Criminal Injuries Compensation Act 1995

1995 CHAPTER 53

3 Claims and awards.

(1) The Scheme may, in particular, include provision—

(a) as to the circumstances in which an award may be withheld or the amount of compensation reduced;

(b) for an award to be made subject to conditions;

(c) for the whole or any part of any compensation to be repayable in specified circumstances;

(d) for compensation to be held subject to trusts, in such cases as may be determined in accordance with the Scheme;

(e) requiring claims under the Scheme to be made within such periods as may be specified by the Scheme; and

(f) imposing other time limits.

(2) Where, in accordance with any provision of the Scheme, it falls to one person to satisfy another as to any matter, the standard of proof required shall be that applicable in civil proceedings.

(3) Where, in accordance with any provision of the Scheme made by virtue of subsection (1)(c), any amount falls to be repaid it shall be recoverable as a debt due to the Crown.

(4) The Scheme shall include provision for claims for compensation to be determined and awards and payments of compensation to be made—

(a) if a Scheme manager has been appointed, by persons appointed for the purpose by the Scheme manager; but

(b) otherwise by persons ("claims officers") appointed for the purpose by the Secretary of State.

(5) A claims officer—

(a) shall be appointed on such terms and conditions as the Secretary of State considers appropriate; but

(b) shall not be regarded as having been appointed to exercise functions of the Secretary of State or to act on his behalf.

Changes to legislation: *Criminal Injuries Compensation Act 1995, Section 3 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) No decision taken by a claims officer shall be regarded as having been taken by, or on behalf of, the Secretary of State.

(7) If a Scheme manager has been appointed—

(a) he shall not be regarded as exercising functions of the Secretary of State or as acting on his behalf; and

(b) no decision taken by him or by any person appointed by him shall be regarded as having been taken by, or on behalf of, the Secretary of State.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by 2007 c. 15 Sch. 8 para. 34
- s. 7A-7D inserted by 2004 c. 28 s. 57(2) (The amending provision is itself amended (S.) (8.12.2005) by 2005 asp 14, ss. 20, 24(1) and those amendments have the effect of extending 2004 c. 28, s. 57 to Scotland)