



Great Britain -

# Criminal Injuries Compensation Board

## Tenth Report

Accounts for the year  
ended 31st March, 1974

*Presented to Parliament by the Secretary of State for the Home Department  
and the Secretary of State for Scotland  
by Command of Her Majesty  
November 1974*

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**CRIMINAL INJURIES COMPENSATION BOARD**

His Honour Sir Walker Carter, Q.C., *Chairman*

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Sir William Carter.

Mr. E. M. Ogden, Q.C.

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Miss Joan Littlewood.

\*Scottish Members

**TENTH REPORT OF THE CRIMINAL INJURIES  
COMPENSATION BOARD**

To: *The Secretary of State for the Home Department*  
*The Secretary of State for Scotland*

SIRS,

We have the honour to submit this our Tenth Report.

In a Tenth Report it is appropriate to review the working of the Scheme over the preceding decade, and this is particularly so since your predecessors appointed a working party to review the Scheme and to frame proposals for placing the Scheme, with such modifications as may appear desirable, on a Statutory footing.

**VOLUME OF WORK**

*1. New Applications*

The number of new applications received in the year 1 April 1973 to 31 March 1974 was 12,215, an increase of 11.8% over the preceding year.

In our Ninth Report we commented on our success in forecasting (with the help of Home Office statisticians) the number of new applications received during 1972/1973 and said we expected 12,000/12,500 new applications to be received during 1973/1974. The actual intake of 12,215 was in the middle of the bracket. In the year 1974/1975 we expect to receive approximately 14,000 new applications.

The volume of our work is affected by a number of factors of which the most important are (a) the number of crimes of violence, (b) the extent to which the public are aware of the existence of the Scheme and, (c) the failure of victims who are aware of the existence of the Scheme to apply for the compensation to which they may be entitled.

*Factor (a) The number of crimes of violence.*

We have examined the Criminal Statistics for England, Wales and Scotland, and we set out below an estimate of the number of crimes of violence known to the police in each calendar year 1965 to 1973. We also set out the number of applications to the Board in the comparable financial year which are then expressed as a percentage of the crimes of violence known to the police.

	1965	1966	1967	1968	1969	1970	1971	1972	1973
Crimes of Violence	31,278	33,672	36,518	39,969	46,779	50,668	58,384	65,366	72,118
Applications received ..	2,452	3,312	5,316	6,437	7,247	8,110*	9,195*	10,926	12,215
Applications received expressed as a percentage of crimes of violence	8	10	15	16	15	16	16	17	17

\* Adjusted for postal strike

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The figures should be taken to indicate broad orders of magnitude only. The crimes of violence combine statistics compiled on different bases relating to different systems of law in England and Wales on the one hand and Scotland on the other. Some of the applications we receive are in respect of common assaults which we have not included in the crimes of violence shown above, and some are in respect of arrests which do not appear in the Criminal Statistics. Some of the applications received in any year may relate to offences committed in a previous year because of a time lag between the commission of the offence and the application for compensation. Furthermore, a crime of violence committed by a member of the victim's family or leading to an injury which does not merit an award of £50 may not be the subject of an application to the Board. But after taking all these matters into account the percentage of applications shown in the Table appears to us to remain remarkably low. This leads us to the conclusion that the two other factors are important.

*Factor (b)* The extent to which the public are aware of the existence of the Scheme.

There is no way in which we can measure the level of public awareness. No one would wish an innocent victim of a crime of violence to be deprived of the benefits of the Scheme because he was unaware of its existence. The comparison of the number of applications we receive with the number of crimes of violence committed leads us to the conclusion that there are still a number of victims who fail to apply to us because they do not know of their right to compensation.

*Factor (c)* The failure of victims who are aware of the existence of the Scheme to apply for the compensation to which they may be entitled.

We believe that there are many victims who are aware of their right to apply to us but who choose not to do so. Some may wish to forget their painful experience as quickly as possible. Some may have made a full recovery and be anxious to put the matter behind them, others may well be unwilling to have their conduct, character and way of life investigated.

In paragraph 10 of this Report, we deal with the Old Bailey explosion and point out that out of 186 persons who appeared to be eligible only 103 (55%) applied. The great majority of those injured must have been aware of the existence of the Scheme. It may be that the failure of many victims to apply is their desire to forget their painful experience as quickly as possible and that this factor is of paramount importance to them.

In the early days of the Scheme, we made a determined effort to bring its existence to the knowledge of the public. Copies were sent to courts, police forces, hospitals and probation officers, and also to Social Security Offices and Citizens Advice Bureaux, and the WRVS. We also circulated members of the legal profession. We consider that a similar effort should again be made, in order to ensure that victims of crimes of violence are made aware of the existence of the Scheme.

## 2. The Cost of the Scheme.

In almost 10 years since the start of the Scheme on 1 August 1964 £19,244,629 has been paid in compensation to victims. Amounts paid in each country concerned during the past three years are:—

	1973-1974	1972-1973	1971-1972
	£	£	£
England .. .. .	3,059,524	2,656,625	2,587,250
Scotland .. .. .	856,038	670,529	580,699
Wales .. .. .	161,563	130,365	114,223
	<u>4,077,125</u>	<u>3,457,519</u>	<u>3,282,172</u>

## Administration Costs

	1973-1974	1972-1973	1971-1972
Actual cost .. .. .	£441,014	£356,182	£298,228
As proportion of total expenditure	9.8%	9.36%	8.3%
Average cost single member case	£31.29	£27.31	£24.33
Average cost hearing case .. .. .	£139.38	£113.07	£120.72

## 3. Number of cases resolved

During the year 10,564 applications were resolved. The number is less than we had hoped. The figure includes 233 applications which were abandoned. During the first three quarters of the year there was a persistent shortage of staff, particularly in the more junior grades, and we were between 6 and 10 per cent short of our authorised complement throughout. The position during the third and final quarters was made worse by the industrial dispute affecting public transport, which was responsible at best for much slower and longer journeys; at worst, for preventing staff getting to the office at all. The stress and anxiety caused to staff who commute in these circumstances is considerable and affects their work performance. Finally, the three-day week brought lighting and heating problems.

## THE WORKING OF THE SCHEME

The Scheme is set out in Appendix E

## 4. Certiorari

In November 1973 an application came before the Divisional Court for an order of certiorari to quash a decision made at a hearing on the grounds that we had erred in law in our interpretation of Paragraphs 11(a) and 12 of the Scheme when assessing compensation payable to a widow in respect of her husband's death.

Paragraph 11(a) provides that where the victim is alive the rate of loss of earnings (and, where appropriate, earning capacity) to be taken into account in assessing compensation will not exceed twice the average industrial earnings (that is, average weekly earnings for men, as published in the Department of Employment Gazette) at the time that the injury was sustained.

Paragraph 12 provides that in assessing compensation under the Fatal Accidents Acts 1846 to 1959, the total income of the deceased earned and unearned to be taken into account is subject to the limit specified in paragraph 11(a).

On the widow's behalf it was argued that in relation to both Paragraph 11(a) and Paragraph 12 the net earnings after deduction of income tax and not the gross earnings should have been compared with the figure of twice the average industrial earnings. The court, however, decided that the application of the earnings limit depended upon a comparison between on the one side the gross earnings of the victim and on the other side a figure equal to twice the average national industrial earnings (which is also a gross figure) since that was the logical effect of the words used in Paragraph 11(a) and it was natural that like should be compared with like. For the purpose of assessing compensation under Paragraph 12 of the Scheme the gross earnings subject to the limit imposed by Paragraph 11(a) were the starting point from which income tax was deducted in order to calculate the sum payable.

It was also argued on the widow's behalf that if the deceased's earnings were to be artificially limited for the purpose of assessing compensation, the deductions under Paragraphs 14 and 16 in respect of pensions should also be scaled down proportionately. The court found much attractiveness in this argument but could find nothing in the words of the Scheme to justify it. Accordingly, the order was refused.

