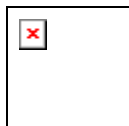


**CRIMINAL INJURIES COMPENSATION BOARD:  
REPORT FOR 1998**

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**Presented to the States on 6th July 1999  
by the Defence Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

140

1999

R.C.27

Price code: B  
**Report**

1. The States, on 4th December 1990, approved a draft Act (R & O 8143, as subsequently amended by R & Os 823 8497, 8769 and 9234) establishing a 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 (R & O 5350). Article 10(a) of the 1990 Act sets out the scope of the Scheme, the essence of which is as follows -
  - 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 dependant, the deceased, sustained in the Island, personal injury directly attributable to -
    - (i) a crime of violence (including arson or poisoning); or
    - (ii) 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.
2. The Defence Committee, conscious of the limitations of the 1970 Scheme (which provided for compensation only in cases where members of the public came voluntarily to the aid of another member of the public or the police and

were injured in so doing), has widened the scope of the Scheme to include crimes of violence generally. The 1990 Scheme came into force on 1st May 1991 in respect of injuries suffered on or after that date. Applications in respect of injuries suffered before 1st May 1991 are dealt with under the terms of the 1970 Scheme.

3. A number of amendments have been made to the 1990 Scheme, which are reflected in the current version of the guide to the Scheme (entitled "Victims of Crimes of Violence").
4. The Criminal Injuries Compensation Board comprises Advocate R.J. Michel (Chairman) - re-appointed as Chairman for a further five-year period from 1st May 1996; Advocates L.M. Gould (formerly Chairman), A.S. Regal and C.J. Dorey who, together with Mr. R.J. Short, are the members who are "advocates or solicitors of the Royal Court of not less than two years' standing". Advocates Gould and Regal and Mr. Short were also re-appointed for five years from 1st May 1996; with Advocate Dorey having been appointed in March 1998. The 'lay' members of the Board are Dr. M.P. Bruce and Messrs. J.W. Gollop and R.L. Oakey - who were all re-appointed for five years from 1st May 1996 - and Mrs. B.M. Chiang, who was appointed in February 1997. The Committee wishes to record its appreciation to all members of the Board for the work they have undertaken.
5. The Board has received 89 applications for the award of compensation under the 1990 Scheme during the period 1st January to 31st December 1998. Because of the length of time it sometimes takes to finalise an award, not all applications are concluded in the calendar year they are received. Examples of the nature of applications and the awards made in 1997 are as follows -
  - (a) the applicant, a support worker at a men's hostel, was assaulted by a resident, who was being ejected from the premises for being drunk and aggressive. The applicant suffered a kick to the nose and two broken teeth. He was awarded £2,100 in general damages;
  - (b) a 24 year-old, out at a club to celebrate a friend's birthday, was attacked by an unknown assailant, resulting in him leaving the Island as he felt insecure and nervous. An interim award was made for a jagged 5cm 'through and through' laceration to the lip. He was left with a lump of thickening scar tissue which would possibly need cosmetic surgery. £3,000 was awarded for general damages;
  - (c) the applicant had been sexually abused at the age of eleven. She had blocked events out of her life until police investigations into certain other matters brought back to her the abuse she had suffered, causing flashbacks. The applicant was awarded £15,000 for moderately severe psychiatric damage;
  - (d) the applicant had been knocked unconscious and kicked and beaten. She suffered multiple cuts and abrasions and a fractured metacarpal. An award of £1,000 was made for general damages, with a 25 per cent deduction for the applicant's lifestyle (i.e. carrying a knife and being a drug abuser);
  - (e) the applicant had been drinking heavily and admitted to being drunk, leaving him incapable of defending himself from unprovoked attack. He suffered facial bruising and abrasions and was awarded £750 general damages, from which 20 per cent was deducted because of his drunkenness;
  - (f) the applicant admitted to being moderately drunk when he was attacked. He delayed for six days in making a complaint to the police and the assailant was not detected. He suffered facial bruising and lacerations, for which he was awarded general damages of £750, less a deduction of 20 per cent for failure to give timely assistance to the police and for drunkenness;
  - (g) a doorman suffered bruising and lacerations around the eye when a glass tumbler was thrown at him whilst he was trying to break up a confrontation. He was awarded £550 in general damages, less a deduction of 40 per cent for previous convictions for motoring offences;
  - (h) the applicant, who admitted being too drunk to give a full statement to the police, was assaulted in a night club. He suffered a very swollen and bruised nose with a blood clot. He was awarded £1,900 for general damages, with a deduction of 40 per cent for his drunkenness and for being led into a possible confrontation.

