

REPORT OF THE REVIEW OF CRIMINAL INJURIES COMPENSATION IN NI

BACKGROUND BRIEFING

Background

The Review of Criminal Injuries Compensation in Northern Ireland led by Sir Kenneth Bloomfield was established in October 1998 to examine the fitness for purpose of the current arrangements, and to make recommendations for improvements for the future. Its Report was published in July 1999. The Report is complex and exhaustive with 64 recommendations for change.

A wide-ranging post-publication consultation on the recommendations was conducted during the latter half of 1999 across all local political parties, victims' organisations, other interested groups and individuals who had contributed to the Report. There was a significant volume of feedback which informed deliberations on the Report's recommendations. Given the complexity of the issues raised and the diversity of opinions expressed, the recommendations were considered very carefully and the following proposals for the way forward have now been formulated.

Major areas of change

Structure of the Scheme

The Report recommended a hybrid scheme with less serious injuries dealt with on a tariff basis with the current common law arrangements remaining in place for more serious injuries.

It has been decided to introduce a tariff based scheme for all injuries as in GB. This will allow speedier settlement of cases, avoid the legal costs associated with the common law arrangements and provide victims with more certainty and clarity about the level of awards.

For the new NI scheme:

- initial tariff values will be set at current NI award levels. This is significantly higher on average than GB levels;
- award levels will be reviewed by Government on a three yearly basis;
- there will be no upper limit on total awards. The GB scheme has an overall upper limit of £500K;
- no legal fees will be paid to claimants. The new scheme will be much simpler and VSNI will be funded to provide assistance free of charge as required;
- the right of appeal to the Courts will be removed in favour of an independent appeals panel;
- there will be a facility to reopen settled cases where the victim's medical condition has deteriorated significantly. There is no such facility in the current scheme; and
- the facility to provide structured payments rather than a lump sum will be available under the new scheme.

Psychiatric Injuries

The new scheme will adopt many of the features of the current GB scheme and hence will be more flexible and available to a wider range of victims than at present. However the current lower threshold for psychiatric injuries will remain at £2.5K in contrast to £1K for physical injury.

The main areas of change are:

- as recommended, the condition that those suffering psychiatric injury must be present when a loved one is killed or injured will be dropped and the qualifying factor will be that a close tie of love and affection exists;
- there will be a category of qualifying claimants for whom a close tie of love and affection is deemed to exist (a spouse, cohabitant (living with the victim as husband or wife for at least two years), parent and child). Claims resulting from all other relationships will continue to be considered on individual bases;

Bereavement Awards

There is widespread misunderstanding of the purpose of a bereavement award with many viewing it as the price society puts on a human life. To address this the term "Bereavement Support Payment", as recommended in the Report, will be adopted in the new scheme and, to help clarify its purpose, an explanation will be included in the legislation.

Eligibility for bereavement awards will be extended to bring the new NI scheme into line with the GB

scheme and hence will include spouse, cohabitant, parent and child. (The current NI scheme includes only spouses and parents of unmarried minors, and excludes the fathers of "illegitimate" minors.) The GB scheme is likely to be changed on equality grounds to include same sex partners and, if so, this provision will also be included in the new NI scheme.

Awards will be paid at £10K for a spouse and £5K each for all others, subject to a maximum of £50K. This is much more generous than the current NI scheme which pays a total of £7.5K in each case.

Time Limits

The current statutory time limit of 3 years (extendable to age 21 for injuries suffered in childhood) but with no other discretion is widely viewed as grossly unjust because of its effect on victims of child sex abuse who have not come forward about their experiences until over the age of 21. The new scheme will adopt the Report's recommendations to bring NI legislation into line with the GB scheme. This means that discretion on time limits will be available for incidents occurring after the new legislation comes into force, but the normal time limit for applications will be reduced from three to two years.

