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**An Roinn Dlí agus Cirt  
agus Comhionannais**  
Department of Justice  
and Equality

## **Criminal Injuries Compensation Scheme**

### **Frequently Asked Questions (FAQs)**

#### **1. What is the Tribunal?**

The Criminal Injuries Compensation Tribunal administers two schemes:

- The Scheme of Compensation for Personal Injuries Criminally Inflicted and;
- The Scheme of Compensation for Personal Injuries Criminally Inflicted on Prison Officers.

These Frequently Asked Questions concern the Scheme of Compensation for Personal Injuries Criminally Inflicted only and *not the Scheme of Compensation for Personal Injuries Criminally Inflicted on Prison Officers*. The terms and conditions of the Scheme are available on the Department of Justice and Equality website.

The Tribunal members are qualified barristers and solicitors. Under the terms of both schemes, the Tribunal is limited to a Chair and 6 ordinary members who act on a part-time basis. The Tribunal member(s) decide in any particular application whether it is admissible and whether compensation is payable.

The Tribunal is independent in making decisions on individual applications and in its decisions on appeals. Only vouched out-of-pocket expenses are eligible for reimbursement under the Scheme and applicants should be aware that the Tribunal does not award compensation for pain and suffering.

In addition to applications made by victims of crime, applications by dependents arising from fatal injuries are also eligible for consideration by the Tribunal.

#### **2. Who is eligible to make an application to the Criminal Injuries Compensation Tribunal?**

- Individuals who have sustained a personal injury, where the injury is directly attributable to a reported crime of violence or
- Individuals who sustained a personal injury in circumstances arising from action by them in assisting or attempting to assist the prevention of a reported crime or the saving of human life
- The injury must have been sustained within the State or aboard an Irish ship or aircraft, on or after 1<sup>st</sup> October, 1972.
- Dependents of a victim who has died due to a violent crime.
- One of the requirements for the Tribunal to consider an application under the Scheme is that the incident has been reported to An Garda Síochána and the applicant victim has cooperated and continues to cooperate with the Garda investigation (where it is ongoing) insofar as possible.

### **3. When must an application be made?**

Paragraph 21 of the General Scheme provides that an application must be made in writing as soon as possible after a crime of violence causing injury, including fatal injury, but in all cases not later than 3 months from the date of the event giving rise to the injury.

If an application is late, that is, if it is made in writing after 3 months from the event causing injury, the Scheme allows the Tribunal to treat late applications as exceptional, if it is satisfied that the circumstances of such late application justify such exceptional treatment. Applicants must insert information on the application form where it is being made late explaining the reasons for this.

It is a matter for the Tribunal to consider the circumstances of a late application and decide if the circumstances of the late application justify its being admitted and considered as an exceptional application that should not be refused on grounds of lateness.

### **4. Are there minimum requirements?**

Yes.

- Applications must be in writing and made as soon as possible but not later than 3 months after the injury event
- The injury must have been criminally inflicted
- The event must have been reported to An Garda Síochána and full cooperation given to the criminal investigation
- Applicants must indicate if the incident is the subject of criminal proceedings.
- Applications must be supported by appropriate documents and receipts.
- Other limitations also apply as set out in the Scheme and are referred to below.

### **5. What are the terms and conditions of the Scheme of Compensation for Personal Injuries Criminally Inflicted?**

See link: [Scheme of Compensation for Personal Injuries Criminally Inflicted](#)

## **6. How do I apply?**

An application form is available to download on the following website page:  
[Criminal Injuries Compensation Scheme](#)

In submitting an application, you should include a copy of your statement to An Garda Síochána, where available. In considering applications, the Tribunal will require a report about the incident from An Garda Síochána.

## **7. What can I claim for?**

The ex gratia compensation available (that is compensation made without any legal obligation) under the Scheme is intended to cover out of pocket expenses incurred by the applicant victim, such as medical treatment, dental treatment, prescriptions, spectacles replacement, travel expenses to avail of medical/dental/optical treatment and loss of earnings to date and into the future, incurred, if any, as a result of the criminal injuries sustained.

