Fil-qasam tal-ġustizzja ċivili, il-proċeduri u l-proċedimenti pendenti mibdija fi tmiem il-perjodu ta' tranżizzjoni se jkomplu skont il-liġi tal-UE. Il-Portal tal-e-Ġustizzja, abbażi tal-ftehim reċiproku mar-Renju Unit, se jżomm l-informazzjoni rilevanti marbuta mar-Renju Unit sa tmiem l-2024.

If my claim is to be considered in this country

Skozja

Which type of crime can I get compensation for?

You can apply for compensation if you are a blameless victim of a violent crime, or if your loved one has died as a result of a violent crime. Annex B of the Scheme lists what is and what is not a crime of violence for the purposes of the Scheme. Compensation is also available to those injured whilst taking an exceptional and justified risk for the purposes of preventing or containing a crime including apprehending a suspected offender.

Which type of injury can I get compensation for?

You can apply for compensation for:
mental or physical injury;
sexual or physical abuse
a fatality payment
Not all claims for compensation will be successful; you must be eligible under the rules of the Scheme.

Can I get compensation if I'm a relative or dependant of a victim who has died as a result of a crime? Which relatives or dependants can get compensation?

If you are a close relative of a person who dies as a result of their injuries, you may be able to apply for a payment. To be eligible for such payments you must be what the Scheme calls a 'qualifying relative'.
A qualifying relative is a person who at the time of the deceased's death was:
the spouse or civil partner of the deceased, who was living with the deceased in the same household;
the partner of the deceased (other than a spouse or civil partner), who was living in the same household and had done so for a continuous period of at least two year immediately before the date of the death;
a person who would satisfy the bullet points above but who did not live with the deceased because either person's ill-health or infirmity;
the spouse or civil partner, or a former spouse or civil partner, of the deceased who was financially dependent on the deceased;
a parent of the deceased; or
a child of the deceased.

Can I get compensation if I'm a relative or dependant of a victim who has survived? Which relatives or dependants can get compensation in this case?

You may be eligible to make a claim for a mental injury if you witnessed, and were present at, an incident in which a loved one was injured as the result of a crime of violence. You may also be eligible if you were involved in the immediate aftermath of an incident in which a loved one was injured.
If you are claiming a payment because you witnessed, or were involved in the immediate aftermath of the injury of a loved one, you must have suffered a mental injury as a result. We will need medical evidence from a psychiatrist or a clinical psychologist confirming that this is the case.
The relatives likely to qualify are listed above.

Can I get compensation if I'm not a national of an EU country?

You will only be eligible for a payment from this compensation Scheme if you meet one of the residency, nationality or other requirements under paragraph 10 . This means that you must have been ordinarily resident in the UK on the date of the incident or one of the conditions in paragraphs 11 or 13 of the Scheme is met.
You will also be eligible for compensation if you are a national of a member state of the European Union (EU), the European Economic Area (EEA) or the Council of European Convention on the Compensation of Victims of Violent Crime. Special provisions apply to potential victims of human trafficking and people who have made applications for asylum.
The criteria in full is contained in paragraph 10 of the Scheme.

Can I claim compensation from this country if I live here or am from here (this is country of my residence or nationality) even if the crime was committed in another EU country? Could I do this instead of claiming compensation in the country where the crime took place? If so under what conditions?

Compensation is payable under the Scheme for incidents that occur in Great Britain (Scotland, England and Wales)
If you are a United Kingdom (UK) resident and were injured as a result of a crime of violence in another country which is part of the European Union (EU) we can help you apply for compensation from that country. Please call our EU Assistance Team on 0300 003 3061 or email eucat@cica.gov.uk
If you were injured outside the EU, you may be able to apply under a similar scheme operated by the country concerned. Please contact the Foreign and Commonwealth Office for more information. Details can be found on http://www.gov.uk

Do I have to have report the crime to the police first, to be able to claim compensation?

Yes. If the crime for which you are seeking compensation has not been reported to the police we cannot make a payment. It is a requirement of the Scheme that all incidents, for which a claim is made, be reported to the police.

Do I have to await the outcome of any police investigations or criminal proceedings before I can claim?

No. You do not need to wait for the outcome of any police investigations or criminal trial before making a claim.

Do I have to first seek compensation from the offender – if they have been identified?

