



CRIMINAL INJURIES COMPENSATION (OVERSEAS) (CIC(O)) SCHEME RULES

(EFFECTIVE FROM 3 NOVEMBER 2008)

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Criminal Injuries Compensation (Overseas) Scheme

(Effective from 3 November 2008)

Introduction

1. These rules set out details of the discretionary, ex-gratia, scheme under which the Ministry of Defence makes payments to members of the Armed Forces and their accompanying dependants who, while serving overseas, sustain injury (including death) directly attributable to acts of criminal violence. The Scheme is designed to give comparable levels of compensation to those which would have been payable under the Criminal Injuries Compensation Scheme (CICS) if the injury had been sustained in analogous circumstances in Great Britain. These rules reflect the changes made to the Criminal Injuries Compensation Scheme, particularly the changes to the Tariff to that Scheme, which take effect from 3 November 2008. US of S and 2ndPUS, on behalf of the Defence Council, have delegated responsibility for making decisions in relation to the Scheme¹, both as to eligibility to receive an award and as to the amount of any award, to the Service Personnel & Veterans Agency (SPVA). Decisions will be made in accordance with the rules and arrangements set out here.
2. These rules replace those of the 2001 Scheme. Any application for compensation made on or after 3 November 2008 will be dealt with under the rules and arrangements set out here.

Contact points

3. If you wish to lodge an application, you should contact the following as appropriate:
 - (a) *Army personnel - HQ Army Legal Assistance, Catterick Barracks, Bielefeld Station, BFPO 39, Tel: Mil (9) 4881 3191 or 3196, Civil: 00 49 521 9254 3191 or 3196.*
 - (b) *RAF personnel - OC P1 or OC PSF at your unit*
 - (c) *RN & RM personnel - Legal Aid Officer, HMS Nelson, Portsmouth, PO1 3HH*

Administration of the Scheme

4. All applications received on or after 3 November 2008 for the payment of compensation to, or in respect of, persons who have sustained criminal injury will be considered under this Scheme, subject to the transitional provisions set out in paragraphs 63-66 below.

The appropriate Claims Officer² will determine claims for compensation in accordance with this Scheme. Reviews will be determined by a more senior Officer who will be referred to as the "Claims Review Officer"³. Appeals will be determined by a Claims Appeal Officer⁴.

The Claims Officer will be responsible for deciding, in accordance with this Scheme, what awards (if any) should be made in individual cases, and how they should be paid. Their decisions will be open to appeal to the Claims Appeal Officer, in accordance with this Scheme.

¹ MST 10/8/4 dated 6 November 2008

² No lower than Band D

³ No lower than Band C

⁴ No lower than Band B

Eligibility for compensation

5. Compensation may be paid in accordance with this Scheme:
- (a) to an applicant who has sustained a criminal injury on or after 1 December 1979;
 - (b) where the victim of a criminal injury sustained on or after 1 December 1979 has since died, to an applicant who is a qualifying claimant for the purposes of paragraph 36 (compensation in fatal cases).

For the purposes of this Scheme, "applicant" means any person for whose benefit an application for compensation is made, even where it is made on his/her behalf by another person.

6. No compensation will be paid under this Scheme where the applicant has previously obtained compensation in respect of the same criminal injury under this or any other scheme for the compensation of the victims of violent crime in operation outside Great Britain or under the Armed Forces Compensation Scheme (AFCS). An award of compensation under this Scheme will generally be made when injury or death occurs as a result of a criminal act. Compensation is **not** payable, however, under this Scheme where death or injury is the result of war operations or military activity by warring factions. Where service in the Armed Forces is the predominant cause of an injury, an application should normally be made under the Armed Forces Compensation Scheme (AFCS) in the first instance. Injuries or death resulting from a terrorist attack specifically targeted against members of the Armed Forces would normally be covered by the AFCS. Where injury or death is the result of an indiscriminate act of terrorism targeted at the general public and service in the Armed Forces is not the predominant cause of the injury or death, claims for compensation can be made under this Scheme.