Disqualification from or reduction in compensation

The current NI scheme pays no compensation if (amongst other things) the victim or applicant:

- has ever been a member of a terrorist organisation;
- has ever been engaged in the commission, preparation or instigation of acts of terrorism; or
- failed to co-operate with the police in bringing the offender to justice.

Other criminal convictions which are indicative of the character and way of life of the victim or applicant may result in refusal of compensation or a reduced award being paid.

The new scheme seeks to recognise that individuals may reform over time and dissociate themselves from their previous way of life. Hence it will move towards the GB approach. This means that:

- for criminal convictions, including terrorist convictions, the principles of the Rehabilitation of Offenders Order will apply in the new scheme and a penalty points system for disqualifying or reducing awards will be adopted along GB lines;
- the current outright ban on compensating those with terrorist links (but no convictions) will be replaced by a provision in the new legislation for dealing with factors relating to character and way of life; and
- better guidance on what constitutes proper co-operation with the police will be produced.

The Report recommended that, in fatal cases, the victim's background should be disregarded. This recommendation has been rejected.

Retrospective Issues

The Report recommends "top-up" payments to certain categories of victim who claimed compensation prior to the introduction of the 1988 Order. These recommendations were rejected in favour of financial support for a wider category of victims. Details of how these funds are to be dispersed will be announced in due course.

The recommendation that payments be made to the families of the "disappeared" was accepted but such special payments will be made outside the new scheme.

COMPARISON OF CURRENT AND PROPOSED SCHEMES

	Current Scheme	Proposed Scheme
1 Structure	<ul style="list-style-type: none"> - Common law based - Right of appeal to Court - Legal fees paid if successful 	<ul style="list-style-type: none"> - Tariff Based - Independent Appeals Panel - No legal fees paid (VSNI funded)

	<ul style="list-style-type: none"> - Cases may not be reopened - Lump sum payment 	<ul style="list-style-type: none"> - Cases may be reopened if medical condition deteriorates significantly - Lump sum and/or structured payment
2 Psychiatric Injury	<ul style="list-style-type: none"> - Must be present when a crime is committed - Qualifying claimants: no restriction 	<ul style="list-style-type: none"> - No requirement to be present - must have close tie of love and affection - Qualifying claimants: spouse, cohabitant (2 years), parent, child - other relationships considered individually
3 Bereavement Awards	<ul style="list-style-type: none"> - Qualifying claimants: spouse, parents of unmarried minor if legitimate, mother of unmarried minor if illegitimate. - £7,500 bereavement award to spouse or one parent, or split between two parents 	<ul style="list-style-type: none"> - Qualifying claimants: spouse, cohabitant, parent, child. Other cases decided individually. - £10,000 <u>bereavement support payment</u> to spouse plus £5,000 to all other claimants up to a total of £50,000
4 Time Limits	<ul style="list-style-type: none"> - Claim must be lodged within three years from date on which the injury was sustained - Minors may claim up to age of 21 - No discretion available 	<ul style="list-style-type: none"> - Claim must be lodged within two years from date on which the injury was sustained, <u>but</u> - discretion available
5 Disqualification from or reduction in compensation	<ul style="list-style-type: none"> - No compensation payable if the victim or applicant: <ul style="list-style-type: none"> • has ever been a member of a terrorist organisation; • has been engaged in acts of terrorism; • fails to co-operate with police to bring offender to justice - Non terrorist convictions which are illustrative of character and way of life of victim or applicant may disqualify from or 	<ul style="list-style-type: none"> - For criminal convictions, including terrorism, principles of Rehabilitation of Offenders Act will apply and a penalty points system akin to that in GB will be adopted. - Better guidance on proper co-operation with police will be produced. - Outright ban on those with terrorist links (but no convictions) will be replaced by a provision dealing with character and way of life.

	reduce awards	
6 Retrospective issues	- None available	<p>- Decision still outstanding on whether childhood victims who were refused on time limits, or who previously did not claim will be allowed to submit a claim</p> <p>- <u>Outside the new scheme</u>, additional funding will be provided for the Northern Ireland Memorial Fund.</p> <p>- <u>Outside the new scheme</u>, special payments will be made to families of the disappeared.</p>

