor multiple injuries will be compensated in accordance with *Note 9* to the Tariff. The standard amount of compensation for more serious but separate multiple injuries will, unless expressly provided for otherwise in the Tariff, be calculated as:

- (a) the Tariff amount for the highest-rated description of injury; plus
- (b) 30 per cent of the Tariff amount for the second highest-rated description of injury; plus, where there are three or more injuries,
- (c) 15 per cent of the Tariff amount for the third highest-rated description of injury.

26. Where the Panel consider that any description of injury for which no provision is made in the Tariff is sufficiently serious to qualify for at least the minimum award under this Scheme, they will, following consultation with the Deemsters, refer the injury to the Treasury. In doing so the Panel will recommend to the Treasury both the inclusion of that description of injury in the Tariff and also the amount of compensation for which it should qualify. Any such consultation with the Deemster or reference to the Treasury must not refer to the circumstances of any individual application for compensation under this Scheme other than the relevant medical reports.

27. Where an application for compensation is made in respect of an injury for which no provision is made in the Tariff and the Panel decide to refer the injury to the Treasury under the preceding paragraph, an interim award may be made of up to half the amount of compensation for which it is recommended that such description of injury should qualify if subsequently included in the Tariff. No part of such an interim award will be recoverable if the injury is not subsequently included in the Tariff or, if included, qualifies for less compensation than the interim award paid.

Appeal Procedure

28. An applicant who is dissatisfied with a decision:

- (a) to make an award under paragraph 23;
- (b) to withhold or make a reduced award under paragraphs 6, 7, 8, 9 or 13;
- (c) not to waive the time limit under paragraph 4; or
- (d) not to re-open a case under paragraph 14
- (e) to seek repayment of an award under paragraph 22

may appeal against the decision to a Deemster by giving written notice of the appeal on a form obtainable from the Panel's office. Such notice of appeal must be supported by reasons for the appeal together with any relevant additional material which the applicant wishes to submit, and must be lodged in the Office of the High Court within 90 days of the Panel's decision and, at the same time, copies of the notice and any other material so lodged must be sent to the Panel. The Deemster may extend the 90 day time limit if he considers that:

- (a) any extension requested by the applicant and received within the 90 days is based on good reasons; and
- (b) it would be in the interests of justice to do so.

29. Within 14 days of receipt of a notice of appeal, the Panel shall send copies of all the information and evidence which was before it at the time of making the decision appealed against to the applicant and to the Treasury. The Panel shall also send to the Treasury copies of the notice of appeal and any other material lodged in support thereof. The Treasury shall thereafter be a party in relation to the hearing of the appeal.

30. The standard of proof to be applied by the Deemster will be the balance of probabilities and it will be for the applicant to make out his case including, where appropriate:

- (a) making out his case for the waiver of the time limit in paragraph 28; and
- (b) satisfying the Deemster that an award should be reconsidered or not withheld or reduced under any provision of this scheme.

31. The applicant and the Treasury will be able to call, examine and cross-examine witnesses. The Deemster will be entitled to take into account any

relevant hearsay, opinion or written evidence, whether or not the author gives oral evidence at the hearing. The decision will be reached solely in the light of the evidence brought out at the hearing. While it will be open to the applicant to bring a friend or legal adviser to assist him in putting his case, the Deemster will not have the power to order that the Treasury pay the cost of legal representation save where, in his absolute discretion, he deems that, by reason of the complexity of the case or the personal circumstances of the applicant, the interests of justice require that the costs of the applicant's legal representation be paid, in which case the said costs will be allowed in accordance with the legal aid rates then in force. The Deemster will, in all cases, have discretion to order the payment by the Treasury of the expenses of the applicant and witnesses at the hearing.

32. Procedure at hearings will be as informal as is consistent with the proper determination of the application, and hearings will in general be in private. The Deemster will have discretion to permit observers, such as representatives of the press, radio and television, to attend hearings provided that written undertakings are given that the anonymity of the applicant and other parties will not in any way be infringed by subsequent reporting. The Deemster will have power to publish information about his decisions in individual cases; this power will be limited only by the need to preserve the anonymity of applicants and other parties.