7. For the purposes of this Scheme, "criminal injury" means one or more personal injuries as described in the following paragraph, being an injury sustained outside Great Britain (as defined in *note 1*) and directly attributable to:

- (a) a crime of violence (including arson, fire-raising or an act of poisoning); or
- (b) the apprehension or attempted apprehension of an offender or a suspected offender, the prevention or attempted prevention of an offence, or the giving of help to any civilian police or law enforcement officer who is engaged in any such activity.

8. For the purposes of this Scheme, personal injury includes physical injury (including fatal injury), mental injury (that is temporary mental anxiety, medically verified, or a disabling mental illness confirmed by psychiatric diagnosis) and disease (that is a medically recognised illness or condition). Mental injury or disease may either result directly from the physical injury or from a sexual offence or may occur without any physical injury. Compensation will not be payable for mental injury or disease without physical injury, or in respect of a sexual offence, unless the applicant:

- (a) was put in reasonable fear of immediate physical harm to his/her own person; or
- (b) had a close relationship of love and affection with another person at the time when that person sustained physical and/or mental injury (including fatal injury) directly attributable to conduct within paragraph 7(a) or (b), and
 - (i) that relationship still subsists (unless the victim has since died), and
 - (ii) the applicant either witnessed and was present on the occasion when the other person sustained the injury, or was closely involved in its immediate aftermath; or
- (c) in a claim arising out of a sexual offence, was the non-consenting victim of

that offence (which does not include a victim who consented in fact but was deemed in law not to have consented).

9. It is not necessary for the assailant to have been convicted of a criminal offence (either under UK law or under the law of the nation in which the incident took place) in connection with the injury. Moreover, even where the injury is attributable to conduct within paragraph 7(a) in respect of which the assailant cannot be convicted of an offence by reason of age, insanity or diplomatic immunity, the conduct may nevertheless be treated as constituting a criminal act.

10. A personal injury is not a criminal injury for the purposes of this Scheme where the injury is attributable to the use of a vehicle, except where the vehicle was used so as deliberately to inflict, or attempt to inflict, injury on any person.

11. Where an injury is sustained accidentally by a person who is engaged in:

- (a) any of the law-enforcement activities described in paragraph 7(b), or
- (b) any other activity directed to containing, limiting or remedying the consequences of a crime,

compensation will not be payable unless the person injured was, at the time he/she sustained the injury, taking an exceptional risk which was justified in all the circumstances.

12. (1) The Claims Officer may withhold or reduce an award where he/she considers that:

- (a) the applicant failed to take, without delay, all reasonable steps to inform the Service police, local civil police, or other body or person considered by the Claims Officer to be appropriate for the purpose, of the circumstances giving rise to the injury; or
- (b) the applicant failed to co-operate with the Service police or local civil police or other MoD in attempting to bring the assailant to justice; or
- (c) the applicant has failed to give all reasonable assistance to the Claims Officer or other body or person in connection with the application; or
- (d) the conduct of the applicant before, during or after the incident giving rise to the application makes it inappropriate that a full award or any award at all be made; or
- (e) the applicant's character as shown by his/her criminal convictions (excluding convictions spent under the Rehabilitation of Offenders Act 1974 at the date of application or death) or by evidence available to the Claims Officer (e.g. Service conduct sheets) makes it inappropriate that a full award or any award at all be made.

(2) No amount awarded in accordance with paragraph 33(1)(e), (f) or (g) (expenses associated with lack of mental capacity or trusts) will be reduced under subparagraph (1) above or under paragraph 13, unless the whole award is withheld under those provisions.

13. (1) In considering the issue of reasonable assistance under paragraph 12(1)(c), a Claims Officer may withhold an award where the applicant has repeatedly and without reasonable excuse failed to respond to the MoD's communications sent to his or her last known address.

(2) In considering the issue of conduct under paragraph 12(1)(d), a Claims Officer may withhold or reduce an award where he or she considers that excessive consumption of alcohol or use of illicit drugs by the applicant contributed to the circumstances which gave rise to the injury in such a way as to make it inappropriate that a

full award, or any award at all, be made.

