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If my claim is to be considered in this country

Irlanda

#### Which type of crime can I get compensation for?

Compensation may be awarded by the Criminal Injuries Compensation Tribunal (the Tribunal) under the Scheme of Compensation for Personal Injuries Criminally Inflicted (the Scheme) to

Individuals who have sustained a personal injury, where the injury is directly attributable to a reported crime of violence or

Individuals who sustained a personal injury in circumstances arising from action by them in assisting or attempting to assist the prevention of a reported crime or the saving of human life or

Dependents of a victim who has died due to a violent crime.

The injuries (fatal and non-fatal) must have been sustained within the Irish State or aboard an Irish ship or aircraft.

#### Which type of injury can I get compensation for?

Compensation may be awarded for personal injury where the injury is directly caused by a reported crime of violence.

#### Can I get compensation if I'm a relative or dependant of a victim who has died as a result of a crime? Which relatives or dependants can get compensation?

Dependents of a victim who has died as a result of a violent crime may apply for an award under the Scheme. The definition of a dependent is set out in section 47 (1), of the Civil Liability Act 1961, as amended.

This provides that a dependent means, in respect of a dependent person whose death is caused by a wrongful act\* –

a spouse, civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, parent, grandparent, step-parent, child, grandchild, step-child, brother, sister, half-brother or half-sister of the deceased

a person whose marriage to the deceased has been dissolved by a decree of divorce that was granted under the [Family Law \(Divorce\) Act, 1996](#) or under the law of a country or jurisdiction other than the State and is recognised in the State,

a person whose civil partnership with the deceased has been dissolved by a decree of dissolution that was granted under the Civil Partnership and Certain Rights and Obligations of Cohabitants Act, 2010 or under the law of a country or jurisdiction other than the State and is recognised in the State, or

a person who was not married to or a civil partner of the deceased but who, until the date of the deceased's death, had been living with the deceased as the deceased's cohabitant within the meaning of [section 172](#) of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act, 2010 for a continuous period of not less than three years,

\* 'wrongful act' includes a crime.

#### Can I get compensation if I'm a relative or dependant of a victim who has survived? Which relatives or dependants can get compensation in this case?

No under the Scheme dependents of victims only may receive an award in the event of that victim dying due to a violent crime experienced by them.

#### Can I get compensation if I'm not a national of an EU country?

Yes as well as residents of all EU Member States any visitor from another jurisdiction who suffers injury as a result of a crime of violence when visiting Ireland can apply to the Criminal Injuries Compensation Tribunal for compensation.

#### Can I claim compensation from this country if I live here or am from here (this is country of my residence or nationality) even if the crime was committed in another EU country? Could I do this instead of claiming compensation in the country where the crime took place? If so under what conditions?

No, the Tribunal may only make an award in respect of an injury experienced as a result of a crime sustained in the State or aboard an Irish ship or aircraft. Under Directive 2004/80/EC, an applicant injured in a crime in another EU Member State may make an application under the terms of the scheme of the Member State in which the crime occurred.

The European Commission provides an online portal, which sets out the compensation schemes available in EU Member States. This is available [here](#).

Should you reside in Ireland and require assistance in making an application to another EU Member State where you were injured in a criminal incident, please contact the Criminal Injuries Compensation Tribunal's secretariat who will try to assist you and make contact with their counterparts in the other jurisdiction where necessary.

#### Do I have to have reported the crime to the police first to be able to claim compensation?

Yes it is a requirement of the Scheme that the crime has been reported without delay to An Garda Síochána i.e. the Irish police force (or the Garda Síochána Ombudsman Commission (GSOC) in any case where the crime is alleged to have been carried out by a member of An Garda Síochána). The applicant will also have to fully co-operate with the investigation into the criminal incident by those authorities.