Implementation

33. The provisions of this Scheme will take effect from the date on which it is approved by Tynwald. Applications in respect of injuries incurred on or after that date will be dealt with under the terms of this Scheme. Applications in respect of injuries incurred before that date will be dealt with under the terms of the Scheme which came into operation on 16th November 1983.

SCHEDULE

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General Notes to Tariff of Injuries

Note 1. Where the tariff compensates for an operation the award includes provision for the normal operation scarring.

Note 2. When compensation is paid for physical injury or for any sexual offence described in the tariff, a separate award for mental injury will not be made (as the tariff award includes an element of compensation for this); save that in the case of an award for physical injury, if the compensation for mental injury is the same as, or higher than, the level of compensation for the physical injury, the applicant will be entitled to awards for the separate injuries calculated in accordance with paragraph 27 of the Scheme (the serious multiple injury formula). When compensation is paid for any sexual offence, a separate award for mental injury will not be made.

TARIFF OF INJURIES

Description of Injury	Standard Amount £
<u>GENERAL</u>	
<u>Fatal injury</u>	
One qualifying claimant	11,000
Each qualifying claimant if more than one	5,500
<u>Burns</u>	
<i>Note 3. For other burn injuries see under individual parts of the body</i>	
Affecting multiple areas of body covering over 25% of skin area, with significant scarring	33,000
<u>Infection with HIV/AIDS</u>	
<i>Note 4. Not subject to the multiple injuries formula and may be paid in addition to other awards</i>	
Infection with HIV/AIDS	22,000
<u>Loss of foetus</u>	5,500
<u>Major paralysis</u>	
Hemiplegia (paralysis of one side of the body)	55,000
Paraplegia (paralysis of the lower limbs)	175,000
Quadriplegia/tetraplegia (paralysis of all four limbs)	250,000

Medically recognised illness/condition - not mental illness

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	1,000
– lasting up to 28 weeks	2,000
– lasting over 28 weeks	
– not permanent	3,300
– permanent	8,200

Seriously disabling disorder where the symptoms and disability persist for more than 6 weeks from the incident/date of onset

– lasting 6 to 13 weeks	2,000
– lasting up to 28 weeks	4,400
– lasting over 28 weeks	
– not permanent	8,200
– permanent	22,000

Mental illness and temporary mental anxiety

Note 5. Mental illness includes conditions attributed to post-traumatic stress disorder, depression and similar generic terms within which there may be:

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

(b) related physical symptoms such as alopecia, asthma, eczema, enuresis and psoriasis.

Note 6. "Medically verified" means that the mental anxiety has been diagnosed by a registered medical practitioner.

Note 7. "Psychiatric diagnosis/prognosis" means that the disabling mental illness has been diagnosed or the prognosis made by a psychiatrist or clinical psychologist.

Note 8. A mental illness is disabling if it significantly impairs a person's functioning in some important aspect of her/his life e.g. impaired work or school performance or significant adverse effects on social relationships or sexual dysfunction.

Disabling but temporary mental anxiety lasting more than 6 weeks, medically verified	1,000
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Disabling mental illness, confirmed by psychiatric diagnosis:

– lasting up to 28 weeks	2,500
– lasting over 28 weeks to 2 years	4,400
– lasting 2 years to 5 years	8,200
– lasting over 5 years but not permanent	13,500

Permanent mental illness, confirmed by psychiatric prognosis

– moderately disabling	19,000
– seriously disabling	27,000

Minor injuries: multiple

Note 9: Minor multiple physical injuries will qualify for compensation only where the applicant has sustained at least 3 separate physical injuries of the type illustrated below, at least one of which must still have had significant residual effects 6 weeks after the incident. The injuries must also have necessitated at least 2 visits to or by a medical practitioner within that 6-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*

Minor injuries: multiple	1,000
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Peripheral sensory nerve damage

– lasting more than 13 weeks	
– substantial recovery expected	1,500
– permanent disability	
– minor loss	1,500
– significant loss (eg loss of sensation in large area of leg)	3,300
– serious loss (eg loss of sensation of hand)	8,200

Physical abuse of adults

Note 10: In the case of adult applicants where there has been a series of assaults (sexual and/or physical) over a period of time, it may be that an applicant will qualify for compensation only for the single most recent incident, if in relation to the earlier incidents she/he failed to report them to the police without delay and/or failed to co-operate with the police in bringing the assailant to justice. Where the applicant is entitled to compensation for the series of assaults, she/he will qualify for an award as the victim of a pattern of abuse, rather than for a separate award for each incident.