(3) In considering the issue of character under paragraph 12(1)(e), a Claims Officer may withhold or reduce an award to reflect unspent criminal convictions unless he or she considers that there are exceptional reasons not to do so.

14. Where the victim has died since sustaining the injury (whether or not in consequence of it), paragraphs 12 and 13 will apply in relation both to the deceased and to any applicant for compensation under paragraphs 35-42 (fatal awards).

15. The Claims Officer will make an award only where they are satisfied:

(a) that there is no likelihood that an assailant would benefit if an award were made; or

(b) where the applicant is under 18 years of age when the application is determined, that it would not be against his/her interest for an award to be made.

16. Where, at the time when the injury was sustained, the victim and any assailant (whether or not that assailant actually inflicted the injury) were living in the same household as members of the same family, an award will be withheld unless:

(a) the assailant has been prosecuted in connection with the offence, except where the Claims Officer considers that there are practical, technical or other good reasons why a prosecution has not been brought; and

(b) in the case of violence between adults in the family, the Claims Officer is satisfied that the applicant and the assailant stopped living in the same household before the application was made and are unlikely to share the same household again.

(c) For the purposes of this Scheme, a man and woman living together as husband and wife (whether or not they are married) and cohabiting partners of the same sex (whether or not they are "civil partners") will be treated as members of the same family.

(d) For the purposes of this Scheme, two people are "civil partners" if they are civil partners for the purposes of the Civil Partnership Act 2004.

How to Apply

17. An application for compensation under this Scheme in respect of a criminal injury ("injury" hereafter in this Scheme) must be made in writing on a form obtainable from the appropriate contact point (as set out in paragraph 3). It should be made as soon as possible after the incident giving rise to the injury and must be countersigned by either the Commanding Officer or, in their absence, the Officer Commanding. Applications made more than two years after the date of the incident will not be considered but the Claims Officer may waive this time limit where in his opinion:

(a) it is practicable for the application to be considered; and

(b) in the particular circumstances of the case, it would not have been reasonable to expect the applicant to have made an application within the two-year period.

18. (1) It will be for the applicant to make out his/her case including, where appropriate:

(a) making out the case for a waiver of the time limit in the preceding paragraph;
and

(b) satisfying the Claims Officer dealing with his/her application that an award should not be withheld or reduced under any provision of this Scheme.

(2) Where an applicant is represented, the costs of representation will not be met by the Scheme. Where an applicant incurs ancillary costs in making his application, such as a fee paid to an expert for a medical or other specialist report, these will not be met by the MoD unless they are arranged by the Claims Officer in accordance with paragraph 20 (medical examination of injury) or the Claims Officer otherwise considers that it is reasonable for the MoD to meet them, in full or in part.

19. The Claims Officer may make such directions and arrangements for the conduct of an application, including the imposition of conditions, as it considers appropriate in all the circumstances. The standard of proof to be applied by the Claims Officer in all matters will be the civil standard, i.e. on the balance of probabilities.

20. Where the Claims Officer considers that an examination of the injury is required before a decision can be reached, he will make arrangements for such an examination by a duly qualified medical practitioner. Reasonable expenses incurred by the applicant in that connection will be met by the MOD in the event that this cannot be achieved through Service sources.

Types and limits of compensation

21. Subject to the other provisions of this Scheme, the compensation payable under an award will be:

(a) a standard amount of compensation determined by reference to the nature of the injury in accordance with paragraphs 24-27;

(b) where the applicant has lost earnings or earning capacity for longer than 28 weeks as a direct consequence of the injury (other than injury leading to his/her death), an additional amount in respect of such loss of earnings, calculated in accordance with paragraphs 28-32;

(c) where the applicant has lost earnings or earning capacity for longer than 28 weeks as a direct consequence of the injury (other than injury leading to his/her death) or, if not normally employed, is incapacitated to a similar extent, an additional amount in respect of any special expenses, calculated in accordance with paragraphs 33-34;

(d) where the victim has died in consequence of the injury, the amount or amounts calculated in accordance with paragraphs 35-41;

(e) where the victim has died otherwise than in consequence of the injury, a supplementary amount calculated in accordance with paragraph 42.

