
STATUTORY INSTRUMENTS

1977 No. 1248

**Criminal Injuries (Compensation)
(Northern Ireland) Order 1977**

Assessment of compensation

5.—(1) Compensation shall, subject to the following provisions of this Article, be payable in respect of any one or more of the following matters only—

- (a) expenses actually and reasonably incurred as a result of the victim's injury or death;
- (b) pecuniary loss to the victim as a result of total or partial incapacity for work;
- (c) other pecuniary loss resulting from the victim's injury or death;
- (d) any other expenses resulting directly from the victim's injury or death which it is reasonable and proper to make good to the victim or his dependants out of public funds;
- (e) pain and suffering of, and loss of amenities by, the victim.

(2) In determining whether any compensation should be paid and, if so, its amount, the Secretary of State shall have regard to all such circumstances as are relevant and, without prejudice to the generality of the foregoing, shall have regard to any provocative or negligent behaviour of the victim which contributed, directly or indirectly, to the criminal injury.

(3) The Secretary of State, in determining the amount of compensation, shall deduct from the amount which, but for this paragraph, would be payable—

- (a) any sums paid to or for the benefit of the victim or any of his dependants, by way of compensation or damages from the offender or any person on the offender's behalf, consequent on the criminal injury or on death resulting therefrom; and
- (b) any pension, gratuity or social security benefit payable to or for the benefit of the victim or any of his dependants which has been or will be paid consequent on the criminal injury or on death resulting therefrom.

(4) Any sum required to be deducted under paragraph (3) shall be deducted from the amount of any compensation in respect of pecuniary loss and the balance (if any) of that sum shall be deducted first from the amount of any compensation in respect of expenses and then from the amount of any other compensation.

(5) For the purposes of paragraph (3)—

- (a) social security benefit shall be deemed to be payable if it would be payable but for the wilful failure at any time of the victim to pay contributions which he was liable to pay; and
- (b) social security benefit is consequent on a criminal injury or on a death resulting from such an injury if, but for the criminal injury or that death, the benefit would not otherwise have been paid or be payable at the same time or to the same extent as it was or will be paid following the death or injury;
- (c) a pension or gratuity shall not be taken into account unless it is payable by or on behalf of the Crown or the employer of the victim or by any person with whom the employer has made any contract or arrangement.

(6) In determining the amount of compensation payable to the widow of a victim, her prospects of remarriage shall be disregarded.

(7) In this Article—

“the Crown” means the Crown in right of Her Majesty's government in the United Kingdom or in Northern Ireland;

“pension” includes any payment of a lump sum in respect of a person's employment;

“social security benefit” means—

- (a) benefit under the Social Security (Northern Ireland) Act 1975 , the^[F1] Supplementary Benefits (Northern Ireland) Order 1977^[F1] or the Family Income Supplements Act (Northern Ireland) 1971 or any corresponding enactment in force in Great Britain;
- (b) any similar benefit under the law of any country, state or territory whatsoever.

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Changes to legislation:

There are currently no known outstanding effects for the Criminal Injuries (Compensation) (Northern Ireland) Order 1977, Section 5.