Serious abuse

- intermittent physical assaults resulting in an accumulation

of healed wounds, burns or scalds, but with no appreciable disfigurement	2,000
Severe abuse	
– pattern of repetitive violence resulting in minor disfigurement	5,500
– persistent pattern of severe abuse over a period exceeding 3 years	8,200
<u>Physical abuse of children</u>	
Minor abuse	
– isolated or intermittent assault(s) resulting in weals, hair pulled from scalp etc.	1,000
Serious abuse	
– intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement	2,000
Severe abuse	
– persistent pattern of repetitive violence resulting in: – moderate multiple injuries (eg bruising and minor fractures) and/or minor disfigurement	5,500
– significant multiple injuries	8,200
– severe multiple injuries	13,500
<u>Sexual assault/abuse of victims any age (if not already compensated as a child)</u>	
<i>Note 11: Note 10 (under Physical Abuse of Adults) applies here too.</i>	
Indecent assault	
– minor - non-penetrative indecent physical act/or acts over clothing	1,000
– serious - non-penetrative indecent act/or acts under clothing	2,000
– severe - non-penile penetrative and/or oral-genital act or acts	3,300
– pattern of repetitive frequent severe abuse over a period	
– up to 3 years	6,600
– exceeding 3 years	8,200

-- resulting in serious internal bodily injuries	22,000
Non-consensual vaginal and/or anal intercourse	
-- by one attacker	11,000
-- by two or more attackers	13,500
-- resulting in serious internal bodily injuries	22,000
-- resulting in permanently disabling mental illness confirmed by psychiatric prognosis	27,000
-- resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis	33,000
-- pattern of repeated incidents over a period	
-- up to 3 years	16,500
-- exceeding 3 years	22,000

Sexual assault/abuse of children (under age of 18 at time or commencement of abuse) and of adults who by reason of mental incapacity are incapable of giving consent

Indecent assault

-- minor - non penetrative indecent physical act/or acts over clothing	1,000
-- minor - non penetrative frequent assaults over clothing	1,500
-- serious - non penetrative indecent act under clothing	2,000
-- serious - pattern of repetitive indecent acts under clothing	3,300

Indecent assault

-- non-penile penetrative and/or oral genital acts	
-- one incident	3,300
-- two or more isolated incidents	4,400
-- pattern of repetitive, frequent incidents	
-- over a period up to 3 years	6,600
-- over a period exceeding 3 years	8,200

– resulting in serious internal bodily injuries	22,000
Non-consensual vaginal and/or anal intercourse	
– one incident	11,000
– one incident involving two or more attackers	13,500
– repeated incidents over a period	
– up to 3 years	16,500
– exceeding 3 years	22,000
– resulting in serious internal bodily injuries	22,000
– resulting in permanently disabling mental illness confirmed by psychiatric prognosis	27,000
– resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis	33,000

Sexual assault/abuse - additional awards where the following are directly attributable to sexual assault (whether of an adult or a child) - not subject to the multiple injuries formula & may be paid in addition to other awards

Pregnancy	5,500
Sexually transmitted disease other than HIV/AIDS	
– substantial recovery	5,500
– permanent disability	11,000
Infection with HIV/AIDS	22,000

HEAD & NECK

Burns

Head	
– minor visible disfigurement	2,000
– moderate visible disfigurement	4,400
– severe visible disfigurement	16,500

Face		
	– minor disfigurement	2,000
	– moderate disfigurement	5,500
	– severe disfigurement	27,000
Neck		
	– minor disfigurement	1,500
	– moderate disfigurement	4,400
	– severe disfigurement	16,500
<u>Scarring</u>		
Head		
	– minor visible disfigurement	1,500
	– significant disfigurement	3,300
	– serious disfigurement	5,500
Face		
	– minor disfigurement	1,500
	– significant disfigurement	4,400
	– serious disfigurement	11,000
Neck		
	– minor disfigurement	1,500
	– significant disfigurement	3,300
	– serious disfigurement	6,600
<u>Brain</u>		
Balance impaired		
	– lasting 6 to 28 weeks	1,500
	– lasting over 28 weeks recovery expected	3,300

