

# Press release: Compensation rule abolished allowing victims to reapply

- victims previously denied awards can reapply for compensation as of today
- part of wider review of Criminal Injuries Compensation Scheme already underway

From today (13 June 2019) more victims of violent crime will be able to apply for compensation as new legislation comes into force abolishing the longstanding 'same-roof' rule.

It will mean that anyone previously denied compensation under the rule, or put off from coming forward because of it, will be able to make fresh applications.

The so-called 'same roof' rule, blocked victims of violent crime from receiving compensation if the attacker was a family member they were living with at the time of the incident.

It was amended in 1979 to not prevent future victims accessing compensation, but as common with many changes to the law this was not made retrospective. This has led to some victims of crimes which occurred before the law change missing out on compensation.

Ministers vowed to remove the rule as part of the government's Victims Strategy launched last year, recognising the rule's unfair impact and to allow greater access to compensation.

Victims will now have 2 years to apply to the Criminal Injuries Compensation Authority (CICA), with a dedicated team set up to provide extra support with the claim process – including a named contact to ensure applicants do not have to repeat their traumatic experiences to multiple people.

Victims Minister Edward Argar said:

The 'same-roof' rule was unfair and we recognise the impact this had on victims whose applications were refused simply because they lived with their attacker.

Whilst no amount of compensation can make up for the immense suffering caused by such appalling crimes, by abolishing the rule we are widening access to much needed support and continue to review the entire scheme so it better supports victims.

"Improving support for victims is at the very heart of this government's work, and through our Victims Strategy we are determined to improve their experience at every stage of the

justice system.

The Criminal Injuries Compensation Scheme awards taxpayer-funded payments to victims injured as a result of violent crime, paying out over £150 million to victims in 2017/18.

Victims applying or reapplying for compensation will have to meet the Scheme's other eligibility criteria to be made an award.

An ongoing review of the Scheme, looking at a range of issues raised by victims, including eligibility rules, the definition of 'violent crime', and the type of injuries that are covered, will report back later this year.

Gabrielle Shaw, NAPAC's CEO, said:

We are delighted that the 'same roof' rule has been scrapped. Given that most child abuse happens within the family and children are likely to have had no choice but to live under the same roof as their abuser, this rule was rightly viewed as deeply unfair and punitive.

It is impossible to measure the damage done by childhood abuse, but for many survivors the impacts affect their health, their adult relationships and their earning potential throughout their lives.

President of the Law Society of England and Wales Christina Blacklaws said:

This change is a welcome correction to a historical anomaly that was causing significant injustice. We are very pleased the government has made this change, as a result of which more victims of historical child abuse will be able to claim recompense for the traumas they suffered.

## **Notes to editors**

### **How to apply**

You can:

#### **Same roof rule**

- The so-called 'same roof rule' was part of the original (non-statutory) compensation scheme introduced in 1964
- The rule was changed in October 1979, but the changes were not made retrospective.
- The pre-1979 same roof rule applies to adults and children. Under the rule applicants are not entitled to compensation if they were living with their assailant as members of the same family at the time of the incident.

- The reasons for the rule were, broadly, difficulties with evidence in such cases, and a wish to ensure that offenders did not benefit from compensation paid to the victim who they were living with.
- The rule applies to all victims of abuse inflicted by a family member living under the same roof; this includes physical as well as sexual abuse.
- The Scheme was amended in 1979 to apply only to adults who continued to live with their attacker. Under the current 2012 Scheme, applicants can still be refused compensation if at the time of the incident they were adults living with the assailant as members of the same family unless they are no longer living together and are unlikely to do so again. This rule of the Scheme (para 20) is being considered as part of the review of the Criminal Injuries Compensation Scheme.
- In July 2018 the Court of Appeal decided that the 'same-roof' rule had unfairly denied a claimant who was abused by her stepfather the right to compensation. The government chose to not appeal this judgment, and confirmed that the rule would be removed as part of the Victims Strategy published in September.
- The legal instrument comes into effect today and will remove the pre-1979 rule from the 2012 Criminal Injuries Compensation Scheme
- 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.

## Review

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, among other things, 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's [Terms of Reference](#).

The [Victims Strategy](#), published in September 2018, sets out a series of

measures and commitments across government to overhaul the support available to victims of crime.