

**Freedom of Information Act**

**Sections 15 & 16 Reference Book**

**A guide to the functions, records, rules  
and practices of**

**The Criminal Injuries Compensation  
Tribunal**

Published May 2006

## Preface

(Detailing – Background and Purpose of this Reference Book. How to use this Reference Book. Availability of this Book)

### Background

This Criminal Injuries Compensation Tribunal FOI Sections 15 and 16 Reference Book – A Guide to the functions, records, rules and practices of the Tribunal, May 2006 is compiled in accordance with the Freedom of Information Acts 1997, as amended by the Freedom of Information Act 2003. All references in this manual to the Freedom of Information Act or Acts refer to the 1997 Act as amended by the 2003 Act.

The Freedom of Information (FOI) Acts, effective from 21st April 1998, establish three new statutory rights:

- a legal right for each person to access information held by public bodies;
- a legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading; and
- a legal right to obtain reasons for decisions affecting oneself.

The Acts assert the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

### Purpose of Reference Book

This reference book has been prepared and published in accordance with the requirements of Sections 15 and 16 of the FOI Acts.

In accordance with **Section 15** of the Act, the purpose of this reference book is to facilitate access to official information held by the Criminal Injuries Compensation Tribunal, by outlining the structure and functions of this organisation, details of the services we provide and how they may be availed of, information on the classes of records we hold, and information on how to make a request to the Tribunal under the Freedom of Information Acts, 1997 and 2003.

**Section 16** of the FOI Act requires us to publish a book containing:

- the rules, procedures, practices, guidelines and interpretations used by the body, and an index of any precedents kept, for the purposes of decisions under any enactment or scheme administered by us 'with respect to rights, privileges, benefits, obligations, penalties or other sanctions to which members of the public are or may be entitled or subject under the enactment or scheme' together with
- 'appropriate information in relation to the manner or intended manner of administration of any such enactment or scheme.'

### How to use this Reference Book

This book is divided into a number of parts.

**Part 1** of the Book - **Access to Information** - explains how to access information from us under the Freedom of Information Act and any fees that may arise.

**Part 2** of the Book - the "**Our Role and Structure**" - outlines the role of the Criminal Injuries Compensation Tribunal and its organisational structure. This part gives a breakdown of our internal structure and organisation. Information is provided under the following headings:

- **Role** – outlines the main that work we do.
- **Structure** – gives details of our personnel structure.
- **Work we do** – provides a synopsis of our main activities.
- **Classes of records held**– details under which we hold records.
- **Contact points**– how to contact us for assistance.

- **Rules and Practices** – this information is provided in accordance with Section 16 of the FOI Act as amended. Where we provide any scheme impacting on the public within the meaning of Section 16 of the Act, as outlined under the heading Purpose of Reference Book earlier, then the rules and practices that we use in delivery of this scheme are outlined or referenced under the Rules and Practices heading.

## **Appendices**

**Appendix 1**–FOI application form to request access to records under the Act from the Criminal Injuries Compensation Tribunal.

**Appendix 2**- Scheme of Compensation for Personal Injuries Criminally Inflicted

## **Availability of this Book**

Copies of this publication are available free of charge from the Tribunal either at telephone No. (01) 6610604 or at the Tribunal's Office at 13 Lower Hatch Street, Dublin 2. A copy of this publication may also be located on the Department of Justice, Equality and Law Reform website on which the Tribunal is also included.

Please note that the current address of the  
Criminal Injuries Compensation Scheme is:

Second Floor,  
7-11 Montague Court,  
Montague Street,  
Dublin 2

Phone: + 353 1 476 8670

Fax: + 353 1 476 8616

E-Mail: [criminalinjuries@justice.ie](mailto:criminalinjuries@justice.ie)

## Part 1 - Access to Information

### How to get information

#### Routinely Available Information

The Tribunal is listed on the [Department of Justice, Equality and Law Reform Website](#). Information available in this format includes information in relation to the Scheme and the Annual report of the Tribunal.

#### Applications under the FOI Act

Under the FOI Act, anyone is entitled to apply for access to information not otherwise publicly available. Each person has a right to:

- Access to records held by us not covered by one of the exemptions in the Act.
- Correction of personal information relating to oneself held by us where it is inaccurate, incomplete or misleading.
- Access to reasons for decisions made by us directly affecting one.