An Applicant may also apply for any expenses that were incurred in obtaining medical or other expert reports to support an application to the Tribunal.

Expert reports must be submitted from certified professionals who operate independently of the applicant. Applicants should state the net amount claimed, including any relevant supporting documentation. Receipts for expenses must be submitted when advised by the Tribunal secretariat to do so.

Please note that the Criminal Injuries Compensation Scheme does not pay compensation for general damages, i.e. pain and suffering, which may have incurred because of a crime of violence that occurred on or after 1<sup>st</sup> April 1986.

## **8. I have a medical card and have no out of pocket medical expenses. Can I claim for medical expenses?**

No. Where the State has already funded medical treatment and/or prescription costs, those costs cannot be recovered again.

## **9. Can I claim for the prescription costs?**

Yes. If prescription costs were not covered by a medical card or otherwise by the State, these expenses may be claimed for. Any amounts not reimbursable and paid for by the Applicant under the Drugs Payment Scheme may be claimed. Receipts for expenses incurred must be submitted when advised by the Tribunal secretariat to do so.

**10. Can I make a compensation claim for general damages otherwise known as damages for pain and suffering?**

No. See paragraph 6 of the Scheme. The Criminal Injuries Compensation Scheme does not pay compensation for general damages, i.e. pain and suffering, which may have incurred because of a crime of violence that occurred on or after 1<sup>st</sup> April 1986.

**11. What is double compensation and how does it affect me?**

See paragraphs 5 and 15 of the Scheme. Where a victim claims compensation (whether statutory or non-statutory) otherwise than under the Scheme for the injury, the victim will not be prohibited from making an application to the Tribunal.

However, when making an award, the Tribunal has to ensure that a person is not being compensated for the same injury from a different source. Where someone receives compensation for the same injury from another source the Tribunal may decide that no award should be made or that the award should be reduced by a certain amount. They may also decide that where the Tribunal has already paid money to an applicant, the applicant should repay it.

**12. If I am awarded compensation through the courts, can I also make an application to the Tribunal?**

As per question 10 above and in accordance with paragraphs 5 and 16 of the Scheme, no payment under the Scheme should result in compensation being duplicated. Typically, secretariat staff will not forward an application to the Tribunal for decision while civil and or criminal court proceedings are ongoing. It is a matter for the applicant to inform the Tribunal of the conclusion of any criminal or civil proceedings.

When making an award, the Tribunal has to ensure that a person is not being compensated for the same injury from a different source. So where someone receives compensation for the same injury through the courts the Tribunal may decide that no award should be made or that the award should be reduced by a certain amount. They may also decide that where the Tribunal has already paid money to an applicant, the applicant should repay it.

**13. Can I make a claim for stolen or damaged property?**

The Scheme makes no provision for compensation in respect of stolen or damaged property, even if such property was stolen or damaged at the same time and by the same offender who caused or inflicted the injury the subject of an application.

**14. What are the limitations and restrictions of compensation?**

Applicants are directed to paragraphs 6, 9 to 16 of the Scheme in relation to limitations and restrictions of compensation.

Applicants will note that:

- no compensation is payable where the Tribunal is satisfied that the victim was responsible, either because of provocation or otherwise, for the offence, giving rise to his injuries and the Tribunal may reduce the amount of the award where, in its opinion, the victim has been partially responsible for the offence
- no compensation is payable where the Tribunal is satisfied that the conduct of the victim, their character or their way of life make it inappropriate that they should be granted an award and the Tribunal may reduce the amount of an award where, in its opinion, it is appropriate to do so having regard to the conduct, character or way of life of the victim.

**15. I am an Irish national who while abroad was injured because of a crime of violence. Can I make a claim to the Criminal Injuries Compensation Tribunal?**

No. The Criminal Injuries Compensation Tribunal only considers applications from those injured as a result of a crime sustained within the State or aboard an Irish ship or aircraft, on or after 1<sup>st</sup> October, 1972. The victim of a crime of violence should make inquiries with the relevant State where the crime occurred, as to whether or not they have a criminal injuries compensation scheme.

