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STATUTORY INSTRUMENTS

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**2005 No. 3396**

**CRIMINAL LAW**

**The Victims of Violent Intentional Crime (Arrangements for Compensation) (European Communities) Regulations 2005**

*Made* - - - - *8th December 2005*  
*Laid before Parliament* *9th December 2005*  
*Coming into force* - - *1st January 2006*

The Secretary of State, being designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to victims of violent intentional crime<sup>(2)</sup>, in exercise of the powers conferred on him by that section makes the following Regulations.

In accordance with section 88(2) of the Scotland Act 1998<sup>(3)</sup> he has consulted with the Scottish Ministers on the proposal to make the Regulations.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Victims of Violent Intentional Crime (Arrangements for Compensation) (European Communities) Regulations 2005 and shall come into force on 1<sup>st</sup> January 2006.

(2) In these Regulations—

“application for compensation” means an application for compensation made in connection with a violent intentional crime committed in a Member State other than the Member State where the applicant for compensation is habitually resident, and “applicant for compensation” shall be construed accordingly;

“assisting authority” means the authority or body designated by a Member State in accordance with the Directive;

“deciding authority” means the authority or body designated by a Member State to be responsible for deciding upon applications for compensation;

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(1) 1972 c. 68.

(2) Article 2 of and Schedule 1 to the European Communities (Designation) Order (No. 2) 2005, S.I.2005/1971.

(3) 1998 c. 46. The Criminal Injuries Compensation Authority and the Criminal Injuries Compensation Appeals Panel have been specified as cross-border public authorities for the purposes of section 88 of the Scotland Act 1998 by the Scotland Act 1998 (Cross-Border Public Authorities)(Specification) Order 1999, S.I. 1999/1319.

“the Directive” means Council Directive [2004/80/EC](#) of 29 April 2004 relating to compensation to crime victims<sup>(4)</sup>;

“relevant assisting authority” means the assisting authority in the Member State where the applicant for compensation is habitually resident;

“relevant deciding authority” means the deciding authority in the Member State where the violent intentional crime, in connection with which an application for compensation is made, was committed;

“United Kingdom assisting authority” means the body designated by regulation 3 of these Regulations;

“United Kingdom deciding authority” means a body designated by regulation 4 of these Regulations.

### **Transitional provision**

2. These Regulations do not apply to applicants for compensation whose injuries result from violent intentional crime committed on or before 30<sup>th</sup> June 2005.

### **Designation of assisting authority**

3. The assisting authority for the United Kingdom is designated as the Criminal Injuries Compensation Authority.

### **Designation of deciding authorities**

4.—(1) The deciding authorities in respect of a violent intentional crime committed in any part of Great Britain are designated as:

- (a) in respect of an application for compensation under the Criminal Injuries Compensation Scheme 2001<sup>(5)</sup> and a review under that Scheme of a decision made on such an application, the Criminal Injuries Compensation Authority<sup>(6)</sup>; and
- (b) in respect of an appeal under the Criminal Injuries Compensation Scheme against a decision made under that Scheme, the Criminal Injuries Compensation Appeals Panel<sup>(7)</sup>.

(2) The deciding authorities in respect of a violent intentional crime committed in Northern Ireland are designated as:

- (a) in respect of an application for compensation under the Northern Ireland Criminal Injuries Compensation Scheme 2002 <sup>(8)</sup> and a review under that Scheme of a decision made on such an application, the Northern Ireland Compensation Agency<sup>(9)</sup>; and
- (b) in respect of an appeal under the Northern Ireland Criminal Injuries Compensation Scheme 2002 against a decision made under that Scheme, the Criminal Injuries Compensation Appeals Panel Northern Ireland <sup>(10)</sup>.

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(4) OJ No L 261, 6.8.2004, p15.

(5) The Criminal Injuries Compensation Scheme 2001 was made under sections 1 to 6 and 12 of the Criminal Injuries Compensation Act 1995 (c. 53).