The following records come within the scope of the Act:

- all records relating to personal information held by us irrespective of when created.
- all other records created from 30<sup>th</sup> May 2006.
- any other records necessary to the understanding of a current record.

We will normally be obliged to respond to a request within 4 weeks. A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded, as they are not week days).

Applications under the FOI Act should be addressed to:

**The Freedom of Information Decision Maker, Criminal Injuries Compensation Tribunal, 13 Lower Hatch Street, Dublin 2.**

#### Compiling your application

- (i) Your application should be in writing and, if applicable, accompanied by the appropriate fee (see "fees" below). The relevant fee may be paid by Bank Draft, Money Order, Postal Order, or cheque drawn on a bank in the Republic of Ireland and made payable to the Accountant, Department of Justice, Equality and Law Reform.

You may use the form entitled 'Request for Information under the Freedom of Information Acts' which is widely available or OUR version of this form (see Appendix 1).

If you are not using the form outlined above, then your application should indicate that the information is sought under the Freedom of Information Act.

- (ii) If you require a reply in a particular format i.e. photocopy, computer disk, etc. please mention this in your application.
- (iii) Please be as detailed and as specific as possible when compiling your application as this will assist us in dealing with it. It can also result in lesser charges being incurred on search and retrieval in cases where these fall to be paid. Where possible please try to indicate the time period for which you wish to access records e.g. records created between May 2003 and December 2003. If you have any difficulty in preparing your application our staff will be happy to assist you in this regard.
- (iv) You may be required to prove your identity, especially when seeking personal information, so you may, therefore, be asked to produce your Birth Certificate, Driving License, Passport or other form of identity.

Please note that the current address of the Criminal Injuries Compensation Scheme is:

Second Floor,  
7-11 Montague Court,  
Montague Street,  
Dublin 2

Phone: + 353 1 476 8670  
Fax: + 353 1 476 8616  
E-Mail: [criminalinjuries@justice.ie](mailto:criminalinjuries@justice.ie)

- (v) Please include a daytime telephone number, if possible, so that you may be contacted quickly if it is necessary to clarify details of your request.

We are happy to provide assistance to members of the public who seek advice on making a request.

#### Assistance to persons with a disability

We are available to provide assistance to persons with a disability to exercise their rights under the FOI Act (e.g. accepting oral requests from requesters who are unable to read, print and/or write due to their disability, enabling the requester to inspect or have records explained to him or her).

#### FOI Decision Making in Criminal Injuries Compensation Tribunal

We acknowledge receipt of FOI applications not later than 2 weeks following their receipt and forward them to the FOI Decision Maker for decision. The Decision Maker proceeds to deal with the request, liaise with the requester as appropriate and make a decision on the matter.

#### Rights of Review and Appeal

The Act sets out a series of exemptions to protect sensitive information where its disclosure may damage key interests of the State or of third parties. Where a Public Body invokes these provisions to withhold information, the decision may be appealed. Decisions in relation to deferral of access, charges, forms of access, etc. may also be the subject of appeal. Details of the appeals mechanisms are as follows:

##### Internal Review

You may seek internal review of the initial decision that will be carried out by an official at a higher level if:

- (a) You are dissatisfied with the initial response received i.e. refusal of information, form of access, charges, etc., or
- (b) You have not received a reply within 4 weeks of your initial application. This is deemed to be a refusal of your request and allows you to proceed to internal review.

Requests for internal review should be submitted in writing and, if applicable, accompanied by the appropriate fee, (see under Fees) to:

[The Freedom of Information Appeals Officer, 13 Lower Hatch Street, Dublin 2.](#)

The relevant fee should be paid by Bank Draft, Money Order, Postal Order or cheque drawn on a bank in the Republic of Ireland, made payable to the Accountant, Department of Justice, Equality and Law Reform.

Such a request for internal review must be submitted within 4 weeks of the initial decision. We must complete the review within 3 weeks. Internal review must normally be completed before an appeal may be made to the Office of the Information Commissioner.

##### Review by the Information Commissioner

Following completion of internal review, you may seek independent review of the decision from the Information Commissioner. Also if you have not received a reply to your application for internal review within 3 weeks, this is deemed to be a refusal and you may appeal the matter to the Information Commissioner.