*[\* Under Article 15 of the Scheme, the Board may withhold or reduce compensation if it considers that -*

- (i) the applicant has not taken all reasonable steps to inform the police;*
- (ii) the applicant has failed to give all reasonable assistance to the Board;*

(iii) *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, it is inappropriate that a full award, or any award at all, be granted; and*

*furthermore, compensation will not be payable -*

(iv) *if the injury was sustained accidentally, unless the Board is satisfied that the applicant was at the time taking an exceptional risk which was justified in all the circumstances.]*

6. The Board received ten requests for hearings during 1998 and eight hearings were held. All eight cases heard related to claims in respect of which the applicants had appealed against the decision of the two Board members' initial award. In six of the eight cases heard, the Board determined that there was justification for making an award, or a revised award. In a further two cases the initial decision of the original Panels was maintained.
7. Of the 479 applications received since 1st May 1991 - 382 had been resolved as at 31st December 1998. Of the 97 applications in the process of resolution as at the end of 1998, four related to hearings which remained unresolved, 15 had received awards which included an element of interim payment and 12 others had been determined which awaited acceptance by the applicant. A total of 66 applications awaited reports and/or further information.
8. Alcohol-related incidents. The Board receives many applications in which drink has been a substantial cause of the victim's misfortune. Many of these incidents occur in places and situations which the victim might have avoided had he been sober or unwilling to run some kind of risk. In such circumstances the Board may make an award, but only after looking very carefully at the circumstances to ensure that the applicant's conduct "before, during or after the events giving rise to the claim" was not such that it would be inappropriate to make a payment from public funds.
9. *Appendix 1* sets out statistics relating to claims made under the Criminal Injuries Compensation Scheme during the period 1st January to 31st December 1998.
10. *Appendix 2(a) and (b)* shows, in the form of a bar graph, the rate of applications received during 1998 (89); and in tabular form month by month, the total number of applications received annually from 1992 to 1998.
11. *Appendix 3* shows the range of awards made by the Board during the period 1st May 1991 to 31st December 1998.
12. *Appendix 4* shows the accounts of the Board for the period 1st January to 31st December 1998 and for the years 1992 to 1997, for comparative purposes.
13. In all other respects, the Board is generally satisfied with the working of the 1990 Scheme, as amended.

RATE OF APPLICATIONS 1st JANUARY TO  
31st DECEMBER 1998

Month	Received	Applications on which reports sent to Board	Applications determined	Amount awarded
<u>1998</u>				
January	7	11	*19	£16,257.24
February	7	4	7	£40,559.83
March	8	10	7	£20,876.38
April	9	3	5	£8,078.81
May	5	-	*8	£3,692.76
June	6	10	*9	£9,518.54
July	11	9	12	£10,179.83
August	7	3	*11	£24,863.10
September	9	8	*12	£7,204.34
October	6	7	7	£7,809.66
November	4	12	*8	£19,245.45
December	<u>10</u>	<u>2</u>	<u>*9</u>	<u>£22,893.00</u>
	<b><u>89</u></b>	<b><u>79</u></b>	<b><u>114</u></b>	<b><u>£191,268.94</u></b>

[\* includes interim awards]



**CRIMINAL INJURIES COMPENSATION BOARD**

**Applications received for the period 1st to 31st January 1998**  
(and comparative figures for 1992, 1993, 1994, 1995, 1996 and 1997)

	<b>1998</b>	1997	1996	1995	1994	1993	1992
January	<b>7</b>	5	9	4	3	5	4
February	<b>7</b>	11	5	3	4	2	7
March	<b>8</b>	6	4	2	4	4	8
April	<b>9</b>	5	5	5	4	3	2
May	<b>5</b>	6	11	4	1	3	3
June	<b>6</b>	8	6	8	7	2	3
July	<b>11</b>	7	10	9	7	7	2
August	<b>7</b>	4	1	6	5	-	3
September	<b>9</b>	10	7	8	5	2	4
October	<b>6</b>	11	10	9	4	2	3
November	<b>4</b>	4	9	9	12	8	3
December	<b>10</b>	10	2	9	2	3	2
	<b><u>89</u></b>	<u>87</u>	<u>79</u>	<u>76</u>	<u>58</u>	<u>41</u>	<u>44</u>