#### Do I have to await the outcome of any police investigations or criminal proceedings before I can claim?

In considering an application under the Scheme, the Tribunal requires a report about the incident from An Garda Síochána i.e. the Irish police force (or the Garda Síochána Ombudsman Commission (GSOC) where relevant) Where any civil and/or criminal court proceedings regarding the crime are planned or underway, the Tribunal will typically await the conclusion of the court proceedings before considering the application.

#### Do I have to first seek compensation from the offender – if they have been identified?

It is not a requirement of the Scheme that the victim first seek compensation from the offender. However, the Scheme provides that there will be no double compensation so where compensation is paid to the victim by, or on behalf of, an offender for the same incident, the Tribunal will take this into consideration in ensuring that there is no duplicate compensation.

#### If the offender has not been identified or convicted, can I still qualify for compensation? If so, what evidence do I need to present to support my claim?

You may still be eligible for compensation in circumstances where the offender has not been identified or convicted as long as the crime was reported to An Garda Síochána i.e. the Irish police force (or the Garda Síochána Ombudsman Commission (GSOC) where relevant). It is also required that a report about the incident is provided by An Garda Síochána (or GSOC where relevant) to the Tribunal confirming the criminal incident, the nature of it and their investigation into it.

#### Is there a time limit within which I have to claim compensation?

The Scheme provides that an application must be made in writing as soon as possible after a crime of violence causing injury, including fatal injury, but in all cases not later than 3 months from the date of the event giving rise to the injury.

If an application is late, that is, if it is made in writing more than 3 months after the incident, the Scheme allows the Tribunal to consider late applications as exceptional. This is for a maximum period up to two years after the incident and where the Tribunal is satisfied that the circumstances of such late application justify such exceptional treatment. In cases where the application is late, applicants must provide written justification for the delay setting out the circumstances on the application form and explaining the reasons for the delay. Having considered the explanation provided, it is a matter for the Tribunal to decide whether to consider the application.

No applications may be accepted by the Tribunal where the event giving rise to the injury took place more than two years prior to the date of application.

#### **Which losses and expenses are covered by the compensation?**

An award may be made in respect of the following arising due to the criminal incident:

vouched costs relating to the applicant's personal care and medical costs and this can include compensation awarded to provide for home adaptations /specialist equipment required by the victim due to the injuries experienced by them.

vouched travel expenses, for example, to avail of medical and personal care arising from the injuries.

vouched loss of earnings payments to date and calculated (usually by an actuary) into the future, incurred, if any, as a result of the criminal injuries sustained.

other vouched out of pocket expenses and special expenses incurred.

an applicant may also apply for any expenses that were incurred in obtaining medical or other expert reports necessary to support an application to the Tribunal

#### **Is the compensation paid out in a single payment or monthly instalments?**

In general the award is paid in a single payment. From time to time, this may not be possible, where the annual budget of the Tribunal is exhausted. In certain circumstances the Tribunal may decide to make an interim award, to cover vouched expenses incurred to date, pending making a decision on a final award (e.g. while injuries settle.)

#### **In what way could my own behaviour in relation to the crime, my criminal record or failure to cooperate during the compensation proceedings affect my chance of receiving compensation, and/or the amount I receive?**

Under the terms of the Scheme no compensation will be payable where the Tribunal is satisfied that the applicant was responsible, either because of provocation or otherwise, for the offence, giving rise to their injuries or the Tribunal may reduce the amount of the award where, in its opinion, the applicant has been partially responsible for the offence.

In addition, under the terms of the Scheme no compensation will be payable where the Tribunal is satisfied that the conduct of the applicant, their character or their way of life make it inappropriate that they should be granted an award or 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 applicant.

As noted above, it is also a condition of the Scheme that applicants must co-operate with the police authorities in relation to the criminal incident.

#### **In what way could my financial situation affect my chance of receiving compensation and/or the amount?**

Your financial situation does not affect your eligibility for an award for the injuries and losses you have experienced arising from the incident. However the Tribunal must ensure there is no double compensation, so where you have received social welfare benefits since the incident, these will be considered by the Tribunal in determining the award.