Few applicants to the Board earn more than the limit imposed by Paragraph 11(a) and the limit is seldom applied in injury cases. In some fatal cases it has been found very difficult to apply. If the deceased's earnings were substantially higher than the earnings limit, it is impossible to make a realistic assessment of compensation on the basis of the deceased's financial support as required by the Fatal Accidents Acts, since the earnings subject to the earnings limit bear no relationship to the actual earnings of the deceased.

Average weekly earnings for men (Table 122 of the Department of Employment Gazette) have increased as follows:—

October 1969 .. .. .	£24·83
October 1970 .. .. .	£28·05
October 1971 .. .. .	£30·93
October 1972 .. .. .	£35·82
October 1973 .. .. .	£40·92

#### 5. Compensation in fatal cases

We explain in the notes issued with each fatal application form that compensation is based on the actual pecuniary loss suffered, or likely to be suffered, by the victim's dependants and that there is no payment for the sorrow, pain or suffering caused by the bereavement. Nevertheless, the basis of assessment of compensation in fatal cases is widely misunderstood possibly because applicants are led, by the reference to "ex gratia payments" in Paragraph 5 of the Scheme, to believe that we have power to make awards based on sympathy. If the victim was approaching the end of his working life and in poor health, the award to his dependants is likely to be small and they are often aggrieved.

The refusal of compensation to parents of a child victim of murder sometimes causes resentment and distress. In Scottish cases, the law of Scotland enables us to make an award in respect of their grief, but in England and Wales we can do no more than pay the funeral expenses.

#### 6. Law Reform (Miscellaneous Provisions) Act 1971

A strange anomaly has arisen by reason of S.4(1) which provides that in assessing damages to a widow in respect of the death of her husband in any action under the Fatal Accidents Acts 1846 to 1959 there shall not be taken into account the remarriage of the widow or her prospects of remarriage.

Under Paragraph 14 of the Scheme compensation is reduced by the value of any entitlement to social security benefits accruing as a result of the death.

It is a condition of payment of social security benefits to a widow and her children that they cease on remarriage. When valuing such payments we therefore have to take into account her remarriage or prospects of remarriage.

It follows, therefore, that when assessing dependency under the Fatal Accidents Acts, we ignore the widow's remarriage or prospects of remarriage but when valuing the benefits we take them into account. This is, of course, to her advantage, since it may diminish the value of the social security benefits which have to be deducted from the value of the lost dependency.

#### 7. Procedure at Hearings

Paragraph 22 of the Scheme provides that at a hearing before three members of the Board it will be for the applicant to make out his case; the three members reach their decision solely in the light of the evidence brought out at the hearing. The evidence is given in the presence of the applicant and all documents seen by the three members are seen by the applicant.

Accordingly, a hearing is not an appeal from the single member's decision but a renewal of the application which is heard and decided *de novo* before three members of the Board (*R. v. CICB ex parte Lain* (1967) 2 All E.R. 770). The Board are not bound by the single member's decision and if he rejected the claim, the Board may make an award or confirm his decision. If the single member made a full award or a reduced award, the Board may increase or reduce the compensation and the percentage reduction, or may reject the claim altogether.

Hitherto, if an applicant, who gave notice requiring a hearing, changed his mind before the hearing started and wished to accept the compensation awarded to him he was allowed to do so. Indeed, before the hearing started his attention was sometimes drawn by the Board to his right to withdraw his request for a hearing and to accept the single member's award. Once the hearing had started he could only do so with the leave of the Board.

There were four cases in which the applicant did not avail himself of the opportunity to withdraw. In one, compensation was reduced and in three awards were refused (see Appendix C). Two of the cases were as follows:—

(1) A 17-year-old schoolboy was involved in a melee in the street and was struck in the left cheek with the point of an umbrella. No charges were brought. He sustained a serious injury resulting in a wasting of the facial muscles and diplopia. The single member decided that compensation should be reduced by 50 per cent because of the applicant's conduct and made an interim award of £300. The applicant did not accept the decision to make a 50 per cent reduction. At the hearing, at which he was represented by Counsel, the Board were not satisfied that the injury was directly attributable to a crime of violence. They considered that, on a balance of probability, it was more likely to have been accidental, and they rejected the application.

(2) A 40-year-old unemployed man occupied a bed-sitter, and occupying rooms in the same house were a young married couple with an infant child. One afternoon the applicant was in his room, singing and declaiming a Shakespearean soliloquy, as was his wont, when he heard a bang on his door. Instead of answering the door he turned on his radio. After several more bangs on the door, which were ignored, the neighbour entered, and said he was sick of having his baby woken up. A fight developed in which the applicant received minor cuts and bruises to the face and head. His assailant pleaded guilty to a charge of assault occasioning actual bodily harm and was conditionally discharged. The single member made a full award of £50, which the applicant considered to be inadequate. At the hearing the Board decided that after making a 50 per cent reduction in view of the applicant's conduct, the award would be less than £50 and they rejected the claim under Paragraph 6(a) of the Scheme.

We have now decided to make a change in the procedure.

It is sometimes found that during the preparation of a case for hearing fresh evidence comes to light which, if known to the single member, might have caused him to refuse compensation or reduce his award under Paragraph 17.

It does not seem right that in such a case the applicant should be allowed to withdraw his notice requiring a hearing and to accept the single member's award.

We have therefore decided to amend our Guide to Procedure at Hearings and to include a paragraph which reads:

"If the single member of the Board made you an award of compensation and you give notice that you require a hearing, but before the hearing you should change your mind and wish to accept the award, you should write to the Board to ask for leave to do so. Leave will usually be given but if some fresh evidence has come to light since your case was considered by the member, the Board may refuse leave and require you to prove your case at a hearing. Once the hearing has started, leave will be given sparingly."

#### 8. Decided cases

The following are cases which illustrate some aspects of Paragraphs 5, 7 and 17 of the Scheme.

##### (1) PARAGRAPH 5—*Jurisdiction*

A personal secretary employed by the Ministry of Defence in a British Embassy lost her left hand and received injuries to her right hand, face, ears and chest, when a packet containing a letter-bomb exploded as she was opening it.

Her application was disallowed because her injury was not sustained in Great Britain, since an embassy abroad is not British Territory (*Radwan v. Radwan* (1972) 3 AER 967).

##### (2) PARAGRAPH 5—*Crime of Violence*

A—a boy aged 12—went with his friend B to the house where C, a friend of B's lived. They were invited into the scullery of the house to watch TV. C said to A and B "who is the strongest between you?" They replied that they did not know. C then said "we will find out if one of

you touches the handle of the pot on the cooker, and with his other hand touches the tap."

A, thinking this was to test how far he could stretch his arm, put his left hand on a pan of soup which was boiling on the electric cooker, and with his right hand held the cold water tap at the sink. He received an electric shock and found that he could not free his hands, and in a panic pulled the pan off the cooker. The contents spilled over him, causing severe scalds. C said to him "I thought you would only get a wee shock."

The circumstances of the injury were reported to the police.

No criminal charges were preferred.

The Board were satisfied that the injury which A sustained was directly attributable to a crime of violence because C was aware that A would receive an electric shock.

A was admitted to hospital with scalds of chest, abdomen, perineal region, both thighs and feet, and left forearm. Skin grafts were applied to areas of full thickness burns. In-patient for 14 weeks. The scalds have left permanent scars; in particular, there are large areas of noticeable scarring on the left forearm and both thighs.

Compensation £1,750.

##### (3) PARAGRAPH 5—*Directly attributable*

In October 1970, the applicant, aged 34, a dog handler in a County Police Force, was driving a police dog van along a main road when he received a radio call instructing him to go to the assistance of other police officers who were having trouble with a party of youths.

The message was reasonably understood by the applicant to require him to assist his fellow officers, either to arrest suspected offenders or to prevent the commission of an offence.

