

**DRAFT ACT AMENDING FURTHER THE ACT OF THE STATES DATED THE 4TH DAY OF DECEMBER
1990, ESTABLISHING A SCHEME TO PROVIDE COMPENSATION FOR VICTIMS OF CRIMES OF
VIOLENCE**

**Lodged au Greffe on 7th May 2002
by the Home Affairs Committee**



STATES OF JERSEY

STATES GREFFE

150

2002

P.76

Price code: B

Report

By Act dated 4th December 1990, the States established the Criminal Injuries Compensation Scheme to provide compensation for victims of crimes of violence, to replace the Scheme set out in the Act of the States dated 12th May 1970. This provided for the constitution of a Board, called the Criminal Injuries Compensation Board, to be appointed by the Defence Committee (now superseded by the Home Affairs Committee). The Committee is now proposing the following amendments to Articles 10 and 28 of the Scheme for the reasons stated.

The first amendment refers to Article 10(a) of the Scheme which currently permits “.....the Board [to] make *ex gratia* payments of compensation in any case where the applicant sustained, in the Island, personal injury directly attributable”. The Jervis-Dykes case highlighted difficulties with the Scheme, as currently drafted in that it is restricted to injuries sustained in the Island. As a result, the Board is proposing an amendment which would extend the entitlement to make a claim to a person where the injury was sustained outside the Island under the circumstances given below. The provisions of the United Kingdom 1995 Scheme (which superseded the 1990 Scheme and the 1964 Scheme upon which the Jersey Scheme was based) now provides that payments of compensation may be made in respect of an injury sustained in Great Britain where it is sustained, *inter alia*, on a British ship. A “British ship” is defined as “any vessel used in navigation which is owned wholly by persons who are British citizens, or bodies corporate incorporated under the law of some part of, and having their principal place of business in, the United Kingdom.” The proposed amendment would not only bring the Jersey Scheme in to line with the United Kingdom Scheme but would extend the entitlement to make a claim to a case where the injury was sustained outside the Island as a result of a crime committed on board any ship or in any foreign port by a British citizen resident in the Island, or a master or seaman employed or recently employed in a Jersey ship. The effect of this amendment will be to address the compensation concerns raised by the Jervis-Dykes case.

Secondly, there is an inconsistency between Article 28, subparagraphs (a) and (b). Consequently, the Board proposes that Article 28 be amended such that an award of compensation is never reduced by the amount of any maternity grant or allowance and is only reduced by the amount of any other benefit or awards or insurance payments if they are payable as a result of the injury.

This amendment has no implications for the manpower resources of the States. Clearly, it could have financial implications should the number of claims increase as a result of the alteration in scope of the Scheme.

Note: The Finance and Economics Committee supports the amendments brought by the Home Affairs Committee, subject to future funding for the considered contingencies to be met from within that Committee’s cash limits.

Explanatory Note

The purpose of this Act is to amend further the Criminal Injuries Compensation Scheme so as to -

- (a) extend the entitlement to make a claim to a case where the injury was sustained outside the Island -
 - (i) on a ship owned by a person resident in the Island, or
 - (ii) as a result of a crime committed on board any ship or in any foreign port by a British citizen resident in the Island or a master or seaman employed or recently employed in a Jersey ship; and
- (b) have the effect that an award of compensation is not reduced by the amount of any maternity grant or allowance and is only reduced by the amount of any other benefits or awards or insurance payments if they are payable as a result of the injury.

Act amending further the Act of the States dated the 4th day of December 1990, establishing a Scheme to provide compensation for victims of crimes of violence

STATES OF JERSEY

The day of 2002

THE STATES, adopting a proposition of the Home Affairs Committee, have made the following further amendments of the Scheme established by their Act dated the 4th day of December 1990, to provide compensation for victims of crimes of violence,^[1] as amended^[2] (referred to in this Act as the “Scheme”) -

1. In Article 10 of the Scheme -

(a) for paragraph (a) there shall be substituted the following paragraph -

“(a) Subject to paragraph (b) of this Article, the Board may make *ex gratia* payments of compensation in any case where the applicant or, in the case of an application by a spouse or dependent (see Articles 25 and 26 below), the deceased -

- (i) sustained, in the Island or on a Jersey ship, personal injury directly attributable to a crime of violence (including arson or poisoning) or 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 a police officer who is engaged in any such activity, or
- (ii) sustained personal injury directly attributable to a crime of violence (including arson or poisoning) in respect of which a court in the Island has jurisdiction by virtue of section 686 or 687 of the Merchant Shipping Act 1894 or such enactments as from time to time replace them;”;

(b) after paragraph (c) there shall be added the following paragraph -

“(d) For the purposes of this Scheme “Jersey ship” means any vessel used in navigation which is owned wholly by persons of the following descriptions -

- (i) British citizens resident in the Island, or
- (ii) bodies corporate incorporated under the laws of the Island and having their principal place of business in the Island.”.

2. For Article 28 of the Scheme there shall be substituted the following Article -

“**28.** Compensation will be reduced by the full value of any payment that, as a result of the injury or death, the person to whom the award is made has received or is or will be entitled to receive by way of -

- (a) benefits payable under the Social Security (Jersey) Law 1974 (but not maternity grant or maternity allowance);
- (b) social security benefits (but not maternity grant or maternity allowance), compensation awards or similar payments from the funds of other countries;
- (c) payments under insurance arrangements, except arrangements as excluded in Article 29.”.

^[1] No. 8143.

^[2] Nos. 8239, 8497, 8769 and 9234.