**USEFUL STATISTICS FOR
1999/2000**

	1999/2000
Total compensation paid	£37.3m
Costs and expenses paid to applicants	£5.8m
Administration costs	£3.2m
Total compensation scheme expenditure NI	£46.3m
Total number of claims made	12,094
Total number of claims cleared	10,909
Number of compensation awards made	6,748
Number/ Percentage of claims of £10,000 and over	718 (10.6%)
Number of compensation claims refused	2,233 (20%)
Average Award in NI	£5,531
Average award in GB	£3,000
Average time to make determination on case	45 weeks

* Target time for new tariff scheme

26 weeks

* Note this target is the current "best guess" and provides an indication of the scale of the difference in processing times between the current and proposed schemes. The final target for the new scheme will be agreed at a later date.

REVIEW OF CRIMINAL INJURIES COMPENSATION

TEXT OF WRITTEN ANSWER TO PQ ON 26 JULY

To ask the Secretary of State for Northern Ireland when he will respond to the report made by Sir Kenneth Bloomfield following his review of criminal injuries compensation in Northern Ireland, published in July 1999.

Mr Mandelson: After careful consideration of Sir Kenneth Bloomfield's detailed report on the fitness for purpose of criminal injuries compensation arrangements in Northern Ireland, I am today able to announce the Government's broad proposals for the future of the scheme. The detail will be published next year for consultation in the form of a draft Order in Council.

I must first place on record my gratitude and thanks to Sir Kenneth Bloomfield and his colleagues on the review for a most diligent and thorough investigation into the legislation and workings of the current criminal injuries compensation scheme. Their terms of reference asked them to advise the Government on "the fitness for purpose of criminal injuries compensation arrangements in Northern Ireland in the light of the experiences of victims of terrorist violence...", and their research led them to consider many harrowing accounts of death and injury from victims of criminal violence, and to judge the extent to which the compensation scheme met their needs. The review team submitted their report last July when Sir Kenneth said that it would be difficult to argue that the statutory scheme in Northern Ireland is ungenerous, taken as a whole. As a result, the main thrust of their recommendations is designed to re-prioritise the scheme.

Before addressing the report I must stress this Government's commitment to the provision of fair and equitable compensation for innocent and deserving victims of violent crime, and its particular desire to ensure proper arrangements to recognise the additional suffering of victims of terrorist violence and civil unrest in Northern Ireland.

The major structural change proposed by the review team is the introduction of a tariff-based scheme with the tariff calculated on the average value of awards in Northern Ireland. This will provide a more transparent and straightforward system, and will allow claims to be settled more quickly. I have decided to accept this recommendation and extend it to apply to all claims and not just to those arising from less serious injuries, as recommended by the review. This will provide for consistency in the value of awards. The review also recommended that a tariff approach would largely make legal assistance in the making of claims unnecessary, and I have accepted this conclusion. Legal costs will therefore no longer be met by the scheme. Instead, Victim Support (NI) will be funded to provide assistance along the same lines as they currently do in GB. I have also decided that the right of appeal to the court should, in the future, no longer be necessary as part of a tariff-based scheme. The review recommended retention of court involvement for reasons which were persuasive at the time, but which should prove less so as progress is made across a range of issues on the wider political front. I therefore propose to replace it with an independent appeals tribunal, along the lines of the Criminal Injuries Compensation Appeals Panel. This will allow appeals to be processed more quickly, with less formality, and with less potential for retraumatising victims.

I have also agreed changes as recommended by the review in eligibility for awards, and in exclusion from or reduction in awards. More flexible arrangements will apply under the new scheme to those claiming as a result of psychiatric illness, there will be more generous bereavement support payments to a wider group of relatives, and the current statutory time limits for lodging a claim will be replaced by a flexible approach which will allow claims to be made, in certain circumstances, long after the incident. Future cases will also be capable of being reopened for a limited period on strict medical grounds. It is also proposed to introduce a penalty points system to regulate the effect of previous criminal convictions on awards. The same provisions will also apply to convictions for terrorist offences.