– permanent	8,200
Brain haemorrhage/stroke	
– substantial recovery	4,400
Brain damage - impairment of social/ intellectual functions	
– minor	8,200
– moderate	16,500
– serious	44,000
– very serious	110,000
– extremely serious (no effective control of functions)	250,000
Concussion	
– lasting at least one week	1,500
Epilepsy	
– post-traumatic epileptic fits - substantial recovery	2,000
– fully controlled	8,200
– partially controlled	13,500
– uncontrolled	44,000
Subdural or extradural haematoma	
– treated conservatively	4,400
– requiring evacuation	8,200
<u>Ear</u>	
Fractured mastoid	1,000
Deafness	
– temporary partial deafness	
– lasting 6 to 13 weeks	1,000
– lasting more than 13 weeks	1,500

– partial deafness (remaining hearing socially useful, with hearing aid if necessary)	
– one ear	3,800
– both ears	8,200
– total deafness	
– one ear	16,500
– both ears	44,000
Loss of ear	
– partial loss of ear(s)	4,400
– loss of ear	11,000
– loss of both ears	19,000
Perforated ear drum	
– one ear	1,750
– both ears	2,500
Tinnitus (ringing noise in ear(s))	
– lasting 6 to 13 weeks	1,000
– lasting more than 13 weeks	3,300
– permanent	
– other than very severe	8,200
– very severe	16,500
Vestibular damage (causing giddiness)	
– lasting 6 to 28 weeks	1,500
– lasting over 28 weeks - recovery expected	3,300
– permanent	8,200

Eye

Blow out or other fracture of orbital bone cavity containing eyeball

– no operation	3,300
– requiring operation	4,400
Blurred or double vision	
– temporary	
– lasting 6 to 13 weeks	1,000
– lasting more than 13 weeks - recovery expected	1,750
– permanent	
– slight	4,400
– moderate	8,200
– serious	13,500
Cataracts	
– one eye	
– requiring operation	3,300
– permanent/inoperable	8,200
– both eyes	
– requiring operation	8,200
– permanent/inoperable	19,000
Corneal abrasions	2,000
Degeneration of optic nerve	
– one eye	2,000
– both eyes	5,500
Dislocation of lens	
– one eye	5,500
– both eyes	13,500
Glaucoma	2,500

Hyphaema requiring operation	
– one eye	1,500
– both eyes	2,500
Loss of eye	
– one eye	27,000
– both eyes	110,000
Loss of sight	
– one eye	22,000
– both eyes	110,000
Partial loss of vision	
– 6/12	6,600
– 6/18	8,200
– 6/24	13,500
– 6/36	16,500
– 6/60	19,000
substantial loss of vision (both eyes) at least 6/36 in each eye or worse	55,000
Residual central floater(s) affecting vision	3,300
Retina	
– damage not involving detachment	
– one eye	2,500
– both eyes	5,500
– detached	
– one eye	5,500
– both eyes	13,500

Significant penetrating injury	
– one eye	2,500
– both eyes	6,600
Traumatic angle recession	2,500

Face

Clicking jaw	
– temporary	
– lasting 6 to 13 weeks	1,000
– lasting more than 13 weeks	1,500
– permanent	5,500
Dislocated jaw	
– substantial recovery	2,000
– continuing significant disability	5,500
Fractured ethmoid	
– no operation	2,000
– operation required	4,400
Fractured zygoma (malar/cheek bone)	
– no operation	
– substantial recovery	2,000
– continuing significant disability	4,400
– operation required	
– substantial recovery	2,500
– continuing significant disability	5,500
Fractured mandible and/or maxilla (jaw bones)	
– no operation	

– substantial recovery	3,300
– continuing significant disability	5,500
– operation required	
– substantial recovery	3,800
– continuing significant disability	8,200
Multiple fractures to face (e.g. Le Fort fractures types 2 & 3)	11,000
Numbness/loss of feeling	
– temporary lasting more than 13 weeks - recovery expected	1,500
– permanent	
– moderate eg cheek, forehead	3,300
– severe eg lip interfering with function	4,400