Appeals in writing, and, if applicable, accompanied by the appropriate fee, (see under Fees below) may be made directly to the Information Commissioner at the following address:

Please note that the current address of the Criminal Injuries Compensation Scheme is:

Second Floor,  
7-11 Montague Court,  
Montague Street,  
Dublin 2

Phone: + 353 1 476 8670  
Fax: + 353 1 476 8616  
E-Mail: [criminalinjuries@justice.ie](mailto:criminalinjuries@justice.ie)

**Office of the Information Commissioner**  
**18 Lower Leeson Street,**  
**Dublin 2**

**Telephone: 01-6395689**  
**Fax: 01-6395676**  
**E-mail: [info@oic.ie](mailto:info@oic.ie)**  
**Website: <http://www.oic.ie>**

Fees

**Application fees**

A standard application fee of **€15** must accompany an FOI request made under section 7 of the Act for a record or records **containing non-personal information**.

A reduced fee of **€10** applies if the person making such a request is covered by a medical card.

The following requests/applications are exempt from application fees:

- (a) A request under section 7 for a record or records containing only personal information related to the requester.
- (b) An application under section 17 (right of amendment of records relating to personal information).
- (c) An application under section 18 (right of person to information regarding acts of public bodies affecting the person).

**Internal review fees**

A standard application fee of **€75** must accompany an application for internal review under section 14 of the Act.

A reduced fee of **€25** applies if the person bringing the application is a medical card holder or a dependant of a medical card holder.

The following internal review applications are exempt:

- (a) An application in relation to a decision concerning records containing only personal information related to the applicant.
- (b) An application in relation to a decision under section 17 (right of amendment of records relating to personal information).
- (c) An application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person).
- (d) An application in relation to a decision to charge a fee or deposit, or a fee or deposit of a particular amount.
- (e) An appeal of a decision, which is deemed to be refused because the original request was not replied to within the required time limits.

**Review by Information Commissioner**

A standard application fee of **€150** must accompany applications to the Information Commissioner for review of decisions made by public bodies under section 34 of the Act.

A reduced fee of **€50** applies if

- (a) The person bringing the application is a medical card holder or a dependant of a medical card holder or
- (b) The person is specified in section 29(2) i.e. a third party with the right to apply directly to the Information Commissioner where a public body decides to release their information on public interest grounds.

The following applications to the Information Commissioner do not require an application fee:

- (a) An application concerning records containing only personal information related to the applicant.

- (b) An application in relation a decision under section 17 (right of amendment of records relating to personal information).
- (c) An application in relation to a decision under section 18 (right of person to information regarding acts of public bodies affecting the person).
- (d) An application in relation to a decision to charge a fee or deposit exceeding €25.00 under section 47 in respect of search and retrieval and photocopying of records (decisions in relation to the charging of fees or deposits for search and retrieval and/or photocopying of less than €25 are not subject to review by the Information Commissioner).
- (d) An application in relation to a decision to charge a fee under section 47(6A), or a fee of a particular amount under section 47(6A), on the grounds that the records concerned do not contain only personal information related to the requester or the requester is not a medical card holder or a dependant of a medical card holder.
- (e) An appeal of an internal review decision that is deemed to be refused because that decision was not made within the required time limits.

#### **Search and Retrieval and photocopying fees**

Fees may also be charged for search and retrieval of records as follows:

- In respect of personal records, fees in respect of the cost of copying the records requested will apply.
- In respect of other (non-personal) information, fees may be charged in respect of the time spent in efficiently locating and copying records, based on a standard hourly rate of €20.95. No charges shall apply in respect of the time spent by public bodies in considering requests.

A deposit may be payable where the total fee is likely to exceed €50.79. In these circumstances, we will, if requested, assist the member of the public to amend the request so as to reduce or eliminate the amount of the deposit.

Charges may be waived in the following circumstances:

- where the cost of collecting and accounting for the fee would exceed the amount of the fee; or
- where the information would be of particular assistance to the understanding of an issue of national importance; or
- in the case of personal information, where such charges would not be reasonable having regard to the means of the requester.

