AMENDMENT OF THE CRIMINAL INJURIES COMPENSATION SCHEME 2012

I am writing to inform you about amendments to remove the pre-1979 ‘same roof rule’ from the Criminal Injuries Compensation Scheme, which have been laid before Parliament today.

As you will be aware, in July 2018 the Court of Appeal found that the pre-1979 same roof rule amounted to unlawful discrimination and constituted a breach of the appellants’ human rights. In September, in the Victims Strategy, I announced our intention to remove this rule from the Scheme, and in December 2018 Minister Argar answered a Parliamentary Question and announced that previous applicants refused under the rule would be able to reapply.

I am pleased to confirm that an amended 2012 Scheme has been laid before Parliament today. The effect of this will be to enable victims to make new applications and to enable victims whose applications for compensation had previously been refused under the pre-1979 rule to reapply. New and past applicants refused an award under the pre-1979 rule will still need to meet all the remaining eligibility criteria within the 2012 Scheme.

In terms of looking more comprehensively at the rules of the Scheme, I also announced a review of the Scheme, to ensure it reflects the changing nature of crime and better supports victims. This will include considering, inter alia, the rule relating to unspent convictions, time limits for making applications and consent in sexual offence cases. I enclose the terms of reference of the review of the Scheme for ease of reference.

I hope you will welcome these changes and support the successful passage of this instrument through Parliament.

Yours ever,

RT HON DAVID GAUKE MP
Review of the Criminal Injuries Compensation Scheme
Terms of Reference

The Secretary of State for Justice has commissioned a review of the Criminal Injuries Compensation Scheme (the Scheme) as part of a wider package of measures within the Victims Strategy to ensure victims receive the support they need throughout their experience of the criminal justice system.

The review will examine whether the Scheme remains fit for purpose, reflects the changing nature of violent crime and effectively supports victims in their recovery. It will consider:

- The scope of the Scheme, including the definition of violent crime for the purposes of compensation for injury, and the type of injuries that are covered by the Scheme.
- The eligibility rules including, inter alia, concerns about time limits for making applications, unspent convictions, and consent in sexual offences cases.
- The requirements of the Scheme in relation to decision-making, including issues such as the level of evidence required for compensation claims, and the timeframes for accepting or rejecting awards.
- The value and composition of awards available through the Scheme, including the balance struck between serious and less serious physical and mental injuries.
- The impact of the Scheme on particular groups, including victims of child sexual abuse and victims of terrorism.
- Opportunities to simplify the Scheme.
- The affordability and financial sustainability of the Scheme.

The review will explore existing research on criminal injuries compensation and international examples of compensation and redress. It will take full account of the findings of the Independent Inquiry into Child Sexual Abuse.

The review will focus on the Scheme itself and will not examine the performance of the Criminal Injuries Compensation Authority, or alternatives to financial compensation.

The review will be informed by the following principles:

- Compensation offers a public acknowledgment of harm suffered by victims of violent crime.
- Compensation is an important part of government provision of end-to-end support for victims of violent crime, which also includes emotional and practical assistance for victims.
- Compensation should be protected for those most seriously affected by their injuries, including in cases where injuries are not immediately evident nor their impacts easily quantifiable.
- The Scheme offers support for victims of violent crime who have been unable to seek compensation by other means.
- The Scheme complies with domestic and international legal obligations to provide compensation for victims of violent crime.
- As a general rule, future changes to the Scheme do not apply retrospectively.

The review will engage with key stakeholders, including victims, victims' representatives and groups, Police and Crime Commissioners, the judiciary, relevant criminal justice agencies, and others with expertise or an interest in criminal injuries compensation.

The Government will consult publicly on proposals in 2019.