The European Union provides a portal, which sets out the schemes available in EU Member States. See: [https://e-justice.europa.eu/content\\_compensation-67-en.do](https://e-justice.europa.eu/content_compensation-67-en.do)

**16. I am a foreign national who while visiting Ireland suffered an injury because of a crime of violence. Can I make an application?**

The Criminal Injuries Compensation Tribunal will consider applications from any resident in the State or any visitor injured as a result of a crime sustained in the State or aboard an Irish ship or aircraft, on or after 1<sup>st</sup> October, 1972.

**17. Is there a time limit on making an application?**

Paragraph 21 of the Scheme requires that applications should be made as soon as possible but, except in circumstances determined by the Tribunal to justify exceptional treatment, not later than three months after the event giving rise to the injury.

**18. Do I need a solicitor to make an application?**

No, under paragraph 20 of the Scheme it is stated that proceedings before the Tribunal should be informal. While an applicant is always entitled to seek independent advice or representation, including legal advice, the Scheme makes no provision for

awarding legal costs and consequently the Tribunal has never awarded legal costs (other than expert report fees) where an applicant retains independent legal or other professional advice or assistance.

### **19. How long will it take to process my application?**

Length of time may vary considerably depending on the nature of any particular case. Some cases are more complex than others and it is not possible to provide a specific timeframe.

Currently five Departmental staff act as secretariat to the Tribunal. These staff receive applications and gather the necessary information in relation to each application. When all the required information is available, Tribunal staff send the application to a Tribunal member for consideration and decision at first instance. Where a decision is appealed, Tribunal staff make arrangements for a Tribunal appeal hearing.

In terms of the duration of the process, it may take several years before an application for compensation is ready for submission to the Tribunal for consideration and decision.

For example, typically final Garda reports on the crime are required, as are the outcomes of any court cases initiated. The Tribunal will not consider an application for compensation until An Garda Síochána has concluded its investigation.

In addition, in some cases the extent of injuries suffered by the victim may not be known for some years. The Tribunal requires medical opinions on injuries. Depending on the nature of the injuries, the operations or other interventions required and reports on same, this may take months or years in some cases.

It is also the case that the assessment of loss of earnings for consideration by the Tribunal may be complex to determine and may require employer assessment, social welfare reports or actuarial assessment. These and other factors will have an impact on the duration of any particular application.

### **20. What can an applicant do if they do not agree with the decision made by the Tribunal member?**

See paragraph 25 of the Scheme. It is open to an applicant to appeal the decision of first instance to an appeal hearing consisting of a panel of three members of the Tribunal. The member who made the original decision cannot be a member of the Tribunal appeal panel.

### **21. How is an appeal conducted?**

See paragraphs 25-29 of the Scheme.

Hearings will be in private. All information before the Tribunal will be available to the applicant. Three members of the Tribunal will hear the appeal. A member of the Tribunal's secretariat staff will also be in attendance. The proceedings will be by way of a presentation of his or her appeal by the applicant. An appeal hearing treats the appeal as if the application is being made for the first time and will disregard the original application and the decision under appeal. The amount awarded may stay the same, may be increased or may be decreased depending on what the appeal panel decides.

For this reason, all decisions including whether the application was made in time or is otherwise admissible into the Scheme for consideration, are reopened. Members will ask questions about the documentation submitted as part of the appeal hearing.

An applicant may be accompanied to the appeal hearing by their legal advisor or another person, however the Scheme makes no provision for awarding legal costs and the Tribunal cannot award or pay an applicant's costs of legal representation.

## **22. Can I appeal the decision of the Tribunal Appeal Hearing?**

No. See paragraph 25 of the Scheme.

## **23. Will the administrative staff of the Tribunal make my claim on my behalf?**

The onus is on an applicant to make the claim.

Tribunal secretariat staff are available to answer queries about the process of making an application. They have no role in decision-making.

The Tribunal itself consists of a Chair and 6 ordinary members who are qualified barristers or solicitors. The Tribunal members decide in any particular application is admissible and whether an applicant is entitled to an ex gratia award of compensation under the Scheme. The Tribunal is independent in the matter of decisions on individual applications.