Neck

Fractured hyoid (bone in windpipe)	1,000
Strained neck or whiplash injury	
– disabling	
– for 6 to 13 weeks	1,000
– for more than 13 weeks	2,500
– seriously disabling	
– not permanent	5,500
– permanent	11,000

Nose

Deviated nasal septum	
– no operation	1,000
– requiring septoplasty	2,000
Fracture of nasal bones	

– undisplaced	1,000
– displaced	1,500
– requiring manipulation	2,000
– requiring rhinoplasty	2,000
– requiring turbinectomy	2,000
Loss of smell/taste	
– partial loss of smell and/or taste	5,500
– total	
– loss of smell or taste	11,000
– loss of smell and taste	16,500
Partial loss of nose (at least 10%)	4,400

Skull

Fracture

– simple	
– no operation	2,500
– depressed	
– no operation	4,400
– requiring operation	6,600

Teeth

Damage to:

– tooth/teeth requiring root-canal treatment	1,250
– front tooth/teeth requiring crown(s)	1,500

Fractured/chipped tooth/teeth requiring treatment 1,250

Fractured tooth/teeth requiring apicectomy
(surgery to gum to reach root - root resection) 2,500

Loss of:

– crowns	1,500
– front tooth/teeth (incisor or canine)	
– one front tooth	1,750
– two or three front teeth	2,500
– four or more front teeth	3,800
– tooth/teeth other than front	
– one tooth	1,250
– two or more teeth	1,750
Slackening of teeth requiring dental treatment	1,250

Tongue

Impaired speech	
– slight	2,000
– moderate	5,500
– serious	11,000
– severe	19,000
Loss of speech - permanent	33,000
Loss of tongue	44,000

UPPER LIMBS

Burns

Minor	1,500
Moderate	4,400
Severe	11,000

Scarring

Minor disfigurement	1,250
Significant disfigurement	2,500

Serious disfigurement 5,500

Arm

Loss of:

– one arm 44,000

– both arms 110,000

Paralysis of or equivalent loss of function of:

– one arm 33,000

– both arms 82,000

Elbow

Dislocated/fractured

– one elbow

– substantial recovery 3,300

– continuing significant disability 8,200

– both elbows

– substantial recovery 8,200

– continuing significant disability 11,000

Finger and Thumb

Fracture/dislocation of:

– thumb

– one hand

– substantial recovery 2,000

– continuing significant disability 4,400

– both hands

– substantial recovery 5,500

– continuing significant disability 8,200

– index finger	
– one hand	
– substantial recovery	1,750
– continuing significant disability	3,800
– both hands	
– substantial recovery	4,400
– continuing significant disability	6,600
– one finger other than index finger	
– one hand	
– substantial recovery	1,000
– continuing significant disability	2,000
– both hands	
– substantial recovery	1,750
– continuing significant disability	4,400
– two or more fingers other than index finger	
– one hand	
– substantial recovery	1,250
– continuing significant disability	2,500
– both hands	
– substantial recovery	3,300
– continuing significant disability	6,600
Loss of:	
– finger other than index finger	5,500
– two or more fingers	11,000
– index finger	8,200

– both index fingers	16,500
– thumb	16,500
– both thumbs	33,000

Partial loss of:

– finger other than thumb or index finger	2,500
– two or more fingers other than index finger or thumb	5,500
– thumb or index finger	4,400
– thumb or index finger - both hands	8,200
– thumb and index finger - one hand	8,200
– thumb and index finger - both hands	16,500

Hand

Fractured hand

– one hand	
– substantial recovery	2,000
– continuing significant disability	5,500
– both hands	
– substantial recovery	3,800
– continuing significant disability	8,200

Loss of, or equivalent loss of function of:

– one hand	44,000
– both hands	110,000

Permanently & seriously impaired grip

– one hand	8,200
– both hands	16,500

Humerus (upper arm bone)

Fractured

– one arm	
– substantial recovery	3,300
– continuing significant disability	5,500
– both arms	
– substantial recovery	8,200
– continuing significant disability	11,000

Radius (a forearm bone)

Fractured

– one arm	
– substantial recovery	3,300
– continuing significant disability	5,500
– both arms	
– substantial recovery	8,200
– continuing significant disability	11,000