Finally, to address the concerns raised by Sir Kenneth in his report over inadequate financial assistance to past victims of the Troubles, I am also promising a further commitment of funds from next April to take forward the implementation of his report into victims of the Troubles "We Will Remember Them". In total this will represent a substantial package aimed at alleviating the financial hardships and other suffering inflicted on many by violence during the Troubles. Details of how this money will be dispersed will be announced in due course.

In conclusion, I have accepted some two thirds of the 64 recommendations made by Sir Kenneth and his team. I believe these decisions, which were arrived at only after lengthy consideration, represent the best way to ensure for the future a fair and equitable system of criminal injuries compensation which will recognise the suffering of innocent victims of violent crime.

Review of Criminal Injuries Compensation in Northern Ireland

Summary of the Government's Response to the Recommendations

Recommendations 1-2

Financial assistance should be provided to those inadequately compensated in the past. Highest priority should be accorded to spouses/partners and parents of minors who were bereaved before the 1988 Order was enacted and who received less than £10,000 in total.

Rejected in favour of additional financial support for past victims of the Troubles through various channels including the NI Memorial Fund. These recommendations fall outside the scope of the Criminal Injuries Compensation Scheme.

Recommendation 3

Up to £10,000 should be paid to the families of the "disappeared".

Accepted as a special payment outside the scope of the Criminal Injuries Compensation Scheme.

Recommendation 4

A "victims' champion" should be appointed.

Under consideration, but outside the scope of the Criminal Injuries Compensation Scheme.

Recommendation 5

Awareness training into psychological impact of becoming a victim should be provided for all those who deal with victims.

Accepted, but outside the scope of the Criminal Injuries Compensation Scheme.

Recommendation 6

A more flexible definition of a violent offence should be adopted.

Accepted and compatible with the GB scheme.

Recommendation 7

The current scheme's eligibility criteria specifies that in domestic violence cases the offender must cease living in the same household as the victim before compensation can be paid. This should apply only in cases of violence between adults.

Accepted. It is not always in the best interests of children that they should move out of the family home. However, measures must be put in place to ensure that the offender does not benefit financially.

Recommendation 8

This provides only a general statement on restrictions for psychiatric illness as a preface for detailed recommendations.

Recommendation 9

The current lower threshold for psychiatric illness of £2,500 should be maintained.

Accepted although this imposes a stricter condition than the GB scheme which has a threshold of £1,000. Reducing the threshold to £1,000 as in GB is likely to produce many more claims which may prove difficult to verify. The resulting greater administrative burden would increase settlement times for

all claims.

Recommendation 10

The current eligibility criterion that the claimant (suffering psychiatric illness) must be present when a loved one is killed or injured should be removed.

Accepted. Acceptance of this recommendation addresses the widespread opinion that the current NI scheme is unjust in this respect.

Recommendation 11

There should be a category of applicants deemed to have a close tie of love and affection with the victim. This should include spouse, cohabitant (living as man and wife for at least two years), parent and child. Other relationships will be considered on an individual basis.

Accepted but the recommendation is likely to be widened to include same sex partners. The recommendation is compatible with the current GB scheme and plans to expand the scheme to include same sex partners.

Recommendation 12

Claims for psychiatric illness due to a reasonable fear of physical harm should be allowed.

Accepted as equitable and compatible with the GB scheme.

Recommendation 13

Claims for psychiatric illness due to rescue attempts should be allowed:-

for ordinary citizens with or without a close tie of love and affection to the victims; and for professional rescuers if that person is exposed, or has a reasonable belief that they are exposed to danger or if they have a reasonable fear that a loved one has been killed or injured in the incident.

Not yet decided.

Recommendation 14

Arrangements should be put in place to address compensation where a person has died as a result of a violent incident but it is not clear in which jurisdiction, Northern Ireland or the Republic, the incident occurred.