22. The maximum award that may be made (before any reduction under paragraphs 12-14 above) in respect of the same injury will not exceed £500,000. For these purposes, where the victim has died in consequence of the injury, any application made by the victim before his/her death and any application made by any qualifying claimant or claimants after his/her death will be regarded as being in respect of the same injury.

23. The injury, or any exacerbation or acceleration of a pre-existing condition, must be sufficiently serious to qualify for compensation equal at least to the minimum award under this Scheme in accordance with paragraph 24, but lesser compensation may be paid if an award is reduced under paragraphs 12, 13 or 14.

Standard amount of compensation

24. The standard amount of compensation will be the amount shown in respect of the relevant description of injury in the Tariff⁵, which sets out:

- (a) a scale of fixed levels of compensation;
- (b) the level and corresponding amount of compensation for each description of injury; and
- (c) qualifying notes.

Level 1 represents the minimum award under this Scheme, and Level 25 represents the maximum award for any single description of injury. Where the injury has the effect of accelerating or exacerbating a pre-existing condition, the compensation awarded will reflect only the degree of acceleration or exacerbation.

25. Minor multiple injuries will be compensated in accordance with Note 12 to the Tariff. The standard amount of compensation for more serious but separate multiple injuries will, unless expressly provided for otherwise in the Tariff, be calculated as:

- (a) the Tariff amount for the highest-rated description of injury; plus
- (b) 30 per cent of the Tariff amount for the second highest-rated description of injury; plus, where there are three or more injuries,
- (c) 15 per cent of the Tariff amount for the third highest-rated description of injury.

26. Where the Claims Officer considers that any description of injury for which no provision is made in the Tariff is sufficiently serious to qualify for at least the minimum award under this Scheme, they will consult with the Criminal Injuries Compensation Authority and/or medical authorities to determine the most appropriate tariff.

27. Where the Claims Officer considers that any description of injury for which no provision is made in the Tariff is sufficiently serious to qualify for at least the minimum amount payable under this scheme, they will use their discretion in deciding the level of any award to be made.

Compensation for loss of earnings

28. (1) Where the applicant has lost earnings or earning capacity for longer than 28 weeks as a direct consequence of the injury (other than injury leading to his/her death), no compensation in respect of loss of earnings or earning capacity will be payable for the first 28 weeks of loss. The period of loss for which compensation may be payable will begin after those 28 weeks and, subject to sub-paragraph (2) below, will continue for such period as a Claims Officer may determine.

(2) Where an injury has resulted in a reduction in the life expectancy of the applicant to an age below the applicant's expected retirement age, the period of loss for which compensation may be payable must be restricted to reflect that fact. No compensation in respect of loss of earnings or earning capacity will be payable in respect of any years of employment lost as a result of a reduction in life expectancy, subject to the right of a qualifying claimant to make an application for compensation under paragraphs 35-42 (compensation in fatal cases).

29. (1) Loss of earnings or earning capacity for any period of loss prior to the date of assessment (and, where appropriate, the date of the assessment itself) ("past loss"), will be assessed by:

⁵ CIC(O) tariffs are the same as those used by CICS. A breakdown of the tariffs is provided below, tariffs for specific injuries can be found at www.cica.gov.uk

- (a) calculating the applicant's earnings as they would have been during the period of loss had it not been for the injury; and
 - (b) deducting any earnings which have, or should have, been paid to the applicant during the period of loss, whether or not as a result of the injury.
- (2) Loss of earnings or earning capacity for any period of loss following the date of assessment ("future loss") will be assessed by:
- (a) calculating in accordance with sub-paragraphs (1)(a) and (1)(b) above an annual rate of loss at the time of the assessment (the "multiplicand"); and
 - (b) calculating any further multiplicand being such future annual rate of loss as the Claims Officer may determine taking into account his or her assessment of the applicant's likely future earnings and future earning capacity; and
 - (c) multiplying each multiplicand by an appropriate multiplier (and applying any other relevant factor) in accordance with paragraph 30.
- (3) For the purposes of this Scheme, "earnings" includes any profit or gain payable in respect of an office or employment (including salary, benefits in kind, pensions benefits (whether or not paid as a lump sum), redundancy payments and other severance payments) and will be calculated net of tax, national insurance and pension contributions.