The Scheme is intended to be one of last resort. Where the opportunity exists for you to pursue compensation elsewhere you should do so. We will expect you to take all reasonable steps to obtain any social security benefits, insurance payments, damages or compensation to which you may be entitled as a result of your injuries.

If the offender has not been identified or convicted, can I still qualify for compensation? If so, what evidence do I need to present to support my claim?

You may still be eligible for an award under the Scheme even if your assailant is not known, or is not convicted. We expect you to have co-operated fully with any police investigation. Decisions under the Scheme are made on the balance of probabilities.

Is there a time limit within which I have to claim compensation?

You must apply as soon as it is reasonably practicable for you to do so. If you were an adult at the time of the incident, this should normally not be later than two years after it occurred. We can only extend this time limit where:

Due to exceptional circumstances an application could not have been made earlier; and

The evidence provided in support of the application means that it can be determined without further extensive enquiries by a claims officer.

Which losses and expenses are covered by the compensation?

(a) For the victim of the offence:

- Material (non-psychological) damage:

Medical costs of injury (medical treatment — ambulant and hospital treatment, recovery) **- No, immediate medical costs are not covered by the Scheme.**

Additional needs or costs arising from injury (i.e. care and assistance, temporary and permanent treatment, prolonged education physiotherapy, adaptation of housing, special aids, etc.) **- Payments can be made for these costs depending on the circumstances. You can only ask us to consider these special expenses if your injuries mean you have been unable to work or have been incapacitated to a similar extent for more than 28 weeks.**

Permanent injury (e.g. invalidity and other permanent handicaps)

loss of earnings during medical treatment and after (including lost earnings and loss of ability to earn or diminished maintenance, etc.) **Only where you have no or limited capacity to work as the direct result of a criminal injury for a period of more than 28 weeks.**

loss of opportunity **Yes, subject to our eligibility rules.**

expenses linked to legal proceedings related to the incident causing the damage, such as legal fees, court costs) **No**

compensation for stolen or damaged personal property **No**

other **See the Scheme for our eligibility rules**

- Psychological (moral) damage:

Pain and suffering of the victim **Yes, subject to our eligibility rules**

(b) For entitled people or relatives of a victim:

- Material (non-psychological) damage:

Funeral costs **Yes**

Medical costs (e.g. therapy for a family member, ambulant and hospital treatment, rehabilitation) **No**

Loss of maintenance or of opportunity **Yes, where the victim has died, and subject to our eligibility rules.**

- Psychological damage:

pain and suffering of relatives or entitled people/compensation to survivors if the victim died **You may be eligible to make a claim for a mental injury if you witnessed, and were present at, an incident in which a loved one was injured as the result of a crime of violence. You may also be eligible if you were involved in the immediate aftermath of an incident in which a loved one was injured. If you are claiming a payment because you witnessed or were involved in the immediate aftermath of the injury of a loved one, you must have suffered a mental injury as a result. We will need medical evidence from a psychiatrist or a clinical psychologist confirming that this is the case.**

Is the compensation paid out in a single payment or monthly instalments?

Wherever possible, we will settle claims by offering a single lump sum payment.

In what way could my own behaviour in relation to the crime, my criminal record or failure to cooperate during the compensation proceedings affect my chance of receiving compensation, and/or the amount I receive?

Your claim may be affected if:

you do not fully co-operate with the Police and the Criminal Justice System;

you have an unspent conviction which attracted custodial or community sentence;

your conduct contributed towards the incident;

your character as shown by criminal convictions or other evidence makes it inappropriate for an award to be made; or

you do not fully co-operate with the CICA.

In what way could my financial situation affect my chance of receiving compensation and/or the amount?

The Scheme is not means tested.

Are there any other criteria that could affect my chance of receiving compensation and/or the amount?

We cannot pay compensation in the following circumstances:

you sustained an injury before 1 August 1964;

the injury occurred outside of Great Britain;

you have already applied to the CICA for the same injury as a result of the same incident;

the assailant could benefit from an award;

the injury happened before 1 October 1979 and you and the assailant were living together as members of the same family.

Compensation will also be withheld or reduced where you have received compensation for the same injury from certain other sources including civil court damages.

How will the compensation be calculated?

The rules of the Scheme and the value of the payments awarded are set by Parliament and are calculated by reference to a tariff of injuries. The size of the award varies to reflect the seriousness of the injury.

