
STATUTORY INSTRUMENTS

1988 No. 793

**Criminal Injuries (Compensation)
(Northern Ireland) Order 1988**

Earnings, etc. in relation to compensation

7.—(1) Where the victim of a criminal injury survives, the compensation payable in respect of the matter mentioned in Article 3(2)(a)(ii) shall be determined on the basis of a weekly rate which shall have regard to all relevant circumstances, and, in particular, to his actual earnings, if any, during the 6 months immediately preceding the date on which the criminal injury was sustained.

(2) Where the victim of a criminal injury dies, the compensation payable in respect of the matter mentioned in Article 3(3)(a)(ii) shall be determined—

- (a) having regard to the total annual income of the victim, both earned and unearned;
- (b) without regard to the Fatal Accidents (Northern Ireland) Order 1977 or to part III of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937; and
- (c) save as expressly provided by this Order, without reference to any loss or gain to his estate consequent on the injury.

(3) In calculating the compensation payable to the relatives of a victim who dies, he shall, until the contrary is proved, be taken to have spent one-fifth of his income on himself.

(4) In this Article “income” means the amount of a person’s income after taking account of—

- (a) income tax;
- (b) social security contributions payable under the laws of any part of the United Kingdom or similar contributions payable under the laws of any other country, state or territory;
- (c) in the case of an employed person, any amount deducted from his remuneration by his employer by way of superannuation contributions.