In cases where compensation is being awarded to include payments in respect of loss of earnings to date or into the future, which were incurred as a result of the injuries sustained, your level of earnings to date and your projected future earnings will be taken into account by the Tribunal, as will any payments made by your employer e.g. sick pay etc.

#### **Are there any other criteria that could affect my chance of receiving compensation and/or the amount?**

The limitations and restrictions relating to the awarding of compensation under the Scheme are set out in paragraphs 6 & 7 and 9-15, inclusive, of the Scheme which is available [here](#):

#### **How will the compensation be calculated? Is there a minimum/maximum amount that can be awarded?**

The current minimum level of award is €500. There is currently no maximum level of award.

#### **Am I expected to quote the amount in the claim form? If so, do I get any instructions on how to calculate it or on other aspects?**

The Tribunal reimburses vouched expenses so receipts for the expenses incurred have to be provided. Typically the Tribunal secretariat will contact you to request these on receipt of your application form. In addition, for loss of earnings, typically information on your pay from your employer and/or the Department of Social Protection and Revenue will be required and for future loss of earnings, an actuarial calculation is typically required. At the application stage, applicants typically set out their losses and the expenses they intend to claim and the Tribunal secretariat will follow up with the applicant seeking the relevant documentation.

#### **Will any compensation I receive for my loss from other sources (such as my employer's or a private insurance scheme) be deducted from compensation paid by the authority/body?**

A general principle applies under the Scheme that there can be no double compensation. In making a decision on your application, any other payment you have received from another source as a result of the incident will be taken into consideration by the Tribunal.

#### **Can I get an advance on the compensation? If so, under what conditions?**

Typically, the compensation awarded is paid in a single payment after a final decision on the application claim has been made by the Tribunal and has been accepted by the applicant. However, in certain circumstances the Tribunal can decide for an interim award to be made, pending deciding on a final award. Usually the Tribunal will only consider making an interim award where there is a reason to delay making a final award (e.g. waiting for medical issues to settle) or where the applicant is in financial difficulty and vouched expenses (e.g. medical costs) are clearly eligible for reimbursement.

#### **Can I get complementary or additional compensation (following e.g. a change in circumstances or worsening health etc.) after the main decision?**

No - once the Tribunal has made a decision and the award has been accepted by, and paid to, the applicant, no additional or further award is possible.

#### **What supporting documents do I need to include with my claim?**

Your claim needs to be submitted on a standard application form available [here](#).

In addition to submitting a fully completed application form you will be asked to include if possible a copy of your statement reporting the incident to An Garda Síochána i.e. the Irish police force (or the Garda Síochána Ombudsman Commission (GSOC) in any case where the crime is alleged to have been carried out by a member of An Garda Síochána).

You will also be required, as is applicable in your case, to provide other relevant supporting documentation (e.g. receipts for expenses occurred) requested in the application form. This may include needing to provide supporting documentation from your employer and/or State authorities, for example, in the case of where loss of earnings is being sought. It may also be necessary to submit supporting medical or other expert reports depending on the nature of your claim for compensation. Usually the Tribunal secretariat will contact the applicant on receipt of the application form requesting the supporting documentation be submitted.

#### **Are there administrative or other charges to be paid when the claim is received and processed?**

No.

### Which authority decides on compensation claims (in national cases)?

The Criminal Injuries Compensation Tribunal decides on compensation claims made under the Irish Scheme.

### Where do I send the claim (in national cases)?

Compensation claims under the Scheme should be submitted on the standard application forms available [here](#).

Completed applications should be sent to:

#### **Criminal Injuries Compensation Tribunal**

Department of Justice

Bishop's Square

Redmond's Hill

Dublin 2, D02 TD99

e-mail: [criminalinjuries@justice.ie](mailto:criminalinjuries@justice.ie)

### Do I need to be present during the procedure and/or when my claim is being decided?

Under the Scheme, a decision on a claim is made in the first instance on the basis of the submitted documents only i.e. without a hearing.

