

PERSONAL INJURY: OVERVIEW:  
TYPES OF CLAIM: CLAIMS FOR CRIMINAL INJURIES

Claims for compensation to the Criminal Injuries Compensation Authority (CICA)  
Whilst victims of crime can bring a civil claim for damages for personal injuries against an attacker this is only worthwhile if the prospective Defendant is either insured or has the means to pay any damages awarded by the court. A victim of a crime of violence can however apply for compensation under the Criminal Injuries Compensation Scheme if they meet the following criteria:

- they have sustained a criminal injury, whether this be physical or mental
- that injury is attributable to an act of violence which occurred in Great Britain
- the crime was within the last two years (although the CICA has the discretion to waive this limitation period if the victim of crime can show good reason for the delay in making the application)
- the crime was reported to the police (whilst this element is not absolute the CICA will normally expect the crime to have been reported within 48 hours).
- applications can also be made by the victim's family in the case of fatal injuries.

The CICA will not consider applications where:

- the victim of violence only sustained a single minor injury
- the injury was caused in a road traffic accident (although applications will be considered where the motor vehicle was deliberately used to cause the injury)

**The application process**

A personal injury or fatal injury application form needs to be completed and lodged with the CICA within two years of the incident. Once the application form has been registered the case will be allocated to a Caseworker who will make further enquiries including contacting the victim's GP and obtaining the police report. In some cases a detailed medical report will be obtained to confirm the extent of the victim's injuries. Before making a final decision as to whether an award is to be made the Caseworker will seek confirmation as to whether the Claimant is also likely to receive a compensation payment through civil proceedings which may result in an interim payment being awarded. The application process will normally take a year to complete.

### **The compensation award**

The CICA operate a set tariff system with 25 levels of award which range from £1000 up to £250,000. The tariff covers all types of injury including physical injuries, psychological injuries, child loss, sexual abuse or assault as well as the infection of life threatening diseases.

Once the level of award has been selected the CICA can make a reduction if they are of the view that:

- the victim of crime failed to report the incident or cooperate with the police
- the victim of crime's own behaviour caused or significantly contributed towards the incident
- the victim of crime has a previous criminal record or other previous undesirable conduct

### **Reviewing the CICA decision**

If the victim of crime is unsatisfied with the decision made by the CICA, either because no award has been made or because the award made is too low, they can ask for the decision to be reviewed. A request for a review of the decision must be made in writing and be submitted within 90 days of the CICA's letter setting out their decision.

### **Appealing the CICA review decision**

If the victim of crime is still unsatisfied with the reviewed decision of the CICA they have a further option of appealing the decision to the Criminal Injuries Compensation Appeals Panel. If the victim of crime is appealing because no compensation award was made or because they are not satisfied with the level of award made then the appeal panel will either make a further decision which will be informed in writing or will list the case for an oral hearing. If the victim of crime is appealing because the CICA refused to review the case because it was out of time or because the victim of crime's medical condition has deteriorated then the panel chairman will make a decision as to whether the case should be referred back to the CICA.

PERSONAL INJURY: PRECEDENT  
WORK RELATED ACCIDENT CLAIMS  
CLAIM FOR DAMAGES AGAINST AN EMPLOYER FOR INJURIES SUSTAINED WHEN THE SEAT ON  
WHICH HE WAS SITTING COLLAPSED

IN THE HIGH COURT OF JUSTICE

Claim No:

QUEEN'S BENCH DIVISION

[Claim Form issued the ..... day of ..... 200... ]

BETWEEN:

A B

Claimant

and

X Y PLC

Defendants

Particulars of claim

1. The Claimant is and was at all relevant times employed by the Defendants as a [insert job title] at the Defendants' premises situated at [insert address].
2. At all relevant times the provisions of the Workplace (Health, Safety and Welfare) Regulations 1992 (hereafter "the Workplace Regulations") and the Provision and Use of Work Equipment Regulations 1998 (hereafter "the Equipment Regulations") applied to the premises.
3. On the [insert date] while acting in the course of his employment, the Claimant was sitting tending his machine in the premises when his chair collapsed under him (because the seat broke into two parts and/or the rear left leg broke away from the point at which it was anchored to the seat) causing him to fall to the floor.
4. The accident was caused or contributed to by the negligence and/or breach of statutory duty of the Defendants, their employees or agents acting in the course of their employment.

Particulars of negligence and/or breach  
of statutory duty

- (a) failed to provide a suitable seat for the Claimant at work in the above location which work could be done sitting, contrary to Regulation 11(3) of the Workplace Regulations or at all;
  - (b) failed to ensure that the Claimant's work equipment was so constructed as to be suitable for the purpose for which it was used or provided contrary to Regulation 4(1) of the Equipment Regulations or at all;
  - (c) failed to maintain the work equipment in an efficient state in efficient working order and in good repair contrary to Regulation 5(1) of the Equipment Regulations or at all;
  - (d) provided for use by the Claimant a chair that was defective and dangerous -- the Claimant's case is that the chair broke beneath him but the Claimant is unable to give better particulars of the cause until after inspection facilities of the chair or its remnants have been granted;
  - (e) caused, permitted or suffered the Claimant to use the chair when it was unsafe so to do;
  - (f) failed to warn the Claimant of the dangerous condition of the chair or of the dangers of using it or otherwise to prevent him from so doing;
  - (g) exposed the Claimant to a danger or a trap or a foreseeable risk of injury;
  - (h) failed to provide or maintain for the Claimant a safe system of work and without prejudice to the generality of this allegation in particular failed to devise, institute or operate or ensure the institution or operation of any or an adequate system of routine preventative inspection of seats provided for use in the premises;
  - (i) failed to heed or act upon prior oral representations by [insert author, date and terms of representations relied upon and identity of recipient] for seats generally to be repaired;
  - (j) failed to provide or maintain for the Claimant safe plant and equipment;
  - (k) failed to take any or any adequate care for the safety of the Claimant;
  - (l) failed to undertake a suitable and sufficient assessment of the risks of such work contrary to Regulation 3 of the Management of Health and Safety at Work Regulations 1999 and/or failed to give effect to such arrangements as would have been appropriate to prevent the injury or otherwise protect the Claimant contrary to Regulation 5 of the same Regulations or at all.
5. As a result the Claimant who is now aged [insert] years having been born on the [insert date of birth] suffered pain, injury, loss and damage.

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