Accordingly, the applicant obeyed the order but was unable to drive at a fast speed owing to torrential rain. Indeed, he was overtaken by another police car which was answering the same call. No criticism was made of his driving.

He suddenly encountered a sheet of water which was lying on the road surface. This caused his van to leave the roadway and collide with a tree. The applicant was severely injured in the collision.

The Board did not consider that the presence of water on the road was an intervening cause to which the applicant's injuries were attributable. The injuries were attributable to his hastening to the scene of a crime in very adverse weather conditions. Applying the principles of *R. v. Criminal Injuries Compensation Board ex parte Schofield* (1971) 2 AER 1011 and of *R. v. CICB ex parte Ince* (1973) 3 AER 803, the Board were satisfied that at the time the applicant was injured he was engaged in the attempted arrest of a suspected offender and in the attempt to prevent the commission of an offence. His injuries were directly attributable to both these activities, and it followed that he was entitled to a full award.

The applicant sustained a severe comminuted fracture of the upper third of the right femur. He was unfit for duty until June 1972, when he

was able to resume sedentary work. In February 1974 he was discharged from the police as unfit due to his injuries.

The Board made an interim award of £3,000.

(4) PARAGRAPH 5—*Directly attributable*

The applicant, aged 64, was a company director and also a senior officer in the special constabulary. He was on duty at night, seated in his car with two other officers in plain clothes, keeping observation. It was the applicant's habit to keep bags of sweets in his car, and prior to the incident all three officers were sucking sweets. They then saw a gang of youths attacking another youth who was walking peacefully along the road. They all got out of the car, and after a violent struggle, arrested a number of youths, with the help of other officers who were called to the scene by radio. The youths pleaded guilty to charges of breach of the peace, resisting arrest and attempted rescue of a prisoner, and were fined.

After the struggle the three officers returned to the applicant's car. The applicant got into the driving seat and collapsed. He was taken to hospital where it was found that he was in a state of respiratory arrest and ventricular fibrillation. It was found that a sweet was impacted in his throat at the level of his vocal cords. After strenuous resuscitation efforts he was revived, but suffered severe and permanent brain damage. The Board were satisfied that it was the applicant's exertions while attempting to arrest the youths that caused the sweet to become lodged in his throat and to cut off the supply of air, which in turn caused the brain damage. His injuries were therefore directly attributable to the arrest of an offender and he was entitled to a full award. The applicant had to give up his work and needed the constant attention of his wife. He spent a lot of time in bed, and although he read newspapers and watched television with interest, he could not remember what he had read or seen.

The Board assessed compensation at £17,900.

(5) PARAGRAPH 7—*Member of the family*

The applicant, aged 52, was injured on the night of 1st October 1972, when his son—aged 27—poured boiling water over him as he lay asleep in bed, and struck him with a flat iron. His son pleaded guilty to a charge of wounding with intent, and was ordered to be detained in accordance with S 60, Mental Health Act, 1959.

The son was brought up in Glasgow by his grandmother, and had had jobs in England and Wales, as well as in Glasgow. His job there ended in January 1972, and he went to live at his parents' home.

He was convicted of theft in June, and was sent to a mental hospital. He was discharged on 15th September, and returned to his parents' home. There, he had a room of his own, and cooked most of his meals. He would have left as soon as he found a job.

The claim was rejected. The applicant and his son were living together at the time as members of the same family.

(6) PARAGRAPH 7—*Member of the family*

Application by the mother on behalf of her infant son who, when 4 months old, was assaulted by his father when left in his care for a

short time. The mother found her child lying unconscious on his father's knee. On admission to hospital the child had no heart beat, no peripheral pulses and no breath sounds but revived after an hour's intense resuscitation. The child suffered severe brain damage which has resulted in mental retardation and spasticity. The father was convicted of two charges of ill-treating his son and was sentenced to two years imprisonment on each charge to run concurrently. There was a history of violent conduct on the part of the father towards both his wife and son. His wife has now left him.

Nil award. Applicant and assailant were living together as members of the same family.

(7) PARAGRAPH 17—*Character and Way of Life*

In April 1973 the applicant, then aged 38, was attacked and robbed on leaving a club. He suffered fractures of the nose, cheekbone and jaw and some teeth were broken. He was off work for a week.

The Board were satisfied that the application was within the scope of the Scheme and that the applicant was in no way to blame but they were also required, under Paragraph 17, to consider whether an award should be refused or compensation reduced having regard to his character and way of life.

The applicant had appeared in court on 26 occasions for 65 offences and has been sent to Borstal or prison on 19 occasions. Most of the offences related to taking motor vehicles, driving whilst disqualified, and theft. The only conviction for assault was in 1955. He was released from prison in October 1972, having been in prison since September 1968. In May 1973 he received a six months suspended sentence for driving while disqualified.

He had worked continuously since February 1973, and a senior probation officer who gave evidence on his behalf said that he had settled down. He was considered a satisfactory and reliable employee.

The Board assessed compensation at £400, and reduced their award by 50 per cent to £200, in view of his character and way of life.

9. *Specimen Awards*

(1) A police inspector, aged 44 at the date of the incident in 1969, was shot in the face at close range when searching a house. Two officers who were with him were shot and fatally injured.

The bullet smashed the inspector's jawbone and teeth and embedded itself in his neck, causing him temporarily to lose the power of his limbs.

He was detained in hospital for three weeks, part of that period being spent in the Intensive Care Unit. When he was discharged the hole in his face had not quite closed and saliva ran out of the side of his face. As a result of his injuries his salivary glands had ceased to function. He had lost all his teeth and was unable to wear dentures. His left shoulder felt as if he was constantly carrying a weight and he did not have the normal use of it. Two fragments of the bullet were still in his body. One varied in position between the upper part of his left cheek and lower down. Sometimes it was near the surface and at other times it disappeared. The other fragment was lodged

near his spine and was expected to work itself out in time. He was afraid that in working itself out it would go through his jugular vein. After his discharge from hospital he had to take tablets to make him sleep. On one occasion he took an overdose and had to return to hospital.

He had been to a convalescent home on three or four occasions. He still suffered from headaches and got wavy black lines in front of his eyes. He returned to work eight months after the incident but was unable to concentrate. After a further period of ten months he was discharged from the police force.

As a result of the incident the applicant suffered from depression. After his discharge from the police force he went into business as a hotelier. He then became less depressed but was dependent on his wife as the mainstay of the business. He continued to suffer from poor concentration and irritability. The medical prognosis was good in the long-term but that it might take very many years before he recovered fully.

Prior to the incident the applicant had been an inspector for six months and was qualified for promotion.

At the time of the incident the average of industrial earnings was £25.66 and, in view of the limitation contained in Paragraph 11(a) of the Scheme, the applicant's earnings were taken as being twice that figure, namely, £51.32.

An award of £49,400 was made.

(2) An application was made by a widow, age 23, on her own behalf and on behalf of her two children, age 3½ and 2 years, for compensation for the death of her husband, age 33, who was murdered in Scotland.

The only issue raised was the amount of compensation.

The earnings of the deceased at the time of his death averaged £26.82 a week. Out of this he had to pay £5 a week to the children of a former marriage under an order of the Court of Session. The family income was, therefore, about £1,150 a year.

At one time the deceased had been a fisherman working on trawlers sailing out of Aberdeen but he had given up this employment in order to spend more time with his family. He had, however, found that his earnings ashore were not as high as they were when he was at sea and was contemplating return to his former occupation.