(6) The Criminal Injuries Compensation Authority is provided for under the Criminal Injuries Compensation Scheme 2001.

(7) The Criminal Injuries Compensation Appeals Panel is provided for under the Criminal Injuries Compensation Scheme 2001.

(8) The Northern Ireland Criminal Injuries Compensation Scheme 2002 was made under the [Criminal Injuries Compensation \(Northern Ireland\) Order 2002 \(2002 No. 796 \(NI.1\)\)](#).

(9) The Northern Ireland Compensation Agency is provided for under the Northern Ireland Criminal Injuries Compensation Scheme 2002.

(10) The Criminal Injuries Compensation Appeals Panel Northern Ireland is provided for under the Northern Ireland Criminal Injuries Compensation Scheme 2002.

### **Information to potential applicant for compensation**

5. The United Kingdom assisting authority shall provide potential applicants for compensation with access to essential information on the opportunities for making an application for compensation.

### **Right to submit an application for compensation**

6. If a person is habitually resident in any part of the United Kingdom and wishes to make an application for compensation, he may submit the application to the United Kingdom assisting authority.

### **Assistance to applicant for compensation**

7. The United Kingdom assisting authority shall provide an applicant for compensation with –
- (a) the application forms required for making an application for compensation;
  - (b) upon the request of the applicant for compensation, general guidance and information on how the application for compensation should be completed and what supporting documentation may be required.

### **Transmission of applications**

8. Upon receipt of an application for compensation, the United Kingdom assisting authority shall transmit the application and any supporting documentation as quickly as possible to the relevant deciding authority using the standard form provided pursuant to Article 14 of the Directive.

### **Receipt of applications**

9. When a United Kingdom deciding authority receives an application for compensation from the assisting authority of another Member State, that United Kingdom deciding authority shall send the following information as soon as possible to that assisting authority and to the applicant for compensation—

- (a) the contact person or the department responsible for handling the matter;
- (b) an acknowledgement of receipt of the application;
- (c) if possible, an indication of the approximate time by which a decision on the application will be made.

### **Requests for supplementary information**

10.—(1) The United Kingdom assisting authority shall, if it considers it to be necessary, provide an applicant for compensation who is habitually resident in any part of the United Kingdom with general guidance in relation to meeting any request for supplementary information from the relevant deciding authority.

(2) If asked to do so by an applicant for compensation who is habitually resident in any part of the United Kingdom, the United Kingdom assisting authority shall transmit any such supplementary information as soon as possible to the relevant deciding authority enclosing, where appropriate, a list of any supporting documentation transmitted.

### **Hearing of the applicant for compensation**

11.—(1) If requested to do so by a deciding authority in another Member State, the United Kingdom assisting authority shall arrange for an applicant for compensation or other person such as

a witness or expert to be heard directly by that deciding authority in accordance with the law in that Member State through the use in particular of telephone or video-conferencing.

(2) If the Criminal Injuries Compensation Appeals Panel or, as the case may be, the Criminal Injuries Compensation Appeals Panel Northern Ireland, decides in accordance with the Criminal Injuries Compensation Scheme 2001 or the Northern Ireland Criminal Injuries Compensation Scheme 2002 to hear an applicant for compensation or any other person such as a witness or expert, it may contact the relevant assisting authority for the purposes of arranging for—

- (a) the person to be heard directly by the Criminal Injuries Compensation Appeals Panel or, as the case may be, by the Criminal Injuries Compensation Appeals Panel Northern Ireland, in accordance with the Criminal Injuries Compensation Scheme 2001 or, respectively, the Northern Ireland Criminal Injuries Compensation Scheme 2002, through the use, in particular, of telephone or video conferencing; or
  - (b) the person to be heard by the relevant assisting authority in accordance with the law in that Member State.
- (3) A hearing in accordance with paragraph (1) or (2)(a) may only take place:
- (a) in co-operation with the relevant assisting authority; and
  - (b) with the agreement of the person proposed to be heard.