Is there a minimum/maximum amount that can be awarded?

The minimum award we make is £1,000 and the maximum payment is £500,000.

Am I expected to quote the amount in the claim form? If so, do I get any instructions on how to calculate it or on other aspects?

We will calculate any award payable.

Will any compensation I receive for my loss from other sources (such as my employer's or a private insurance scheme) be deducted from compensation paid by the authority/body?

We will reduce an award if you received, or have an entitlement to, a payment for the same injury as a result of:

any other criminal injuries compensation award or similar payment;

an order for damages from a civil court;

the settlement of damages claim; or

any compensation order or offer made during criminal proceedings.

Where special expenses are awarded we will reduce your payment to take account of social security benefits for the same injury and insurance paid, regardless of who paid the premium if you are claiming for items like adaptations to your home or personal care.

Can I get an advance on the compensation? If so, under what conditions?

Where we have decided that you are eligible for a payment but we cannot make final decision then we may consider making an interim payment. If we are unable to make a final decision this is likely to be because we are waiting until the long term impact of your injury is understood.

Can I get complementary or additional compensation (following e.g. a change in circumstances or worsening health etc.) after the main decision?

We may consider re-opening a claim after a final payment is made if:

a person who has accepted an award subsequently dies as a result of the criminal injury giving rise to the award; or

there has been so material a change in the medical condition of the applicant that allowing the original determination to stand would give rise to an injustice to the applicant.

We will not normally re-open a case unless it is within two years of the final decision. If you ask us to re-open a case more than two years after our decision, we will only consider this where you are able to give us enough evidence to make a decision on the case without the need for further extensive enquiries.

What supporting documents do I need to include with my claim?

The information we need from you will depend on the type of application you submit. The application process will indicate what information is required at that time. We will also write to you for any further information as we need it.

Are there administrative or other charges to be paid when the claim is received and processed?

It does not cost to submit an application for compensation. Where appropriate we will ask you to provide medical evidence. If there is a cost attached to obtaining the medical evidence then you may be expected to meet this. The cost of obtaining medical evidence will vary but you will not be expected to pay more than £50 in total.

Which authority decides on compensation claims (in national cases)?

The Criminal Injuries Compensation Authority.

Where do I send the claim (in national cases)?

Criminal Injuries Compensation Authority (CICA)
Alexander Bain House
Atlantic Quay
15 York Street
Glasgow
G2 8JQ
Tel: (UK) +44 (0)300 003 3601;
(from outside the UK): +44(0)203 684 2517
Web: http://www.gov.uk

Do I need to be present during the procedure and/or when my claim is being decided?

No, we will correspond with you.

How long does it take (approximately) to receive a decision on a claim for compensation from the authority?

The length of time needed to assess your claim will vary depending on how complicated it is. For example, claims involving loss of earnings will take longer than those only involving a payment under the tariff of injuries. The CICA will not finalise your claim until you confirm that you have recovered, as far as possible, from your injuries. We aim to resolve straightforward cases within 12 months of receipt.

If I'm not satisfied with the authority's decision, how can I challenge it?

If you disagree with the original decision and want us to review it, you must send us your written application for a review within 56 days of the date of the original decision. You will need to enclose any additional evidence that you wish us to consider in support of your claim.

When we get your request for a review along with all your supporting information, a claims officer, other than the one who made the original decision, will consider it. The review decision can be more or less favourable than the original decision, or the original decision may be unchanged.

If you disagree with a review decision, you can appeal to the First-tier Tribunal (Criminal Injuries Compensation) in accordance with Tribunal Procedure Rules. You can find these rules on the First-tier Tribunal website.

Where can I get the necessary forms and other information on how to claim?

You can apply for compensation via our website which also has helpful information about the Scheme.

Is there a special helpline or website I can use?

The link to the website is above, and the Customer Service Centre advisors can help on +44(0)300 003 3601. Please note the Customer Service Advisors will only conduct the discussion in English.

Can I get legal aid (help from a lawyer) when preparing the claim?

You do not need a paid representative such as a solicitor or claims management company to apply for compensation. If you choose paid representation we cannot meet the cost of this, and you will have to pay these costs yourself.

Are there any victim support organisations that can help me claim compensation?

You can contact the Victims Information Service for help with your application.

Last update: 10/01/2020

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