Taking into account the proportion of the family purse attributable to the expenses of the deceased, the dependency was fixed at £900 a year. A multiplier of 15 produced the sum of £13,500. From this there were deducted the value of the social security benefits. The widow received Widowed Mother's Allowance of approximately £400 a year for herself and £200 a year for the first child and £150 for the second child. The allowances would cease if the widow remarried. Thus the prospect of her remarriage had to be taken into account when valuing them whereas, in fixing the loss of dependency, the prospect of remarriage was disregarded. The applicant was only 23 years of age at the time of the hearing and though she then had no intention to remarry, the prospect could not be left out of account when valuing the social security benefits, and a multiplier of seven was used. The benefits were approximately £750 a year, and a deduction of £5,250 from £13,500 led to an award in respect of patrimonial loss of £8,250 of which £7,250 was earmarked

for the widow, and £500 for each child. To this were added the funeral expenses of £118 and solatium of £1,500 for the widow and £750 for each child.

(3) Man—aged 31—travelling in a non-smoking compartment of a tube train, requested two fellow passengers to stop smoking. One objected and started to abuse the applicant. When the applicant alighted from the train at his station, the man followed him, butted him in the face, pushed him to the ground, punched him in the face several times and then ran away.

The applicant sustained a fractured little finger of the right hand which was treated by strapping and healed with minimal disability, and several lacerations to his face. He was unfit for work for three weeks, but suffered no loss of earnings.

Award £150.

(4) Retired civil servant—aged 77—was visited at home by a man posing as a scout master. He claimed to have been sent by the welfare department to discuss the possibility of providing two or three scouts to help in the garden. After some discussion, the visitor suddenly attacked the applicant with a walking stick, knocked him to the ground and kicked him and stamped on his chest. He was also hit on the right shoulder with a cut glass vase. The applicant was admitted to hospital suffering from multiple cuts and bruises, concussion, and a fractured right shoulder blade. He subsequently developed pneumonia and remained an in-patient for six weeks. He is now very nervous when left alone and has scars on his head.

The assailant was convicted and sentenced to five years imprisonment.

Award £1,000.

(5) Bus driver—aged 32—was assaulted several times by a number of youths when he attempted to quell a disturbance on his bus. He sustained a subconjunctival haemorrhage in the left eye and multiple contusions on the face, body and legs. He was treated by analgesics and bed rest and returned to work after four weeks, having fully recovered.

Two of the youths were convicted of assault and fined £50 and £75.

Award £159 including £34 loss of earnings.

(6) Shopkeeper—aged 40—saw some youths looking at umbrellas displayed outside his shop. They moved off and the applicant noticed that three umbrellas were missing. The applicant ran out of the shop, and saw two youths one of whom was carrying an umbrella. He asked if the umbrella came from his shop, and the youth butted him in the mouth and struck him with the umbrella.

Applicant sustained bruising of the right arm and shoulder, a laceration to his lip, and one of his teeth was loosened. He was away from work for one week.

The offender was convicted of assault and fined £75.

Award £108 including £8 out-of-pocket expenses.

(7) Police officer—aged 37—on duty at a football match fell and fractured a bone in his left ankle when struggling with a youth whom he was attempting

to arrest for disorderly conduct.

He was treated for three weeks with a below-knee plaster and then fitted with a support bandage, after which he had completely recovered. He was off work for six weeks.

The offender was convicted of an offence under S.5 Public Order Act, 1936 and fined £50.

Award £200.

(8) A blind and deaf woman—aged 77—was alone at home when four boys, who knew of her handicap, broke into the house. Seeing some money in her apron pocket, they tried to take it without her knowing but she became aware of their presence and called out in fear. The boys then tried to pull the apron from her but in doing so, knocked her to the ground.

She sustained bruising, minor lacerations and shock.

The boys were convicted of burglary.

Compensation £254 including £4 out-of-pocket expenses.

(9) Man—aged 41—went to the assistance of his girl friend and her sister who were both being attacked by a man with an iron bar, and was himself struck on the left forearm. He sustained a fracture of the left ulna which was placed in a plaster cast for eight weeks. He then suffered pain in the arm for some weeks.

The offender was convicted and fined £50.

Award £641 including £241 loss of earnings and out-of-pocket expenses.

#### 10. The Old Bailey Explosion

In our Ninth Report we promised to make an analysis of the applications resulting from the bomb explosion at the Old Bailey on 8 March 1973. This we have done:

Number known to have been injured .. .. .	223
Less those whose injuries are believed to have been slight .. .. .	37
Possible claims .. .. .	186
Applications received .. .. .	103

As the great majority of those injured worked at the Old Bailey or in a Civil Service building nearby, it seems likely that a very high proportion knew of the existence of the Scheme. This would seem to confirm the view that many applicants who know of their right to apply for compensation do not choose to exercise it.

#### Applications received:

Awards made .. .. .	89
Interim awards made .. .. .	10
Proceeding .. .. .	4

#### Size of final awards:

Under £200 .. .. .	55
£200-£499 .. .. .	27
£500-£999 .. .. .	7

£32,131 has already been paid out in compensation and when the interim awards (which are the serious cases) have been completed, we estimate that the total figure will be in the neighbourhood of £50,000.

Since the Old Bailey explosion there have been a further 17 bomb outrages. So far 200 applications have been made and we have already paid out £59,330. After the bomb outrage at the Tower of London we took steps to ensure that as far as possible all those seriously injured were made aware of their right to compensation.

#### THE ADMINISTRATION OF THE SCHEME

##### 11. Interim Awards

We commented in our Ninth Report on our belief in the benefit to applicants of as prompt payment of compensation as may be and interim awards play an increasingly important part in our operation of the Scheme. Where we are satisfied as to eligibility it is our practice to make early interim awards, where the full extent of an injury may take time to establish.

During the year we made 1,427 new interim awards (12 per cent of all cases submitted to a single member) compared with 1,061 (10 per cent) last year.

Second and subsequent interim awards were also made in a number of cases. At the end of the year there were 1,799 unresolved cases in which one or more interim awards had been made.

##### 12. Size of Awards

The results obtained during 1973-74 conform to the existing pattern and 80.8 per cent of awards were less than £400, compared with 81.2 per cent and 82.4 per cent during the previous years. The largest single award during the year was £49,400.

	1973-1974		1972-1973		1971-1972		1970-1971	
	No.	%	%	%	%	%	%	
Under £100 .. .. .	1,994	22	23	26	25			
£100-£399 .. .. .	5,298	59	58	56	57			
£400-£999 .. .. .	1,200	13	13	12	11			
£1,000-£4,999 .. .. .	459	5	5	5	6			
£5,000 and over .. .. .	73	1	1	1	1			
	9,024	100	100	100	100			

#### Total amount awarded in sums of £5,000 and over:

	1973-1974	1972-1973	1971-1972
	£	£	£
	840,762	799,788	742,384
Percentage of total compensation .. .. .	20.6%	23.1%	22.6%

### 13. Reduced and Nil Awards

In the table below the number and proportion of full, reduced and no award cases are shown, together with those where the victim abandoned the application.

	1973-1974		1972-	1971-	1970-	1969-	1968-	1967-	1966-	1965-
	No.	%	73 %	72 %	71 %	70 %	69 %	68 %	67 %	66 %
Full awards ..	8,608	82	80	83	79	77	81	86	84	81
Reduced awards ..	416	4	4	4	4	5	4	4	4	4
No awards low limit ..	221	2	3	2	2	3	3	2	3	6
No awards others	1,086	10	11	10	14	13	11	7	7	8
Abandoned ..	233	2	2	1	1	2	1	1	2	1
	10,564	100	100	100	100	100	100	100	100	100

In Appendix D we give the breakdown of the 1,307 nil awards. This shows that 40 per cent were rejected because the injuries were not attributable to a crime of violence; 13 per cent on the ground that the circumstances of the injury were not reported to the police without delay; 25 per cent because of the applicant's conduct, character and way of life; 17 per cent because of the low limit, and 5 per cent for other reasons.

We set out below the percentages for these classes back to the year 1966:

	1973-74	1972-73	1971-72	1970-71	1969-70	1968-69	1967-68	1966-67
Not Eligible ..	40	38	33	36	41	44	39	34
Low Limit ..	17	22	21	14	17	20	26	31
Not reported ..	13	13	17	21	17	16	9	9
Rejected under Paragraph 17 ..	25	23	24	24	19	14	17	13
Others ..	5	4	5	5	6	6	9	13
	100	100	100	100	100	100	100	100

It will be seen that there has been a fall in the percentage rejected under the low limit. This is, no doubt, accounted for by inflation.