Section 47 of the FOI Act sets out the rules for applying search and retrieval fees. Fees are currently set as follows in accordance with Statutory Instruments Nos. 264 of 2003, 139 of 1998 and 13 of 1997:

- €20.95 per hour - search and retrieval
- €0.04 per sheet for a photocopy
- €0.51 for a 3½ inch computer diskette
- €1.16 for a CD-ROM
- €6.35 for a Radiograph (X-Ray)

## Part 2 – Our Role and Structure

### Our Policy on Confidentiality

Under the terms of the Scheme of Compensation for Personal Injuries Criminally Inflicted (the General Scheme) and the Scheme of Compensation for Personal Injuries Criminally Inflicted on Prison Officers, all information of a personal nature received by the Tribunal in relation to individual applications will be treated as confidential.

### Detailed Information on our Structure and Organisation

#### Role

The Government introduced a Scheme of Compensation for Personal Injuries Criminally Inflicted in 1974. The Scheme provides for ex-gratia compensation in respect of expenses and losses incurred as a result of personal injuries, including fatal injuries, which are directly attributable to a crime of violence or which were sustained while helping or trying to help prevent a crime or save a human life.

A separate Scheme has been put in place in respect of Prison Officers.

The Criminal Injuries Compensation Tribunal operates both Schemes.

#### Structure

The Scheme is administered by a Tribunal consisting of a Chairman and six Members who must be either practicing barristers or solicitors. The term of Office for a Member of the Tribunal, including the Chair, is three years.

An administrative staff consisting of 1 Assistant Principal Officer, 1 part time Executive Officer and 2 Clerical Officers assist the Tribunal members.

#### Work we do

The Scheme allows for ex-gratia compensation in respect of personal injury where the injury is directly attributable to a crime of violence or in circumstances arising from the action of a victim in assisting or attempting to assist in the prevention of crime or the saving of human life. The terms of the Scheme, which is non-statutory, were laid before the Houses of the Oireachtas and are available to the public.

Applications are processed initially by the administrative staff.

When the administrative staff are satisfied that a file is ready it is submitted to a Tribunal member for decision.

When the Tribunal member reaches a decision on an application he/she passes the decision to the administrative staff that, in turn, notify the applicant of the decision.

If the applicant is not satisfied with the decision of the Tribunal member he/she may lodge an appeal. At appeal the application is considered “de novo” (afresh) at an oral hearing by three Tribunal members but excluding the member who made the original decision. The decision at this stage is final.



#### Classes of records held

The Tribunal holds a separate file record in respect of each application received by the Tribunal.

The Tribunal maintains statistical records in relation to the number of files received each year in the categories of fatal, non-fatal and Prison Officer. This record includes decisions. The record also includes the number of applications decided at appeal.

The Tribunal maintains record of expenditure under its subhead.

#### Contact points

Tribunal may be contacted as follows:

Address: 13 Lower Hatch Street,  
Dublin 2.

Telephone Number: (01) 6610604

Fax Number: (01) 6610598

#### Rules and practices

Each application is decided on its individual merits in accordance with the provisions of the Scheme. A copy of the Scheme is at Appendix B

Under the terms of the general Scheme, an applicant who suffers injury may claim compensation in respect of out of pocket expenses incurred as a result of that injury. Out of pocket expenses includes medical expenses, loss of earnings, travelling expenses to attend medical appointments etc. The Tribunal will seek receipts for any monies spent and a statement from the applicant's employer that details the applicant's net loss of earnings in respect of the period during which he/she was absent from work as a result of the injury.

If an applicant suffers grievous injury it may be necessary for the applicant's Doctor to wait until the injuries have settled before an accurate prognosis for future treatment can be given. In certain cases it can take several years for injuries to settle. In these circumstances, the Tribunal can consider making an interim award to avoid any financial hardship to the applicant.

The Tribunal pays for all medical and actuarial reports that arise in such cases.

The Tribunal is also obliged to reduce an award by the amount of any Social Welfare payments received by an applicant as a result of his/her injuries.

In cases where the victim has died as a result of his /her injuries, dependents may claim funeral costs, loss of earnings into the future and incidental expenses that arise. Eligible dependents under the Civil Liabilities Acts are entitled to be included in the claim for mental distress that, under the Acts, is set at £20,000 (€25,394.76).