Accepted, subject to further discussions with the Republic of Ireland Department of Justice. This will also require changes to the Republic of Ireland legislation.

Recommendation 15

The principle of the Rehabilitation of Offenders (NI) Order 1978 should be included in the new scheme, ie offenders who are blameless victims of violence need not be debarred from receiving compensation indefinitely.

Accepted. This is compatible with the GB scheme.

Recommendation 16

A "penalty points" system defining refusal or reduction of compensation based on previous convictions akin to that used in GB should be included in the new scheme.

Accepted. This is compatible with the GB scheme.

Recommendation 17

The criminal convictions of the victim should be disregarded in fatal cases. Only those of the applicant should be taken into account.

Rejected given that there is no convincing argument to disregard convictions in fatal cases but not in

cases of serious disabling injury. This recommendation is not compatible with the GB scheme.

Recommendation 18

Automatic disqualification from compensation on the grounds of terrorist involvement should be repealed and replaced by a provision which would allow the Agency to take account of terrorist involvement in considering whether compensation should be paid in full, reduced or refused.

Accepted. Terrorist convictions will be treated in the same way as ordinary criminal convictions.

Recommendation 19

The Agency should include in its Guide indications of the sorts of cases in respect of involvement in terrorism which would allow full compensation to be paid, disqualify the victim from compensation or result in reduced awards.

Accepted. although the "penalty points" system to be introduced will largely fulfil this need.

Recommendation 20

A clearer definition of "terrorism" should be drawn up.

Accepted. This will be addressed by adopting the definition used in the new Terrorism Act. This change is necessary given the past degree of uncertainty raised by the current definition.

Recommendation 21

The Agency Guide should provide detail on the discretion available in respect of what constitutes proper co-operation with the police.

Accepted.

Recommendations 22-25

22. Introduce a tariff-based scheme for less serious injuries. Accepted. A tariff-based scheme will be simpler to administer and produce speedier settlements with greater transparency.

23. The tariff should include injuries up to level 10 in the GB tariff. Rejected in favour of a tariff-based scheme for all injuries. (See Recommendation 30.)

24,25 Remove entitlement to legal expenses for successful claimants, but replace with assistance for all claimants from Victim Support (NI). VSNI should be funded to provide such support.

Accepted given that the new arrangements will be much simpler and Victim Support (NI) will be funded to provide assistance to claimants as required. This is compatible with the GB arrangements which have proved satisfactory.

Recommendation 26

Tariff levels in NI should be set at levels reflecting the preceding level of awards.

Accepted. The tariff will be introduced at NI average values.

Recommendation 27

Common patterns of multiple injuries, which individually would not meet the lower threshold, should be included in the tariff. Also, for multiple injuries which meet the threshold individually, the GB principle of awarding percentages of tariff values for second and third injuries should be adopted. The percentages should be determined empirically to derive a formula corresponding to current practice.

Accepted except for determining percentages empirically. This is felt to be impracticable. The GB percentages are currently under review. The new NI scheme will adopt the revised GB scheme percentages. Adoption of the recommendation with this modification means that the NI and GB schemes will be consistent in this respect.

Recommendation 28

Pensions, gratuities or social security benefits payable to the victim consequent on the injury should not be deductible from the tariff payment.

Accepted and compatible with the GB scheme.

Recommendation 29

The tariff should be updated regularly in line with inflation.

Rejected. The tariff will be reviewed every 3 years.

Recommendation 30

Compensation for more serious injuries (attracting a payment of approximately £10,000 or more) should continue to be assessed on common law principles as at present.

Rejected in favour of a tariff-based scheme for all injuries. For more serious injuries the tariff element is likely to be only one factor of the total payment with pecuniary loss (loss of earnings) contributing a significant part of the total award in many cases. In addition, the tariff approach offers the advantages of quicker settlements with greater transparency and, as proposed, will not involve appeals to the Courts, cited as extremely stressful by many claimants. The savings in administrative costs offered by tariff will contribute to the funding required to widen the scheme. This approach is compatible with the GB scheme.