There has been a rise in the percentage of applications rejected on account of the applicant's conduct, character and way of life.

In 1969 an amendment was made to Paragraph 12 of the original Scheme. Paragraph 12 read:

"The Board will consider whether, because of provocation or otherwise, the victim of the crime bears any share of responsibility for it, and in

accordance with its assessment of the degree of responsibility, will reduce the amount of compensation or reject the claim altogether."

Paragraph 17, which is the corresponding paragraph of the revised Scheme, reads:

"The Board will reduce the amount of compensation or reject the application altogether if, having regard to the conduct of the victim, including his conduct before and after the events giving rise to the claim, and to his character and way of life it is inappropriate that he should be granted a full award or any award at all."

This amendment is probably responsible for the rise in the percentage of claims rejected under that head.

### 14. Time taken to investigate resolved cases

We have gone to some trouble to set up paths through our organisation along which straightforward cases may pass as rapidly as possible, unhindered by those which require more attention. The efficacy of the arrangements was demonstrated by the results obtained during 1972-1973. The following table shows that the percentage of cases investigated within three months fell by a third. This we attribute mainly to the shortage of junior staff (who normally deal with straightforward cases) referred to in paragraph 3. The overall position, however, is not unsatisfactory, having regard to the fact that the information we require is obtained from police, hospitals, doctors, employers, and Government offices, who no doubt are working under similar difficulties.

	1973-1974	1972-1973	1971-1972
	%	%	%
Not more than 3 months ..	32	48	34
More than 3 months, not more than 6 months ..	43	30	33
More than 6 months, not more than 9 months ..	15	13	19
More than 9 months, not more than 12 months ..	6	5	9
More than 12 months ..	4	4	5
	100	100	100

15. As the scale of our operation has increased, so has the number of cases under investigation at the end of each year, as the following table shows:

	(1)	(2)	(3)
	New applications	Cases under investigation	Col. (2) as a percentage of Col. (1)
1971-1972 ..	9,886	4,418	44.7%
1972-1973 ..	10,926	5,096	46.6%
1973-1974 ..	12,215	6,110	50%

The rise in the number of cases under investigation compared with new applications is another indication that our staff is not sufficient to deal with the present workload, and we consider that an increase is now required. We also consider that the number of Board members should be increased; it has remained constant since March 1969, since when our workload has nearly doubled.

#### 16. Hearings

Hearings were held on 118 days in the following places:

London.. .. .	36 days
English Provincial Cities .. .. .	49 "
Scotland .. .. .	30 "
Wales .. .. .	3 "

741 decisions were made at hearings; of these 63 were new interim awards and 60 were awards which completed cases in which interim awards had previously been made.

The figures in Appendix C show that there has been little change in the percentage of cases which went to a hearing. Of the 8,808 cases in which awards were made by a single member, 8,603 (97.7 per cent) were accepted, and 205 went to a hearing. In 183 of these cases (89 per cent) the single members' awards were increased. In 1972-1973, 222 award cases went to a hearing and in 176 (79 per cent) the awards were increased. Although the numbers are small, the high percentage of awards increased at hearings has for some time caused us concern.

In paragraph 15 of our Eighth Report we analysed the figures for the year 1971-1972 when 81.4 per cent of those who were not satisfied with single members' awards were successful in getting them increased at hearings. We then found that in 25 per cent of the cases the increase was not significant and would not have been made by an appellate Court but was made by us as we hear the case *de novo* and make a fresh assessment.

The main reason for the high incidence of increased awards may well be found in the two-tier procedure of the Scheme. The single member makes his assessment on the basis of written medical reports and of such information as the victim gives in his application form. A victim who feels that the single member has under-estimated the severity of his injury has the right to appear before us at a hearing. He then has a good prospect of success since, in addition to written medical evidence, we hear his own description of his injuries and the after-effects.

The fact that, since the Scheme started, the percentage of applicants satisfied with single member assessments has been between 97.3 and 98.5 is a strong indication that the single member procedure is working satisfactorily.

#### 17. Legal Aid

One of the matters which will, no doubt, be considered by the Working Party is whether Legal Aid should be available to applicants who wish to be represented but cannot themselves afford the cost of representation.

As we have pointed out in the preceding paragraph, 97 per cent of applicants accept the single member award and this indicates a high level of satisfaction.

We realise, however, that many of them are unfamiliar with the law and the level of damages awarded by the courts. Further, they may well be in urgent need of money.

As a result of the Legal Aid Act 1974 legal advice is available to applicants of limited means who are in doubt whether to apply for compensation, or having applied, whether to accept the single member's award or his rejection of their claim. We hope that applicants will avail themselves of this benefit and have incorporated a reference to it in a revised Guide to Procedure at Hearings.

When an applicant is not represented at a hearing the Board's Advocate and the three members who are sitting do their best to look after his interests. We consider that in a large majority of cases the applicant's case is adequately presented. There are, however, a minority of cases in which there are language difficulties or in which an inarticulate applicant does not manage to bring out facts favourable to his case, which are known only to him. In these cases it may well be that some applicants suffer from lack of legal representation. There are also borderline cases in which a question of law arises where we should welcome the assistance of Counsel or Solicitor when deciding which side of the line the case lies. Whether the granting of Legal Aid to applicants at hearings commands a sufficiently high priority having regard to all the claims on the public purse is not a matter on which we are qualified to form an opinion. Now that applicants of limited means may obtain legal advice and assistance before deciding whether to accept the single member decision, it may be thought that if a solicitor advises an applicant to request a hearing, that solicitor or counsel instructed by him should be able to appear at the hearing which follows.

In the year under review 47 per cent of the application forms were sent in by applicants in person, 32 per cent by solicitors and 21 per cent by trades union representatives.

The Police Federation submitted to us the great majority of the last category and we are grateful to them for the care they have taken, and the thoroughness with which their cases are prepared.

The table set out below shows the way in which the applicants were represented at hearings.

Appearance by	Number	Percentage	Successful	Percentage of success
Counsel .. .. .	119	17	83	70
Solicitors .. .. .	230	34	169	73
Trades Union Representa- tives .. .. .	20	3	17	85
In Person .. .. .	309	46	133	43
	<hr/> 678	<hr/> 100	<hr/> 402 (59%)	

The lower percentage of success achieved by applicants in person is in our opinion mainly due to their inability to evaluate their chances of success.

#### 18. Law Enforcement

Awards were made to 26 persons who were injured while assisting the police in arresting an offender or preventing an offence, compared with 23 and 16 in the two previous years.

Persons themselves attempting to arrest an offender or prevent an offence and who received an award for injury thereby sustained were 84. Those receiving awards in the two previous years were 311 and 157.

Awards were made to 1,557 policemen injured on duty, 14.7 per cent of the total number of cases resolved. This was a fall in the actual number of cases compared with the previous year when 1,561 awards were made and a larger fall in the proportion of all resolved cases.

#### 19. *Recovery of Compensation*

In our Ninth Report we mentioned the greater use the courts in England and Wales were making of their increased powers under the Criminal Justice Act, 1972, to order offenders to pay compensation to their victims. Paragraph 24 of the Scheme requires us to deduct from an award any sum the victim has received in pursuance of an order for compensation by a criminal court in respect of his injuries, and the victim must undertake to repay the Board from any damages, settlement or compensation he may subsequently obtain.

When a compensation order in respect of personal injuries has been made, we find out from the Court how much has been paid up to the date of assessment and we deduct it from the award. We also arrange with the Court to remit to us any payments made after the date of the award.

During the year we resolved 147 cases where a court had made an order in favour of the applicant; the total value of those orders was £6,666.90, of which £3,265.90 has been paid either before or after the date of the Board's award.