Shoulder

Dislocated

– one shoulder	
– substantial recovery	1,750
– continuing significant disability	5,500
– both shoulders	
– substantial recovery	3,800
– continuing significant disability	8,200

Frozen

– one shoulder	
– substantial recovery	2,000
– continuing significant disability	5,500
– both shoulders	
– substantial recovery	3,300
– continuing significant disability	8,200

Tendon & Ligament

Minor damage

– one arm	
– substantial recovery	1,000
– continuing significant disability	2,500
– both arms	
– substantial recovery	2,000
– continuing significant disability	4,400

Moderate damage

– one arm	
– substantial recovery	2,000
– continuing significant disability	4,400
– both arms	
– substantial recovery	4,400
– continuing significant disability	8,200

Severely damaged

– one arm	
– substantial recovery	3,300
– continuing significant disability	5,500

-- both arms		
-- substantial recovery		6,600
-- continuing significant disability		11,000
<u>Ulna (a forearm bone)</u>		
Fractured		
-- one arm		
-- substantial recovery		3,300
-- continuing significant disability		5,500
-- both arms		
-- substantial recovery		8,200
-- continuing significant disability		11,000
<u>Wrist</u>		
Fractured - colles type		
-- one wrist		
-- substantial recovery		4,400
-- continuing significant disability		8,200
-- both wrists		
-- substantial recovery		8,200
-- continuing significant disability		11,000
Fractured/dislocated – including scaphoid fracture		
-- one wrist		
-- substantial recovery		3,300
-- continuing significant disability		6,600
-- both wrists		
-- substantial recovery		6,600

– continuing significant disability	11,000
Sprained	
– one wrist	
– disabling for 6 to 13 weeks	1,000
– disabling for more than 13 weeks	2,500
– both wrists	
– disabling for 6 to 13 weeks	2,000
– disabling for more than 13 weeks	3,800

TORSO

Burns

Minor	1,500
Moderate	4,400
Severe	11,000

Scarring

Minor disfigurement	1,250
Significant disfigurement	2,500
Serious disfigurement	5,500

Abdomen

Injury requiring laparotomy	3,800
– including removal or repair of multiple organs	22,000

Back

Fracture of vertebra	
– one vertebra	
– substantial recovery	2,500
– continuing significant disability	5,500

– more than one vertebra	
– substantial recovery	4,400
– continuing significant disability	8,200
Prolapsed intervertebral disc(s)	
– seriously disabling	
– not permanent	5,500
– permanent	8,200
Ruptured intervertebral disc(s) - requiring surgical removal	11,000
Strained	
– disabling	
– for 6 to 13 weeks	1,000
– for more than 13 weeks	2,500
– seriously disabling	
– not permanent	5,500
– permanent	11,000
<u>Chest</u>	
Injury requiring thoracotomy	8,200
<u>Clavicle (collar bone)</u>	
Dislocated acromioclavicular joint	2,000
Fractured	
– one clavicle	
– substantial recovery	2,000
– continuing significant disability	4,400
– two clavicles	
– substantial recovery	4,400

– continuing significant disability	6,600
<u>Coccyx (tail bone)</u>	
Fractured	2,500
<u>Genitalia</u>	
Injury requiring medical treatment	
– no significant permanent damage	1,750
– permanent damage	
– moderate	5,500
– severe	11,000
Loss of fertility	55,000
<u>Hernia</u>	
– hernia	3,800
– hernias	5,500
<u>Kidney</u>	
Loss of kidney	22,000
Serious and permanent damage to or loss of both kidneys	55,000
<u>Lung</u>	
Punctured	
– one lung	3,300
– two lungs	6,600
Collapsed	
– one lung	3,800
– two lungs	8,200
Permanent and disabling damage to lungs from smoke or chemical inhalation	5,500

Pelvis

Fractured

- substantial recovery 4,400
- continuing significant disability 11,000

Rib

Fractured (or bruised where significant pain lasts more than 6 weeks)

- one rib 1,000
- two or more 1,500

Scapula (shoulder blade)

Fractured

- one scapula
 - substantial recovery 2,500
 - continuing significant disability 4,400
- two scapulas
 - substantial recovery 4,400
 - continuing significant disability 6,600