### **Communication of the decision**

**12.** A United Kingdom deciding authority shall send its decision on an application for compensation, by using the standard form provided pursuant to Article 14 of the Directive, to the applicant for compensation and to the relevant assisting authority as soon as possible after the decision has been taken.

### **Other provisions**

**13.—**(1) With the exception of the full text of the decision pursuant to regulation 12, information transmitted by the United Kingdom assisting authority or a United Kingdom deciding authority to an assisting authority or deciding authority in another Member State pursuant to regulations 8 to 12 shall be expressed in—

- (a) the official languages or one of the languages of that other Member State which corresponds to one of the languages of the Community institutions; or
- (b) another language of the Community institutions that that Member State has indicated it will accept.

(2) The United Kingdom assisting authority shall provide access to information under regulation 5 and application forms under regulation 7(a) on the basis of the manual drawn up in accordance with Article 13(2) of the Directive.

(3) Services rendered under these Regulations by the United Kingdom assisting authority shall not give rise to a claim for reimbursement of charges or costs from the applicant for compensation or from the relevant deciding authority.

(4) Application forms and any other documentation transmitted in accordance with regulations 8 to 12 are exempted from authentication or any equivalent formality.

Home Office  
8th December 2005

*Fiona Mactaggart*  
Parliamentary Under Secretary of State

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive [2004/80/EC](#) of 29 April 2004 (OJ No L 261, 6.8.2004, p15) relating to compensation to crime victims. The purpose of that Directive is to set up a system of co-operation to facilitate access to compensation to victims of violent intentional crimes in cases where the crime was committed in a Member State other than that where the victim is habitually resident.

Regulation 2 provides that these Regulations do not apply in relation to applicants for compensation whose injuries result from violent intentional crime committed on or before 30<sup>th</sup> June 2005.

Regulation 3 designates the Criminal Injuries Compensation Authority as the assisting authority for the United Kingdom (“the United Kingdom assisting authority”). Regulation 4 designates deciding authorities for Great Britain and for Northern Ireland (“United Kingdom deciding authority”).

Regulation 5 makes provision about information to which the United Kingdom assisting authority is required to provide potential applicants for compensation with access. “Application for compensation” and “applicant for compensation” are defined in regulation 1.

Regulation 6 allows a person who is habitually resident in any part of the United Kingdom and who wishes to make an application for compensation to submit the application to the United Kingdom assisting authority.

Regulation 7 makes provision about the assistance which the United Kingdom assisting authority is required to provide to applicants for compensation.

Regulation 8 makes provision about the transmission of applications for compensation by the United Kingdom assisting authority to the deciding authority in the Member State where the violent intentional crime, in connection with which the application is made, was committed (“the relevant deciding authority”).

Regulation 9 makes provision about the information which a United Kingdom deciding authority must send to the applicant for compensation and to the assisting authority of another Member State when it receives an application for compensation from an assisting authority of another Member State.

Regulation 10 makes provision about the assistance which the United Kingdom assisting authority is required to provide to an applicant for compensation in connection with a request for supplementary information from the relevant deciding authority.

Regulation 11 makes provision in relation to arranging hearings should the Criminal Injuries Compensation Appeals Panel (Great Britain) or the Criminal Injuries Compensation Appeals Panel (Northern Ireland) decide that it wishes to hear an applicant for compensation or another person such as a witness or expert. Regulation 11 also ensures that if requested to do so by a deciding authority in another Member State, the United Kingdom assisting authority shall arrange for the applicant for compensation or other person such as a witness or expert to be heard directly by that deciding authority by telephone or video-conferencing facilities.

Regulation 12 makes provision about the communication of a decision made by a United Kingdom deciding authority on an application for compensation.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business. A Transposition Note is available from the Home Office, Victims and Confidence Unit, 2 Marsham Street, London SW1P 4DF.

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