There were also four cases in which we were repaid by victims from damages they recovered in civil actions against their assailants.

#### 20. *Board and Staff*

Mr. Ian MacDonald, M.C., Q.C., one of the three Scottish members of the Board, resigned on 13 December 1973 on appointment as President of the Industrial Tribunals for Scotland, into which post he followed our former member, Mr. R. H. McDonald, M.C., Q.C. We congratulate Mr. MacDonald on his new appointment but regret that we shall be deprived of his counsel and of his great knowledge of the Law of Scotland.

We welcome Mr. D. Bruce Weir, Q.C., who has been appointed to the Board in Mr. MacDonald's stead.

On 31 March 1974, Sir Ronald Long retired. He was a founder member of the Board and played a leading part in the development of the Scheme. His wide experience as a family solicitor and his warm and sympathetic understanding of the problems that confront the victim of a crime of violence, made him an ideal member. He was able to find a common sense solution to every problem and we shall miss him very much. We welcome in his place our first lady member, Miss Joan Littlewood, and are glad to think that in our discussions we shall have the benefit of a woman's point of view.

During the year Mr. A. J. Dawes, a Senior Legal Assistant, returned to the Public Trustee's Office at the end of his period of secondment. His post was filled by Mr. R. E. Seely, on secondment from the Treasury Solicitor's Office.

During the year the authorised staff complement rose from 91 to 99. Unfortunately, staff shortages persisted and it was not until the two final months of the year that it was possible to recruit the full complement. For much of the time we were considerably below strength.

As we have pointed out in paragraph 3 of this Report, the staff have worked under considerable difficulties during the last year. They have faced these difficulties with fortitude and cheerfulness, to which we pay tribute.

The scale of our operation is now such that we have been able to benefit from the mechanisation of some of the routine office processes, with appropriate savings in resources. There will doubtless be further opportunities of this kind in the future.

WALKER CARTER, Chairman.

1 October 1974.

**CRIMINAL INJURIES COMPENSATION BOARD**  
**ACCOUNT OF RECEIPTS AND PAYMENTS IN THE YEAR ENDED 31st MARCH 1974**

RECEIPTS				PAYMENTS			
1972-73		Estimate	Actual	1972-73		Estimate	Actual
£		£	£	£		£	£
82,992	Balance, 1st April 1973 ..		79,342		Administration expenses:		
3,800,000	Grant-in-Aid from the Vote for Home Office (Class III, 1)	4,650,000	4,450,000	199,070	Salaries, wages, national insurance and superannuation liability ..	266,050	234,020
	Repayment of compensation recovered by victims from offenders .. .. .	3,440	2,416	42,824	Board members' fees ..	55,500	45,953
2,024	52 Miscellaneous receipts ..		100	50,142	Medical, etc., fees ..	65,550	69,782
				8,280	Travelling, etc., expenses of Board members and staff .. .. .	14,380	9,157
				32,553	Furniture and accommodation .. .. .	68,390	59,668
				7,003	Office supplies, stationery, etc. .. .. .	11,870	11,913
				12,469	Post Office services ..	14,970	6,717
				20	Advertising and publicity	460	276
				21	Incidental expenses ..	140	28
					Travelling and subsistence expenses of applicants and witnesses ..	7,490	3,500
				3,800			
				356,182		504,800	441,014
				3,449,544	Compensation paid*	4,148,640	4,048,069
				79,342	Balance, 31st March 1974		42,775
<u>£3,885,068</u>		<u>£4,653,440</u>	<u>£4,531,858</u>	<u>£3,885,068</u>		<u>£4,653,440</u>	<u>£4,531,858</u>

\*See Report and Appendices for details.

**Notes:**

1. This account covers expenditure throughout Great Britain. A contribution of £930,000 to the Home Office Vote towards the Board's expenses in Scottish cases was made from the Scottish Home and Health Department Vote (Class III, 2).
2. Under paragraph 18 of the Scheme the Board held awards to victims as follows:—

	Bank Deposit A/C	National Savings Bank A/C Investment	Bank A/C Ordinary	Totals
	£	£	£	£
Balance 1st April 1973 .. .. .	70,873	306,858	44,396	422,127
Deposits .. .. .	218,686	144,929	17,298	380,913
Interest 1973-74 .. .. .	7,128	25,085	1,786	33,999
	<u>296,687</u>	<u>476,872</u>	<u>63,480</u>	<u>837,039</u>
Withdrawals .. .. .	203,882	70,879	13,040	287,801
Interest paid out .. .. .	6,022	2,429	148	8,599
	<u>86,783</u>	<u>403,564</u>	<u>50,292</u>	<u>540,639</u>
Balance 31st March 1974 .. .. .				

WALKER CARTER,  
Chairman

Criminal Injuries Compensation Board.

14th August 1974

I have examined the above Account. I have obtained all the information and explanations that I have required, and I certify, as the result of my audit, that in my opinion the above Account is correct.

Exchequer and Audit Department  
18th September 1974

D. B. PITBLADO,  
Comptroller and Auditor General.

APPENDIX A

APPLICATIONS RECEIVED AND RESOLVED, COMPENSATION AWARDED  
AND POSITION AT 31st MARCH 1974

	ENGLAND	SCOTLAND	WALES	TOTALS
<b>1. Applications received:</b>				
(a) 1964-65 (8 months)	477	56	21	554
(b) 1965-66	1,961	391	100	2,452
(c) 1966-67	2,546	633	133	3,312
(d) 1967-68	3,730	1,381	205	5,316
(e) 1968-69	4,658	1,555	224	6,437
(f) 1969-70	5,388	1,566	293	7,247
(g) 1970-71	5,677	1,450	292	7,419
(h) 1971-72	7,530	1,912	444	9,886
(i) 1972-73	8,335	2,178	413	10,926
(j) 1973-74	9,358	2,342	515	12,215
<b>TOTAL OF 1</b>	<b>49,660</b>	<b>13,464</b>	<b>2,640</b>	<b>65,764</b>
<b>2. Applications resolved:</b>				
<b>(a) Withdrawn/Abandoned</b>				
(i) 1964-65 (8 months)	7	1	—	8
(ii) 1965-66	18	2	1	21
(iii) 1966-67	44	8	1	53
(iv) 1967-68	37	8	3	48
(v) 1968-69	56	12	5	73
(vi) 1969-70	104	13	7	124
(vii) 1970-71	66	15	4	85
(viii) 1971-72	135	18	5	158
(ix) 1972-73	111	49	5	165
(x) 1973-74	171	56	6	233
<b>TOTAL OF 2(a)</b>	<b>749</b>	<b>182</b>	<b>37</b>	<b>968</b>
<b>(b) No award made</b>				
(i) 1964-65 (8 months)	7	1	—	8
(ii) 1965-66	156	25	9	190
(iii) 1966-67	189	64	7	260
(iv) 1967-68	219	100	12	331
(v) 1968-69	524	302	26	852
(vi) 1969-70	707	338	34	1,079
(vii) 1970-71	577	317	13	907
(viii) 1971-72	795	341	53	1,189
(ix) 1972-73	933	362	55	1,350
(x) 1973-74	883	377	47	1,307
<b>TOTAL OF 2(b)</b>	<b>4,990</b>	<b>2,227</b>	<b>256</b>	<b>7,473</b>
<b>(c) Awards made</b>				
(i) 1964-65 (8 months)	100	11	3	114
(ii) 1965-66	962	153	49	1,164
(iii) 1966-67	1,833	472	99	2,404
(iv) 1967-68	2,580	769	141	3,490
(v) 1968-69	3,634	1,220	206	5,060
(vi) 1969-70	4,247	1,155	212	5,614
(vii) 1970-71	3,878	836	187	4,901
(viii) 1971-72	6,267	1,487	348	8,102
(ix) 1972-73	6,455	1,500	367	8,322
(x) 1973-74	6,920	1,752	352	9,024
<b>TOTAL OF 2(c)</b>	<b>36,876</b>	<b>9,355</b>	<b>1,964</b>	<b>48,195</b>