Spleen

- Loss of spleen 4,400

Sternum (breast bone)

Fractured

- substantial recovery 2,500
- continuing significant disability 5,500

LOWER LIMBS

Burns

- Minor 1,500

Moderate	4,400
Severe	11,000
<u>Scarring</u>	
Minor disfigurement	1,250
Significant disfigurement	2,500
Serious disfigurement	5,500
<u>Ankle</u>	
Fractured or Dislocated	
– one ankle	
– substantial recovery	4,400
– continuing significant disability	11,000
– both ankles	
– substantial recovery	8,200
– continuing significant disability	16,500
Sprained	
– one ankle	
– disabling for at least 6 to 13 weeks	1,000
– disabling for more than 13 weeks	2,500
– both ankles	
– disabling for at least 6 to 13 weeks	2,000
– disabling for more than 13 weeks	3,800
<u>Femur (thigh bone)</u>	
Fractured	
– one leg	
– substantial recovery	3,800

– continuing significant disability	6,600
– both legs	
– substantial recovery	5,500
– continuing significant disability	11,000
<u>Fibula (slender bone from knee to ankle)</u>	
Fractured	
– one leg	
– substantial recovery	2,500
– continuing significant disability	3,800
– both legs	
– substantial recovery	3,300
– continuing significant disability	5,500
<u>Foot</u>	
Fractured metatarsal bones	
– one foot	
– substantial recovery	2,500
– continuing significant disability	3,800
– both feet	
– substantial recovery	3,300
– continuing significant disability	5,500
Fractured tarsal bones	
– one foot	
– substantial recovery	3,300
– continuing significant disability	8,200
– both feet	

– substantial recovery	5,500
– continuing significant disability	13,500

Heel

Fractured heel bone

– one foot	
– substantial recovery	3,300
– continuing significant disability	8,200
– both feet	
– substantial recovery	5,500
– continuing significant disability	13,500

Hip

Fractured/Dislocated

– one hip	
– substantial recovery	4,400
– continuing significant disability	11,000
– both hips	
– substantial recovery	8,200
– continuing significant disability	16,500

Knee

Arthroscopy (investigative surgery / repair to knee) – no fracture 2,000

Patella (knee cap)

– dislocated	
– one knee	
– substantial recovery	1,000
– continuing significant disability	5,500

– both knees	
– substantial recovery	2,500
– continuing significant disability	8,200
– fractured	
– one knee	
– substantial recovery	2,500
– continuing significant disability	5,500
– both knees	
– substantial recovery	4,400
– continuing significant disability	8,200
– removal of:	
– one knee	3,800
– both knees	5,500

Leg

Loss of:

– one leg	
– below knee	33,000
– above knee	44,000
– both legs	110,000

Paralysis of leg 27,000

(see also major paralysis (paraplegia))

Tendon & Ligament

Minor damage

– one leg	
– substantial recovery	1,000
– continuing significant disability	3,300

– both legs	
– substantial recovery	2,000
– continuing significant disability	5,500
Moderate damage	
– one leg	
– substantial recovery	2,000
– continuing significant disability	5,500
– both legs	
– substantial recovery	4,400
– continuing significant disability	11,000
Severe damage	
– one leg	
– substantial recovery	3,300
– continuing significant disability	8,200
– both legs	
– substantial recovery	6,600
– continuing significant disability	16,500
<u>Tibia (shin bone)</u>	
Fractured	
– one leg	
– substantial recovery	3,800
– continuing significant disability	6,600
– both legs	
– substantial recovery	5,500
– continuing significant disability	11,000

Toe

Fractured

– great toe	
– one foot	
– substantial recovery	2,500
– continuing significant disability	8,200
– both feet	
– substantial recovery	3,800
– continuing significant disability	13,500
– two or more toes	
– one foot	
– substantial recovery	1,000
– continuing significant disability	2,500
– both feet	
– substantial recovery	1,500
– continuing significant disability	4,400

Loss of:

– great toe	8,200
– both great toes	13,500
– one toe (other than great toe)	1,000
– two or more toes	4,400

Partial loss of:

– great toe	2,500
– both great toes	5,500