## RANGE OF AWARDS 1st MAY 1991 TO 31st DECEMBER 1998

Total number of applications received = 479

**Total number of applications determined = 382\***

nil	£1 to £999	£1,000 to £1,999	£2,000 to £2,999	£3,000 to £3,999	£4,000 to £4,999	£5,000 to £9,999	£10,000 and over	TOTAL
	£	£	£	£	£	£	£	£
<u>1991</u>	-	1,706	-	-	-	-	-	1,706
(-)	(-)	(1)	(-)	(-)	(-)	(-)	(-)	(1)
<u>1992</u>	-	3,901	8,160	5,452	3,886	-	5,899	27,298
(7)	(6)	(6)	(2)	(1)	(-)	(1)	(-)	(23)
<u>1993</u>	-	3,919	8,985	17,444	6,641	-	11,500	101,573
(5)	(6)	(7)	(7)	(2)	(-)	(2)	(3)	(32)
<u>1994</u>	-	10,411	8,728	14,735	9,678	17,900	28,121	89,573
(11)	(16)	(6)	(6)	(3)	(4)	(4)	(-)	(50)
<u>1995</u>	-	10,000	8,095	2,438	10,254	17,346	13,690	61,823
(16)	(17)	(5)	(1)	(3)	(4)	(2)	(-)	(48)
<u>1996</u>	-	13,485	18,183	28,131	20,289	9,232	48,573	269,141
(28)	(19)	(13)	(11)	(10)	(3)	(7)	(9)	(100)
<u>1997</u>	-	6,608	10,557	18,216	6,825	4,500	33,178	79,884
(28)	(9)	(7)	(8)	(2)	(1)	(5)	(-)	(60)
<u>1998</u>	-	11,896	27,984	16,412	22,338	9,047	50,272	191,269
(48)	(20)	(19)	(7)	(7)	(2)	(7)	(2)	(112)
<u>TOTALS</u>	-	<u>60,220</u>	<u>92,398</u>	<u>102,828</u>	<u>79,911</u>	<u>58,025</u>	<u>191,233</u>	<u>822,267</u>
(143)	(93)	(64)	(42)	(28)	(14)	(28)	(14)	(426)*

N.B. The lowest award (other than nil) was £120, and the highest £38,320.

(Numbers in brackets represent numbers of applications. \*The two figures for the total number of applications determined do not match because some applications receive elements of an award in different calendar years.)

ACCOUNTS FOR THE PERIOD 1st JANUARY TO  
31st DECEMBER 1998

(AND COMPARATIVE FIGURES FOR 1992, 1993, 1994, 1995, 1996 AND 1997)

	1998	1997	1996	1995	1994	1993	1992
	£	£	£	£	£	£	£
Printing and stationery	798	101	-	108	775	-	396
Publications	517	352	516	252	449	142	713
Payment to members of the Board	22,645	16,717	26,822	13,220	12,000	3,000	-
Medical reports	2,184	2,159	2,444	1,157	2,291	1,303	1,676
Hearing costs	-	-	-	514	-	-	-
Compensation paid	<u>170,413</u>	<u>115,371</u>	<u>195,617</u>	<u>117,282</u>	<u>95,803</u>	<u>80,289</u>	<u>45,840</u>
	<u>196,557</u>	<u>134,700</u>	<u>225,507</u>	<u>133,200</u>	<u>110,543</u>	<u>85,130</u>	<u>48,329</u>

[Note: Payment to members of the Board in respect of their time spent on applications and hearings, commenced from 1st October 1993. The Committee allocated a sum of £3,000 for this three-month period which, in the event, worked out at a rate of £26.20 an hour for the 114 hours spent during that period. Payment for 1994 was made from the sum of £12,000 allocated for that purpose for the 12-month period, which worked out at a rate of £34.01 an hour for the 353 hours spent during that year. From 1995, (371 hours), payment has been made at a rate of £50 an hour, with 505 hours spent during 1996, 355 hours during 1997 and 457 hours during 1998.]