In all cases a Garda report is requested.

The Scheme for Prison Officers is similar in all respects to the General Scheme with the exception that compensation for pain and suffering is payable.

Please note that the current address of the Criminal Injuries Compensation Scheme is:

Second Floor,  
7-11 Montague Court,  
Montague Street,  
Dublin 2

Phone: + 353 1 476 8670

Fax: + 353 1 476 8616

E-Mail: [criminalinjuries@justice.ie](mailto:criminalinjuries@justice.ie)

## APPENDIX 1

### Application Form Freedom of Information Act, 1997 as amended

You may use this form to apply, under the FOI Act, for records held by the Criminal Injuries Compensation Tribunal

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#### What is Freedom of Information?

The Freedom of Information Act came into effect on 21 April 1998. This Act gives you the right to access records held by Government Departments and certain public bodies. You do not have to give a reason as to why you want to see any records. The Government Department or body must give you an explanation if you are not given what you are looking for. A decision on your application must normally be made within 20 working days.

#### What can you ask for?

You can ask for the following records held by Government bodies or certain public bodies

- Any records relating to you personally, whenever created
- All other records created after 30<sup>th</sup> May 2006
- A "record" can be a paper document, information held on computer, printouts, maps, plans, microfilm, microfiche, audio-visual material etc.

Please note that an applicant to the Tribunal is already entitled to a copy of the contents of his/her application file, which can be obtained by writing to the Tribunal.

#### Procedure for accessing records

To access a record you must apply in writing to the Freedom of Information Officer, Criminal Injuries Compensation Tribunal, 13 Lower Hatch Street, Dublin 2 stating that the request is made under the Freedom Of Information Act and clearly identifying the records that you seek.

#### Processing of Applications

You will receive an acknowledgement of your application within 10 working days. A decision on your application will normally be made within 20 working days. If your request is refused you will be given reasons for the refusal.

#### Can you appeal against the decision?

Yes. If you are not satisfied with the decision regarding your FOI request you may ask the Tribunal for an "internal review" of that decision. A more senior officer will review your application. You will be told the result of this review within 15 working days. If you are unhappy with the outcome of the "internal review" an appeal, in

Please note that the current address of the Criminal Injuries Compensation Scheme is:

Second Floor,  
7-11 Montague Court,  
Montague Street,  
Dublin 2

Phone: + 353 1 476 8670  
Fax: + 353 1 476 8616  
E-Mail: [criminalinjuries@justice.ie](mailto:criminalinjuries@justice.ie)

writing, may be made directly to the Information Commissioner at the following address:

Office of the Information Commissioner, 18 Lower Leeson Street, Dublin 2.

**Do you have to pay?**

Fees may be charged for the cost of photocopying in the case of personal information. Charges may also apply in respect of the search and retrieval of other information.

**For Further Information**

The Freedom of Information Act is available from the Government Publications Sales Office, Molesworth Street, Dublin 2. If you require any assistance in completing the form or information in relation to the operation of the Freedom of Information Act within this Office, please contact the Tribunal by phone at (01) 6610604 or by fax at (01) 6610598.

**Request for Access to Records under the FOI Act, 1997 (as amended)**

*Please use BLOCK letters*

**Surname:** \_\_\_\_\_

**First Name:** \_\_\_\_\_

**Postal Address :** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_

**Telephone Numbers**

**Home :** \_\_\_\_\_ **Business:** \_\_\_\_\_ **Mobile :** \_\_\_\_\_

**Personal Information**

Before you are given access to personal information relating to yourself, you may be asked to provide proof of your identity.

**Form of access**

My preferred form of access is: \_\_\_\_\_

(Please tick as appropriate)

(1) To receive copies of the records by post

(2) Other – please specify: \_\_\_\_\_

In accordance with Section 7 of the FOI Act. I request access to records that are:

(Please tick as appropriate) **Personal** **Non-Personal**

\*\* If you are submitting a non-personal request an up-front fee of €15.00 must accompany your request. Your request will not be accepted without the fee.