Recommendation 31

Legal and other costs incurred by claimants should be paid by the Agency in more serious cases.

Rejected given that tariff arrangements are to be introduced for all claims and assistance to claimants will be provided by Victim Support (NI). Reasonable medical expenses incurred by claimants for required reports will continue to be met by the Agency as in the current scheme.

Recommendation 32

Loss of earnings is calculated as the product of a multiplier (a number of years) and a multiplicand (annual earnings). It is recommended that the loss of earnings is capped at 1.5 times gross average industrial earnings, and that this cap should apply before any deductions are made for collateral benefits received by the victim as a result of those injuries.

Accepted. The Review team felt that those who are more affluent are better placed to make provision for themselves should they be incapacitated and that the current cap of twice gross average industrial earnings after deductions is too high. The recommendation is consistent with the GB scheme.

Recommendation 33

Compensation in fatal cases should continue to be assessed on common law principles as at present (subject to changes in the cap and bereavement awards).

Rejected in favour of a tariff-based scheme for all injuries for the reasons presented in the discussion on Recommendation 30 above. Again this approach is compatible with the GB scheme.

Recommendations 34, 35

34 The title "bereavement award" should be changed to "bereavement support payment". 35 The purpose of the award should be expressly stated in the legislation.

Both accepted. There is a widespread misconception that the current "bereavement award" attempts to put a price on a life. This is not the case. The bereavement award is a token award in recognition of the grief and sorrow of the relatives of the deceased and the loss of care, guidance and society resulting from the bereavement. These two recommendations try to address this misunderstanding.

Recommendation 36

Compensation in fatal cases should be paid to spouse, cohabitant, parent and child.

Accepted but the scope of eligible claimants may be widened to include same sex partners. This recommendation represents a considerable increase in the scope of eligible claimants - the current scheme allows only spouse and parents of unmarried minors.

Recommendation 37

Bereavement support payments should be £10,000 for the surviving spouse and £5,000 for all other claimants, subject to an overall cap of £50,000.

Accepted This represents a substantial increase on the current bereavement award of £7,500 in total.

Recommendation 38

The level of bereavement support payments should be reviewable without resort to primary legislation and should be increased to keep in line with inflation.

Accepted in that the bereavement support payment will be defined within the tariff and hence will be reviewable without resort to primary legislation. However, as discussed in Recommendation 29, the tariff will be reviewed every three years. This is compatible with the GB scheme.

Recommendation 39

There should be a more flexible approach to making interim payments and those advising claimants should be reminded of the availability in appropriate cases.

Accepted.

Recommendation 40

The Agency should be empowered to pay compensation by structured settlement in appropriate cases.

Accepted. Annual payments through the purchase of an annuity rather than a single lump sum are available in GB. It is agreed that the new NI scheme should offer the same flexibility.

Recommendation 41-43

41 A case should be eligible to be reopened if the victim's medical condition deteriorates (as a result of the injury) to a degree that to allow the original award to stand would cause an injustice, or if the victim dies as a result of the injury. Accepted as a relaxation of the rules of the current scheme in which all settlements are final. However, cases may be reopened only for a period of two years after the original settlement, although discretion will be available to extend this period. This is consistent with the GB scheme.

42 A case should be eligible to be reopened if the victim's earning capacity deteriorates (as a result of the injury) to a degree that to allow the original award to stand would cause an injustice or if the victim dies as a result of the injury. Rejected as a distinct recommendation given that earnings potential falls within the scheme only if it is as a direct result of a deterioration in the victim's medical condition which is already covered in Recommendation 41.

43 Reopening of cases should be governed by evidential considerations rather than time limits.

Rejected given that acceptance would mean that cases could never be considered as finalised.

Recommendation 44

Awards for pain and suffering should not be taken into account when considering eligibility for means tested social security benefits.