30. The compensation payable in respect of each period of future loss will be a lump sum, which is the product of the relevant multiplicand and an appropriate multiplier. When the loss does not start until a future date, the lump sum will be discounted to provide for the present value of the money. The Claims Officer will assess the appropriate multiplier, discount factor, or life expectancy by reference to the tables in *Note 3*, and may make such adjustments as it considers appropriate to take account of any factors and contingencies which appear to the Panel to be relevant. The tables in *Note 3* set out the multipliers and (where applicable) discounts and life expectancies to be applied.

- (a) Table A is to be applied to various periods of future loss to allow for the accelerated receipt of compensation;
- (b) Table B sets out the discount factor, by which the lump sum is to be multiplied, when the loss does not start until various periods in the future;
- (c) Table C is a life expectancy table, and in the absence of other factors affecting life expectancy, the table sets out the age to be applied when assessing a multiplier based on pecuniary loss for life.

31. Where a Claims Officer considers that the approach in paragraphs 29 and 30 to assessing compensation for future loss of earnings or earning capacity is impracticable, the compensation payable in respect of that loss will be such other lump sum as he or she may determine.

32. Any rate of net loss of earnings or earning capacity (before any reduction in accordance with this Scheme) which is to be taken into account in calculating any compensation payable under paragraphs 28-31 must not exceed one and a half times the median gross weekly earnings at the time of assessment according to the latest figures published by the Office for National Statistics.

Compensation for special expenses

33. (1) Where the applicant has lost earnings or earning capacity for longer than 28 weeks as a direct consequence of the injury (other than injury leading to his/her death), or, if not normally employed, is incapacitated to a similar extent, additional compensation may be payable in respect of any special expenses incurred by the applicant from the date of the injury for:

- (a) loss of or damage to property or equipment belonging to the applicant on which he/she relied as a physical aid, where the loss or damage was a direct consequence of the injury;
- (b) costs (other than by way of loss of earnings or earning capacity) associated with National Health Service treatment for the injury;
- (c) the cost of private health treatment for the injury, but only where the Claims Officer considers that, in all the circumstances, both the private treatment and its cost are reasonable;
- (d) the reasonable cost, to the extent that it falls to the applicant, of
 - (i) special equipment, and/or
 - (ii) adaptations to the applicant's accommodation, and/or
 - (iii) care (in connection with the applicant's bodily functions or the preparation of meals) and supervision (to avoid substantial danger to the applicant or others), whether in a residential establishment or at home, which is not provided or available free of charge from the National Health Service, local authorities or any other agency, provided that a Claims Officer considers such expense to be necessary as a direct consequence of the injury;
- (e) fees payable to the Public Guardian or the Court of Protection, or to any sheriff court in respect of an application made under the Adults with Incapacity (Scotland) Act 2000 (the "2000 Act");
- (f) other costs associated with the administration of the applicant's affairs due to his or her lack of mental capacity (such as the costs of administering a power of attorney, the fees of a receiver or deputy appointed to act in a professional capacity, or the costs associated with a guardianship or intervention order under the 2000 Act) provided that the Claims Officer considers that the costs were necessarily incurred as a result of the injury and are reasonable;
- (g) the reasonable cost of setting up and administering a trust pursuant to a direction given by the Claims Officer under paragraph 50 (determination of applications and payment of awards).