(In the space provided please describe the records as fully as you can. If you are requesting personal information, please state precisely in whose name those records are held. You will not normally be given access to the personal information of another person unless you have obtained the written consent of that person)

**I request the following records:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





Appendix 2

**Scheme  
Of  
Compensation for Personal Injuries  
Criminally Inflicted**

**General**

1. The Criminal Injuries Compensation Tribunal established under paragraph 17 of the Scheme may pay *ex gratia* compensation in accordance with this Scheme in respect of personal injury where the injury is directly attributable to a crime of violence, or, as provided for in paragraph 4, to circumstances arising from the action of the victim in assisting or attempting to assist the prevention of 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. Arson and poisoning will be regarded as coming within the scope of the expression "crime of violence" and, in determining whether any act is a crime for the purposes of the Scheme, the Tribunal will not take account of any legal immunity which the person who inflicted the injury may have by reason of his mental health, his youth or otherwise. The word "injury", as used in the Scheme, includes a fatal injury.
2. The Tribunal will be entirely responsible for deciding in any particular case whether compensation is payable under the Scheme, and, if so, the amount. There will be no appeal against or review of a final decision of the Tribunal.

*Persons who may claim compensation under this Scheme*

3. The Tribunal will consider claims for compensation made by or on behalf of;
  - (a) the person who sustained the injury (the victim);
  - (b) any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred any expenses as a result of the victim's injury;
  - (c) where the victim has died as a result of the injury, any dependent of the victim or, if he has no dependent, any person who incurred expenses as a result of his death;
  - (d) where the victim has died otherwise than as a result of the injury, any dependent of the victim.

4. The Tribunal will also consider claims in respect of injury received in the following circumstances:
  - (a) because of, or in the course of, the victim's coming to the assistance of a member of the Garda Síochána
    - (i) because of an unlawful attack upon the member, or
    - (ii) because the member was attempting to prevent a crime or to take a person into custody, or
    - (iii) in the course of a riot, or a disturbance or threatened disturbance of the peace, or
    - (iv) in the course of an attempt to rescue a person in custody, or
    - (v) because the member was engaged in saving a human life;
  - (b) because of, or in the course of, attempting to prevent a crime in a public place;
  - (c) because of, or in the course of, attempting to prevent, in a public place, the escape of a person who had committed a crime, or the rescue of a person in custody;
  - (d) because of, or in the course of, attempting to save a human life.
5. If the injury is inflicted in the circumstances set out in the Scheme and any person would be entitled to claim compensation (whether statutory or non-statutory) otherwise than under the Scheme for the injury, he will not be prohibited from also claiming compensation under the Scheme but the Tribunal will decide the claim on the basis that no payment under the Scheme should result in compensation being duplicated and may accordingly decide either to make no award or to make a reduced award and may, moreover, decide that an award will be subject to conditions as to its repayment in whole or in part in the event of compensation being subsequently received from another source.

*Nature and extent of compensation*

6. Subject to the limitations and restrictions contained elsewhere in this Scheme, the compensation to be awarded by the Tribunal will be on the basis of damages awarded under the Civil Liabilities Acts except that compensation will not be payable
  - (a) by way of exemplary, vindictive or aggravated damages;



- (b) in respect of the maintenance of any child born to any victim of a sexual offence;
  - (c) in respect of loss or diminution of expectation of life;
  - (d) where the victim has died, for the benefit of the victim's estate, or
  - (e) in so far as injuries sustained on or after 1<sup>st</sup> April, 1986 are concerned in respect of pain and suffering.
7. Where the victim has died otherwise than as a result of the injury the Tribunal may award compensation in respect of loss of earnings, expenses and liabilities incurred before the death but only to a dependent who would, in the opinion of the Tribunal, otherwise suffer hardship.
  8. Compensation will be by way of a lump sum payment, rather than a periodical pension, but it will be open to the Tribunal to make an interim award and to postpone making a final award in a case in which a final medical assessment of the injury is delayed.