A decision of first instance on an application may be made by a duly authorised officer of the Tribunal in cases where the amount sought involved does not exceed €3,000.

Where the amount sought is greater than €3,000, the application must be submitted for decision of first instance to the Tribunal. Where the amount sought is below €75,000, the application will be decided at first instance by a single Tribunal Member and where the amount sought is above €75,000, the application will be decided collectively by three Tribunal Members

The applicant is notified by the secretariat of the decision when it is made available. The applicant can accept or appeal the decision.

Where the Tribunal's decision of first instance is appealed by the applicant, the applicant will be invited to attend an appeal hearing where a panel of three Tribunal members (not including any members who made the original decision) hear the case orally and make a collective final decision.

The appeal hearing will be held in private and in an informal manner – you will not need legal representation. The hearing will generally be held remotely by teleconference or web-based video conference or in certain circumstances, it may be held onsite. Decisions of the Tribunal, redacted to remove personal information, may be made publicly available.

### How long does it take (approximately) to receive a decision from the authority on a claim for compensation?

The application processing time for applications under the Scheme can vary considerably from case to case. The time involved will generally depend on the nature and specific circumstances of the case, for example, this could include the possible need to obtain further information from the applicant concerning the claim such as medical or other expert reports. In making a decision on a claim additional information may also be required by the Tribunal from other agencies such as the police or other State authorities. Where court proceedings are ongoing, the Tribunal will typically await the outcome of the proceedings. The current caseload of the Tribunal at the time the application is received will also influence the length of time involved.

### If I'm not satisfied with the authority's decision, how can I challenge it?

If you are not satisfied a decision of first instance of the Tribunal, you can appeal the decision. If you do this you will be invited to an appeal hearing where a panel of three Tribunal members (not including the Tribunal member who made the original decision) hear the case orally and they will make a collective decision. They will consider the application afresh on a 'de novo' basis. The Tribunal's decision made at the appeal hearing is deemed the final decision under the Scheme. However the Irish High Court has said it would review a decision of the Tribunal in appropriate cases, such as where the principles of constitutional justice have been violated or where the scheme of compensation has been misinterpreted.

### Where can I get the necessary forms and other information on how to claim?

Information on the necessary forms and other information on the Scheme is available [here](#).

### Is there a special helpline or website I can use?

More detailed information on the Irish Scheme including a set of frequently asked questions is available [here](#).

Further information may be obtained by contacting the Tribunal secretariat at the address or telephone number below.

<b>Contact details:</b>	Criminal Injuries Compensation Tribunal Department of Justice Bishop's Square Redmond's Hill Dublin 2 D02 TD99
<b>Website:</b>	<a href="https://www.gov.ie/en/campaigns/0bfff8-criminal-injuries-compensation-scheme/">https://www.gov.ie/en/campaigns/0bfff8-criminal-injuries-compensation-scheme/</a>
<b>Phone:</b>	+ 353 1 479 0290
<b>E-Mail:</b>	<a href="mailto:criminalinjuries@justice.ie">criminalinjuries@justice.ie</a>

### Can I get legal aid (help from a lawyer) when preparing the claim?

The Scheme is intended to operate in an informal way and this is set out in the terms and conditions. While an applicant is always entitled to seek independent advice or representation, including legal advice and legal representation, the Scheme does not provide for the reimbursement of legal costs.

### Are there any victim support organisations that can help me claim compensation?

The Tribunal secretariat will assist applicants and answer queries on the operation of the Scheme.

Victim support services based in Ireland may also be able to assist and advise you in making an application under the Scheme. Details of a wide range of victim support organisations etc are listed in the following [Victims Charter publication](#).

One of these services, the Irish Tourist Assistance Service (ITAS), specialises in supporting tourists who are victims of crime during their visit to Ireland.

More information on ITAS is available [here](#).

ITAS can be contacted by e-mail at [info@itas.ie](mailto:info@itas.ie) and by telephone at +353 1 666 93 54

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