(2) In the case of sub-paragraph (1)(d)(iii) above, the expense of unpaid care provided at home by a relative or friend of the victim will be compensated by having regard to the level of care required, the cost of a carer, assessing the carer's loss of earnings or earning capacity and/or additional personal and living expenses, as calculated on such basis as the Claims Officer considers appropriate in all the circumstances. Where the foregoing method of assessment is considered by the Claims Officer not to be relevant in all the circumstances, the compensation payable will be such sum as the Claims Officer may determine having regard to the level of care provided.

(3) For the purposes of this Scheme, the "Court of Protection" includes the superior court of record created by section 45(1) of the Mental Capacity Act 2005 (the "2005 Act") and the office of the Supreme Court called the Court of Protection which ceased to exist under section 45(6) of that Act; and the "Public Guardian" includes the officer appointed by the Lord Chancellor under section 57 of the 2005 Act and the Public Guardian established under section 6 of the 2000 Act.

34. (1) Where, at the time the claim is assessed, the Claims Officer is satisfied that the need for any of the special expenses mentioned in the preceding paragraph, other than special equipment, is likely to continue, the Claims Officer will determine the annual cost and select an appropriate multiplier in accordance with paragraph 30 (multipliers, discount factors

and life expectancy), taking account of any other factors and contingencies which appear to the Claims Officer to be relevant.

(2) Where, at the time the claim is assessed, a Claims Officer is satisfied that the need for special equipment is likely to continue and that the equipment will require replacement on occasions in the future, the Claims Officer will calculate the replacement value at each date of replacement, being the cost of the new equipment less the sale value of the old equipment, and select an appropriate discount factor in accordance with paragraph 30 (multipliers, discount factors and life expectancy) taking account of any other factors and contingencies which appear to him or her to be relevant.

Compensation in fatal cases

35. Where the victim has died in consequence of the injury, no compensation other than funeral expenses will be payable for the benefit of his/her estate. Such expenses will, subject to the application of paragraphs 12 and 13 in relation to the actions, conduct and character of the deceased, be payable up to an amount considered reasonable by the Claims Officer, even where the person bearing the cost of the funeral is otherwise ineligible to claim under this Scheme.

36. (1) Where the victim has died:

(a) if the death was in consequence of the injury, compensation may be payable to a qualifying claimant under paragraphs 37-41 (standard amount of compensation, dependency, and loss of parent); or

(b) if the death was otherwise than in consequence of the injury, and occurred before title to the award had been vested in the victim (see paragraph 50), compensation may be payable to a qualifying claimant under paragraph 42 (supplementary compensation), and no standard amount or other compensation will be payable to the estate or to the qualifying claimant other than under that paragraph.

(2) A "qualifying claimant" is a person who at the time of the deceased's death was:

(a) the partner of the deceased, being only, for these purposes:

(i) a person who was living together with the deceased as husband and wife or as a same sex partner in the same household (or a person who would have been so living but for infirmity or ill health preventing physical proximity in the same house) immediately before the date of death and who, unless married to that person or a civil partner of that person, had been so living throughout the two years before that date, or

(ii) a spouse or civil partner or former spouse or civil partner of the deceased who was financially supported by the deceased immediately before the date of death; or

(b) a natural parent of the deceased, or a person who was not the natural parent but was accepted by the deceased as a parent within the deceased's family; or

(c) a natural child of the deceased, or a person who was not the natural child, but was accepted by the deceased as a child within the deceased's family or was dependent on the deceased.

But a person who was criminally responsible for the death of a victim may not be a qualifying claimant.

37. A qualifying claimant may claim an award under this paragraph (a "bereavement

award”) unless he or she was a former spouse or civil partner of the deceased or was otherwise estranged from the deceased immediately before the date of death. In cases where only one person qualifies for a bereavement award, the standard amount of compensation will be Level 13 of the Tariff, save that where a Claims Officer is aware of the existence of one or more other persons who would in the event of their making a claim qualify for a bereavement award, the standard amount of compensation will be Level 10 of the Tariff. Where more than one person qualifies for a bereavement award, the standard amount of compensation for each claimant will be Level 10 of the Tariff.