This is controlled by the Department of Social Security, and there is parity between GB and NI benefit rules. As such the NIO is not empowered to make such a change.

Recommendation 45

The Agency should develop a greater spirit of co-operation in its dealings with victims organisations.

Accepted. The Agency will continue to work with victims groups and will assist Victim Support (NI) in its role in the proposed new tariff scheme.

Recommendation 46

Agency case workers should be provided with awareness training on the psychological effects of trauma on claimants.

Accepted.

Recommendation 47

A Guide to the Criminal Injuries Compensation Scheme, similar to that produced in GB, should be produced.

Accepted.

Recommendation 48

The Agency's Annual Report should contain more detailed information on the working of the scheme, similar to the information provided by the Compensation Authority in GB.

Accepted.

Recommendation 49

The Agency should provide written reports on the progress of a claim to the applicant at regular intervals. Also, if a case is taking longer than usual to resolve, the Agency should invite the applicant to come to the Agency to discuss the case in person.

Accepted.

Recommendation 50

Better and faster communication through new technology should be pursued.

Accepted. The new computer system required to operate the new scheme will provide an opportunity to progress this recommendation.

Recommendation 51

The requirement to report an offence to the police "forthwith" should be deleted. In addition the time limit for reporting an offence should be extended from the present 48 hours to 72 hours and detailed guidance on the circumstances under which the Agency will consider a report after 72 hours should be provided in the Agency's Guide.

Rejected. It is felt that extending the timescales for reporting may well hinder police investigations. The GB scheme specifies only that crimes be reported at the earliest possible opportunity but provides no specific timescales. This approach will be adopted in the new NI scheme.

Recommendations 52-53

These recommendations concern proposals for ensuring that high quality legal advice is available.

Redundant given that the adoption of the new and simpler tariff scheme will involve assistance from Victim Support (NI) rather than the professional legal advice available in the current common law based scheme.

Recommendation 54

Claimants should no longer be required to serve a Notice of Intention to Apply for Compensation.

Accepted. This proposal is consistent with the GB scheme. The Review team's finding was that, given the requirement to report to the police, this Notice serves no useful purpose.

Recommendation 55

The time limit for making an application for compensation should be reduced from three to two years but the Agency should have discretion to waive the time limit.

Accepted. The current NI scheme makes no provision for justifiably late applications. Acceptance of this recommendation provides the required flexibility and, given that such flexibility will be available, it is considered reasonable that the normal time limit for reporting should be reduced from three to two years. This proposal is consistent with the GB scheme.

Recommendation 56

The Agency should set performance targets to make an initial determination of at least 80% of applications within six months under tariff, and 80% of the more serious, "common law" cases within one year.

Rejected. The latter part of this recommendation is redundant given that the new scheme will be wholly tariff based. Targets for the tariff scheme will be set by Ministers in due course.

Recommendation 57

A fast track and informal review procedure should be established within the Agency.

This recommendation is redundant given that it relates to establishing procedures relating to court appeals which will not be available under the new scheme. However the Agency will formalise its current review mechanism. This may reduce the number of appeals to the independent Appeals Panel.

Recommendation 58

The disclosure of police documents should be governed by statutory provision.

Accepted. Despite the removal of appeals to the Courts the police favour this proposal to regularise the disclosure issue in tariff cases.

Recommendation 59

The right of appeal to the County Court should be maintained.

Rejected in favour of appeal to an independent Appeals Panel as in GB.

Recommendations 60-62

These recommendations concern proposals about court process.

Redundant given that appeals will be to an independent Appeals Panel rather than the Court.

Recommendations 63

Appellants should be provided with a leaflet outlining the appeals process in advance of the hearing.

Accepted. Such a leaflet is provided by the Criminal Injuries Compensation Appeals Panel in GB.

Recommendations 64

This recommendation concerns a proposal about court process.

Redundant given that appeals will be to an independent Appeals Panel rather than the Court.