	ENGLAND	SCOTLAND	WALES	TOTALS
	£	£	£	£
<b>3. Compensation awarded:</b>				
(a) 1964-65 (8 months)	26,670	6,138	623	33,431
(b) 1965-66	304,799	87,778	10,141	402,718
(c) 1966-67	690,013	191,338	32,810	914,161
(d) 1967-68	987,920	250,035	55,817	1,293,772
(e) 1968-69	1,198,769	381,611	92,578	1,672,958
(f) 1969-70	1,524,099	386,750	85,735	1,996,584
(g) 1970-71	1,710,477	308,157	95,555	2,114,189
(h) 1971-72	2,587,250	580,699	114,223	3,282,172
(i) 1972-73	2,656,625	670,529	130,365	3,457,519
(j) 1973-74	3,059,524	856,038	161,563	4,077,125*
<b>TOTAL OF 3</b>	<b>14,746,146</b>	<b>3,719,073</b>	<b>779,410</b>	<b>19,244,629</b>
<b>4. Position at 31st March 1974:</b>				
(a) Cases resolved	42,615	11,764	2,257	56,636
(b) Interim cases not finally assessed	1,429	290	80	1,799
(c) Hearing and referred cases pending/ adjudged	349	69	9	427
(d) Awaiting applicants' decisions	635	122	35	792
(e) Under investigation	4,632	1,219	259	6,110
<b>TOTAL (as total of 1)</b>	<b>49,660</b>	<b>13,464</b>	<b>2,640</b>	<b>65,764</b>

\* The "compensation paid" figure in the Board's accounts is £4,048,069. The difference represents the value of payable orders issued in 1972/73 and cleared in 1973/74 less the value of payable orders issued in 1973/74 and uncleared at the end of the year.

## APPLICATIONS RESOLVED AND COMPENSATION PAID

1st April 1972 to 31st March 1973								1st April 1973 to 31st March 1974								Totals for period 1st August 1964 to 31st March 1974									
ENGLAND		SCOTLAND		WALES		TOTALS		ENGLAND		SCOTLAND		WALES		TOTALS		No.	%								
No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%								
111	—	49	—	5	—	165	—	171	—	56	—	6	—	233	—	968	—								
26 5,862	85	1,271	77	328	82	7,461	84	2. Single member decisions accepted:										43,691	84						
	254	4	107	7	18	5	379	4	(a) Full awards .. .. .										2,105	4					
	248	4	20	1	15	4	283	3	(b) Reduced awards .. .. .										1,427	3					
	518	7	251	15	38	9	807	9	(c) No awards (low limit) .. .. .										4,473	9					
									(d) No awards (others) .. .. .																
6,882	100	1,649	100	399	100	8,930	100	Total of single member decisions accepted .. .. .										51,696	100						
306	60	110	52	21	91	437	59	3. Decisions taken at hearings:										2,131	54						
	33	7	12	5	0	—	45	6	(a) Full awards .. .. .										268	7					
	8	2	2	1	0	—	10	1	(b) Reduced awards .. .. .										79	2					
	159	31	89	42	2	9	250	34	(c) No awards (low limit) .. .. .										1,494	37					
									(d) No awards (others) .. .. .																
506	100	213	100	23	100	742	100	Total of hearings decisions .. .. .										3,972	100						
£ 2,656,625		£ 670,529		£ 130,365		£ 3,457,519		TOTAL COMPENSATION PAID .. .. .								£ 3,059,524		£ 856,038		£ 161,563		£ 4,077,125		£ 19,244,629	

## OUTCOME OF AWARDS AND DECISIONS MADE BY SINGLE MEMBERS

1st April 1972 to 31st March 1973					1st April 1973 to 31st March 1974				Totals for period 1st August 1964 to 31st March 1974
ENGLAND	SCOTLAND	WALES	TOTALS		ENGLAND	SCOTLAND	WALES	TOTALS	
6,116	1,378	346	7,840	Award made by single member, and:					
30	9	2	41	(a) accepted by applicant .. .. .	6,616	1,651	336	8,603	45,796
5	—	—	5	(b) confirmed at a hearing .. .. .	13	4	1	18	172
—	—	—	—	(c) reduced at a hearing .. .. .	—	1	—	1	20
142	30	4	176	(d) changed to no award at a hearing .. .. .	3	—	—	3	6
				(e) increased at a hearing .. .. .	154	22	7	183	810
6,293	1,417	352	8,062	TOTAL .. .. .	6,786	1,678	344	8,808	46,804
2.8	2.7	1.7	2.7	Percentage of cases which went to a hearing ..	2.5	1.6	2.3	2.3	2.2
80.2	76.9	66.6	79.2	Percentage of applicants successful at a hearing	90.6	81.5	87.5	89.3	80.5
				Application rejected by single member on merit, and:					
518	251	38	807	(a) accepted by applicant .. .. .	536	267	33	836	4,473
145	85	2	232	(b) confirmed at a hearing .. .. .	149	79	6	234	1,383
115	65	10	190	(c) changed to an award at a hearing ..	98	50	6	154	974
778	401	50	1,229	TOTAL .. .. .	783	396	45	1,224	6,830
33.4	37.4	24.0	34.3	Percentage of cases which went to a hearing ..	31.5	32.6	26.7	31.7	34.5
44.2	43.3	83.3	45.0	Percentage of applicants successful at a hearing	39.7	38.8	50.0	39.7	41.3

248	20	15	283	Application rejected by single member by reason of low limit, and:					
8	2	—	10	(a) accepted by applicant .. .. .	182	24	8	214	1,427
15	4	—	19	(b) confirmed at a hearing .. .. .	4	1	—	5	77
				(c) changed to an award at a hearing ..	16	3	1	20	136
271	26	15	312	TOTAL .. .. .	202	28	9	239	1,640
8.8	23.0	—	9.3	Percentage of cases which went to a hearing ..	9.9	14.3	11.1	10.5	13.0
65.2	66.6	—	65.5	Percentage of applicants successful at a hearing	80.0	75.0	100.0	80.0	63.8
				Applications referred to a hearing by single members—resulted in:					
32	14	5	51	(a) award being made .. .. .	23	21	1	45	287
14	4	—	18	(b) no award being made .. .. .	9	6	—	15	107
46	18	5	69	TOTAL .. .. .	32	27	1	60	394

## ANALYSIS OF NO AWARD CASES

1st April 1972 to 31st March 1973				1st April 1973 to 31st March 1974				Totals for period 1st August 1964 to 31st March 1974	
ENGLAND	SCOTLAND	WALES	TOTALS		ENGLAND	SCOTLAND	WALES	TOTALS	
			No.	%				No.	%
339	143	21	503	37	357	140	17	514	39
6	2	1	9	1	10	3	—	13	1
256	22	15	293	22	187	26	8	221	17
103	61	6	170	13	82	79	7	168	13
20	3	2	25	2	40	7	3	50	4
3	3	—	6	—	4	4	—	8	—
185	123	10	318	23	195	116	11	322	25
21	5	—	26	2	8	2	1	31	1
933	362	55	1,350	100	883	377	47	1,307	100

## Reason for application being disallowed

1. Eligibility not established on balance of probabilities
2. Injury sustained accidentally
3. Low limit
4. No prosecution and circumstances not reported without delay
5. Applicant a member of offender's family
6. Injury caused by a motoring offence
7. Applicant's conduct, character or way of life extinguished claim
8. All others

TOTALS

## Criminal Injuries Compensation Scheme

The Scheme for compensating victims of crimes of violence was announced in both Houses of Parliament on 24th June 1964, and in its original form came into operation on 1st August 1964.

The Scheme has since been modified in a number of respects. The revised Scheme which came into operation on 21st May 1969, is set out below.