38. (1) Additional compensation calculated in accordance with the following paragraph may be payable to a qualifying claimant where the Claims Officer is satisfied that the claimant was financially or physically dependent on the deceased. A financial dependency will not be established where the deceased's only normal income was from social security benefits.

(2) For the purposes of this Scheme, “social security benefits” includes all United Kingdom social security benefits, other state or local MoD benefits and all such benefits or similar payments paid from the funds of other countries.

39. The amount of compensation payable in respect of dependency will be calculated on a basis similar to paragraphs 28-32 (loss of earnings) and paragraph 33(d)(iii) (cost of care). The period of loss will begin from the date of the deceased's death and continue for such period as the Claims Officer may determine, with no account being taken, where the qualifying claimant was married to or a civil partner of the deceased, of remarriage or prospects of remarriage or of a new civil partner or the prospects of a new civil partnership. In assessing the dependency, the Claims Officer will take account of the qualifying claimant's earnings and other income, if any. Where the deceased had been living in the same household as the qualifying claimant before his/her death, the Claims Officer will, in calculating the multiplicand, make such proportional reduction as he considers appropriate to take account of the deceased's own personal and living expenses.

40. Where a qualifying claimant was under 18 years of age at the time of the deceased's death and was dependent on him/her for parental services, the following additional compensation may also be payable:

- (a) a payment for loss of that parent's services at an annual rate of Level 5 of the Tariff; and
- (b) such other payments as the Claims Officer considers reasonable to meet other resultant losses.

Each of these payments will be multiplied by an appropriate multiplier selected by the Claims Officer in accordance with paragraph 30 (multipliers, discount factors and life expectancy), taking account of the period remaining before the qualifying claimant reaches age 18 and of any other factors and contingencies which appear to the Claims Officer to be relevant.

41. Application may be made under paragraphs 35-40 (compensation in fatal cases) even where an award had been made to the victim in respect of the same injury before his/her death. Any such application will be subject to the conditions set out in paragraphs 48-49 for the re-opening of cases, and any compensation payable to the qualifying claimant or claimants, except payments made under paragraphs 35 and 37 (funeral expenses and standard amount of compensation), will be reduced by the amount paid to the victim. The amounts payable to the victim and the qualifying claimant or claimants will not in total exceed £500,000.

Where victim died otherwise than in consequence of injury

42. Where a victim who would have qualified for additional compensation under paragraph 21(b) (loss of earnings) and/or paragraph 21(c) (special expenses) has died, otherwise than in consequence of the injury, before such compensation was awarded,

supplementary compensation under this paragraph may be payable to a qualifying claimant who was financially dependent on the deceased within the terms of paragraph 38 (dependency), whether or not a relevant application was made by the victim before his/her death. Payment may be made in accordance with paragraph 29 (1) in respect of the victim's loss of earnings (except for the first 28 weeks of the victim's loss of earnings and/or earning capacity) and in accordance with paragraph 33 in respect of any special expenses incurred by the victim before his/her death. The amounts payable to the victim and the qualifying claimant or claimants will not in total exceed £500,000.

Effect on awards of other payments

43. (1) The compensation payable to an applicant under this Scheme, other than compensation payable under paragraphs 24, 25, 37 and 40(a) (tariff-based amounts of compensation), will be reduced to take account of any social security benefits or insurance payments made by way of compensation for the same contingency.

(2) No reduction under this paragraph will be made to take account of an insurance payment if it is made under an insurance arrangement entered into and wholly funded by the victim personally (or by the parent or guardian of a victim who was under the age of 18 at the time of the injury), except where the reduction is made to compensation payable under paragraph 33(1)(c), (d), (e) or (f) (subject, if appropriate, to paragraph 34).

(3) Subject to sub-paragraph (4) below, a reduction under this paragraph will be made irrespective of the period in respect of which the social security benefits or insurance payments have been, or will be paid. In particular, the reduction will be made whether or not any actual loss occurred or will occur in that period.

