

4 - Compensation

What is the procedure for claiming damages from the offender? (for example, a court case, civil action, claim for damages)

The legal procedure to claim compensation from the offender is to open a civil action for damages against them, unless the criminal court has already issued an order against the offender to pay the victim.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

When there is such an order, you have the right to execute that order as if the civil court had ruled in your favour: consequently, you may even request the issue of a seizure warrant or a writ of attachment.

If the offender does not pay, can the State pay me an advance? Under which conditions?

If the offender does not pay, there is a possibility for the Government to pay the victim an advance under certain conditions which may be laid down at the discretion of the Attorney General.

Am I entitled to compensation from the State?

Yes, you are entitled to apply for compensation from the State under the Criminal Injuries Compensation Scheme.

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8983&l=1>

Electronic form available:

https://www.servizz.gov.mt/en/Pages/Police_Justice-and-Defence/Justice/Administration-of-Justice/WEB106/default.aspx

Am I entitled to compensation if the offender is not convicted?

There is a right to compensation even when the offender is not convicted or is unknown.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

In exceptional cases, emergency payments may be made pending a final decision on the compensation claim.

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