Requests for application forms and all inquiries should be addressed to:

Criminal Injuries Compensation Board,  
10-12 Russell Square,  
LONDON WC1B 5EN  
Tel. 01-636 2812  
01-636 4201

## THE SCHEME

## Administration

1. The Compensation Scheme will be administered by the Criminal Injuries Compensation Board, appointments to which will be made by the Home Secretary and the Secretary of State for Scotland, after consultation with the Lord Chancellor. The Chairman will be a person of wide legal experience, and the other members, of whom there are at present eight, will also be legally qualified. The Board will be assisted by appropriate staff.

2. The Board will be provided with money through a Grant-in-Aid out of which payments will be made to applicants for compensation where the Board are satisfied, in accordance with the principles set out below, that compensation is justified. Their net expenditure will fall on the Votes of the Home Office and the Scottish Home and Health Department.

3. The Board will be based on London but may establish offices outside London if the need arises. They will hold hearings in London, Edinburgh, Cardiff and elsewhere as necessary.

4. The Board will be entirely responsible for deciding what compensation should be paid in individual cases and their decisions will not be subject to appeal or to Ministerial review. The general working of the Scheme will, however, be kept under review by the Government, and the Board will submit annually to the Home Secretary and the Secretary of State for Scotland a full report on the operation of the Scheme, together with their accounts. The report and accounts will be open to debate in Parliament. In addition the Board may at any time publish such information about the Scheme and their decisions in individual cases as may assist intending applications for compensation.

## Scope of the Scheme

5. The Board will entertain applications for *ex gratia* payment of compensation in any case where the applicant or, in the case of an application by a spouse or

dependant (see paragraph 12 below), the deceased, sustained in Great Britain, or on a British vessel, aircraft or hovercraft, on or after 1st August 1964 personal injury directly attributable to a crime of violence (including arson and poisoning) or to an arrest or attempted arrest of an offender or 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 arresting or attempting to arrest an offender or suspected offender or preventing or attempting to prevent an offence. 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.

6. Compensation will not be payable unless the Board are satisfied—

- (a) that the injury was one for which compensation of not less than £50 would be awarded; and
- (b) that the circumstances of the injury have been the subject of criminal proceedings, or were reported to the police without delay; and
- (c) that the applicant has given the Board all reasonable assistance, particularly in relation to any medical reports that they may require.

Provided that the Board at their discretion may waive the requirement in (b) above.

7. Where the victim who suffered injuries and the offender who inflicted them were living together at the time as members of the same family no compensation will be payable. For the purposes of this paragraph where a man and woman were living together as man and wife they will be treated as if they were married to one another.

8. Traffic offences will be excluded from the scheme, except where there has been a deliberate attempt to run the victim down.

9. The Board will scrutinise with particular care all applications in respect of sexual offences or other offences arising out of a sexual relationship, in order to determine whether there was any responsibility, either because of provocation or otherwise, on the part of the victim (see paragraph 17 below), and they will especially have regard to any delay that has occurred in submitting the application. The Board will consider applications for compensation arising out of rape and sexual assaults, both in respect of pain, suffering and shock and in respect of loss of earnings due to pregnancy resulting from rape 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.

#### *Basis of Compensation*

10. Subject to what is said in the following paragraphs, compensation will be assessed on the basis of common law damages and will take the form of a lump sum payment, rather than a periodical pension. More than one payment may, however, sometimes be made—for example, where only a provisional medical assessment can be given in the first instance.

11. Where the victim is alive the amount of compensation will be limited as follows—

- (a) the rate of loss of earnings (and, where appropriate, of earning capacity) to be taken into account will not exceed twice the average of industrial earnings\* at the time that the injury was sustained;
- (b) there will be no element comparable to exemplary or punitive damages.

12. Where the victim has died in consequence of the injury no compensation will be payable for the benefit of his estate, but the Board will be able to entertain claims from his spouse and dependants. For this purpose, compensation will be payable to any person entitled to claim under the Fatal Accidents Acts 1846 to 1959 or, in Scotland, under the appropriate Scottish law. Subject to what is said in the following paragraphs the amount of compensation will be governed by the same principles as under those provisions; the total income of the deceased, earned and unearned, to be taken into account being subject to the limit specified in paragraph 11(a) above. Where the victim's funeral expenses are paid by any person for whose benefit an action may be brought under the Fatal Accidents Acts or the appropriate Scottish law, whether or not there is any financial dependency, the Board may pay that person a reasonable sum in respect of funeral expenses less any death grant payable under the National Insurance Scheme. For this purpose paragraph 6(a) above shall not apply.

13. Where the victim has died otherwise than in consequence of the injury, the Board may make an award in respect of loss of wages, expenses and liabilities incurred before death as a result of the injury where, in their opinion, hardship to dependants would otherwise result, whether or not application for compensation in respect of the injury has been made before the death.

14. Compensation will be reduced by the value of any entitlement to social security benefits payable by the Department of Health and Social Security (and of payments made under Treasury authority by analogy with the National Insurance (Industrial Injuries) Act) which accrues as a result of the injury or death to the benefit of the person to whom the award is made.

15. If in the opinion of the Board an applicant may be eligible for any social security benefits or payments mentioned in paragraph 14 the Board may refuse to make an award until the applicant has taken such steps as the Board consider reasonable to claim these benefits or payments.

16. Where the victim is alive the Board will determine on the basis of the common law whether, and to what extent, compensation should be reduced by 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 which would not have been payable, or would not have been so large, if his injury had not been sustained while on duty or in the performance of a duty connected with his employment, the compensation will be reduced by four-fifths of the value of that pension or, as the case may be, by four-fifths of the increase of the value

\* Average Weekly earnings for men (21 years and over) as published in the Department of Employment Gazette.

attributable to the injuries having been sustained in that way. For the purposes of this paragraph, "pension" means any pension payable in pursuance of pension rights connected with the victim's employment, and includes any gratuity of that kind.

17. The Board will reduce the amount of compensation or reject the application altogether if, having regard to the conduct of the victim, including his conduct before and after the events giving rise to the claim, and to his character and way of life it is inappropriate that he should be granted a full award or any award at all.

18. The Board will have discretion to make special arrangements for the administration of any money awarded as compensation.

*Procedure for determining applications*

19. Every application will be made to the Board in writing as soon as possible after the event on a form obtainable from the Board's office.

20. Applications will be sifted initially by the Board's staff, who will seek further information as to the relevant circumstances and, where necessary, medical advice.

21. The initial decision whether the application should be allowed (and, if so, what amount of compensation should be offered) or should be rejected will normally be taken by one member of the Board, whose decision will be communicated to the applicant; if the applicant is not satisfied with that decision, whether because no compensation is offered or because he considers the amount offered to be inadequate, he will be entitled to a hearing before three other members of the Board, excluding the one who made the initial decision. It will, however, also be open to the single member, where he considers that he cannot reach a just and proper decision, himself to refer the application to three other members of the Board for a hearing.

22. At the hearing, it will be for the applicant to make out his case; he and a member of the Board's staff will be able to call, examine and cross-examine witnesses. The Board will reach their decision solely in the light of the evidence brought out at the hearing, and all the information before them will be available to the applicant. While it will be open to the applicant to bring a friend or legal adviser to assist him in putting his case, the Board will not pay the costs of legal representation. They will, however, have discretion to pay the expenses of witnesses.

23. Procedure at a hearing will be as informal as is consistent with a proper determination of the application, and the hearing will be in private.

24. It is not intended that a person who has pursued a claim for damages for personal injuries should obtain compensation from the Board in respect of those injuries in addition to obtaining satisfaction from that claim; and compensation will be reduced by any sum which the victim has received in pursuance of an order for compensation by a criminal court in respect of his injuries. Furthermore, a person who is compensated by the Board will be required to undertake to repay them from any damages, settlement or compensation he may subsequently obtain in respect of his injuries.

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