*Limitation and restriction of compensation*

9. No compensation will be payable unless the Tribunal is satisfied that the injury is such that compensation of not less than £50 should be awarded.
10. No compensation will be payable where the offender and the victim were living together as members of the same household at the time the injuries were inflicted.
11. No compensation will be payable to an applicant who has not, in the opinion of the Tribunal, given the Tribunal all reasonable assistance, in relation to any medical report that it may require, and otherwise.
12. No compensation will be payable in respect of injuries inflicted in a traffic offence except in a case where there has been, in the opinion of the Tribunal, a deliberate attempt to run down the victim.
13. No compensation will be 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 an award where, in its opinion, the victim has been partially responsible for the offence.
14. No compensation will be payable where the Tribunal is satisfied that the conduct of the victim, his character or his way of life make it inappropriate that he 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. Compensation will be reduced by the value of the entitlement of the victim or claimant to social welfare benefits payable as a result of the injury and will be reduced, to the extent determined by the Tribunal, in respect of the entitlement of the victim to receive, under his conditions of employment, wages or salary while on sick leave.
16. The Tribunal will deduct from the amount of an award under this Scheme any sums paid to or for the benefit of the victim or his dependants by way of compensation or damages from the offender or any person on the offender's behalf following the injury.

*Finance and Administration*

17. The Scheme will be administered by the Criminal Injuries Compensation Tribunal, the members of which will be appointed by the Minister for Justice. It will consist of a Chairman and six ordinary members. The Chairman and each member will be either a practising barrister or a practising solicitor. The members of the Tribunal will act on a part-time basis but they will be paid fees for work done on a basis to be determined by the Minister for the Public Service.
18. Compensation will be payable out of funds made available to the Tribunal out of moneys provided by the Oireachtas.
19. The Tribunal will submit annually to the Minister for Justice a full report on the operation of the Scheme together with their accounts. The report and accounts will be laid before both Houses of the Oireachtas. In addition, the Tribunal may, in connection with its annual report or otherwise, publish such information concerning the Scheme and decisions in individual cases as may, in its opinion, assist intending applicants for compensation.

**Procedures etc.**

20. The Tribunal will be free to draw up and publish any instructions it considers necessary regarding the procedure for administering the Scheme. However, these instructions will be consistent with the provisions of the Scheme and with the general intention that the administration of the Scheme and, in particular, proceedings before the Tribunal, should be informal.
21. 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. In the case of an injury arising out of an event which took place before the commencement of the Scheme, the application must be made not later than three months from the date of the commencement (subject, also, to the foregoing exception).

22. Applications should be made on the Tribunal's application form. This will be obtainable from the Secretary to the Tribunal.
23. To qualify for compensation it will be necessary to indicate to the Tribunal that the offence giving rise to injury has been the subject of criminal proceedings or that it was reported to the Gardai without delay. However, the Tribunal will have discretion to dispense with this requirement in the case of injuries resulting from offences committed before the commencement of the Scheme, and in other cases where they are satisfied that all reasonable efforts were made by or on behalf of the claimant to notify the Garda Síochána of the offence and to cooperate with them.
24. The Tribunal's staff will process applications in the first instance and may seek all relevant information as to the circumstances of the injury either from the applicant or otherwise.
25. A decision by the Tribunal on a claim may, in the first instance, be taken by a duly authorised officer of the Tribunal where the amount claimed does not exceed £250. Where the claim is for a greater sum than £250 or where the claimant is not satisfied with a decision by that officer, the decision will normally be taken by one member of the Tribunal. The Tribunal will have discretion to hear any claim at a hearing before three members of the Tribunal and a person who is dissatisfied with a decision given by one member may also have his claim so heard. In the latter case the member who gave the initial decision will not be one of the three members of the Tribunal present at the hearing. Apart from an appeal by an applicant against a decision of a duly authorised officer or against a decision of one member, there will be no appeal against a decision of the Tribunal.
26. The proceedings at the hearing of the Tribunal will be by way of a presentation of his case by the applicant who will be entitled to call, examine and cross examine witnesses. It will be for the claimant to establish his case. A member of the Tribunal's staff may make submission to the Tribunal on the case and will also be entitled to call, examine and cross examine witnesses. All information before the Tribunal will be available to the applicant.
27. An applicant may be accompanied by his legal adviser or another person but the Tribunal will not pay the costs of legal representation.
28. The Tribunal may, at its discretion, pay the necessary and reasonable expenses of witnesses.
29. Hearings will be in private.
30. The standard of proof which the Tribunal will apply to a determination of any claim will be the balance of probabilities.

31. The Tribunal will be entitled to make any arrangements which it considers desirable for the administration of money it awards as compensation.