(4) No reduction under this paragraph will be made to take account of any social security benefits or insurance payments paid in respect of the first 28 weeks of lost earnings.

(5) Subject to sub-paragraph (6) below, the amount of the reduction will be the full value of the social security benefits or insurance payments less the amount of any income tax which has been or may be charged in respect of them.

(6) If the benefits or payments will be paid after the date of the assessment, the Claims Officer will calculate the amount of the reduction as he or she would calculate a lump sum to compensate for future loss under paragraph 30 (multipliers, discount factors and life expectancy).

(7) For the purposes of this Scheme, disablement pension payable under section 103 of the Social Security Contributions and Benefits Act 1992 will be treated as a social security benefit payable to compensate for loss of earnings, loss of earning capacity or loss of pension benefits.

44. (1) Where the victim is alive, any compensation payable under paragraphs 28-32 (loss of earnings) will be reduced to take account of any pension benefits accruing as a result of the injury which have not already been taken into account in calculations under those paragraphs. Where the victim has died in consequence of the injury, any compensation payable under paragraphs 38-39 (dependency) will similarly be reduced to take account of any pension benefits which have not already been taken into account in calculations under those paragraphs and which are payable, as a result of the victim's death, for the benefit of the applicant.

(2) For the purposes of this paragraph, "pension benefits" means any payment payable as a result of the injury or death in pursuance of pension or any other rights connected with the victim's employment, and includes any gratuity of that kind and similar benefits payable under insurance policies paid for by the victim's employers. Pension rights accruing solely as a result of payments by the victim or a dependant will be disregarded.

(3) Subject to sub-paragraph (4) below, a reduction under this paragraph will be made irrespective of the period in respect of which the pension benefits have been, or will be paid. In particular, a reduction will be made whether or not any actual loss of earnings or earning capacity occurred or will occur in that period.

(4) No reduction under this paragraph will be made to take account of any pension benefits paid in respect of the first 28 weeks of lost earnings.

(5) Subject to sub-paragraph (6) below, where such pension benefits are taxable, one half of their gross value will be deducted, but they will otherwise be deducted in full (where, for example, a lump sum payment not subject to income tax is made).

(6) If the pension benefits will be paid after the date of the assessment, the Claims Officer will calculate the amount of the reduction as he or she would calculate a lump sum to compensate for future loss under paragraph 30 (multipliers, discount factors and life expectancy). In the case of taxable pension benefits the Claims Officer will assume for these purposes that the applicant will receive one half of their gross value.

45. Where, in the opinion of a Claims Officer, an applicant may be or may become eligible for any social security benefits, insurance payments or pension benefits, within the meaning of paragraph 43 or 44, an award may be withheld until the applicant has taken such steps as the Claims Officer considers reasonable to claim them.

46. (1) An award payable under this Scheme will be reduced by the full value of any payment in respect of the same injury which the applicant has received or to which he or she has any present or future entitlement, as a result of:

- (a) any criminal injury compensation award made under or pursuant to arrangements in force at the relevant time in Northern Ireland;
- (b) any compensation award or similar payment from the funds of a country or other territory outside the United Kingdom;
- (c) an order by a civil court whether in the United Kingdom or elsewhere for the payment of damages;
- (d) an order by a criminal court whether in the United Kingdom or elsewhere for payment of compensation in respect of personal injuries or a compensation offer under section 302A of the Criminal Procedure (Scotland) Act 1995; or
- (e) a settlement of a claim for damages, compensation or both on terms providing for the payment of money.

(2) In calculating reductions under this paragraph, the full value of a payment listed in sub-paragraph (1) above is the payment less the amount of any benefits which are recoverable under the Social Security (Recovery of Benefits) Act 1997, or under any equivalent legislation in Northern Ireland or a country or territory outside the United Kingdom.

(3) A Claims Officer may require an applicant to provide details of any steps taken or planned to obtain damages or compensation in respect of the same injury and may decline to process an application further until those details have been provided or until the applicant's attempts to obtain such damages or compensation have been exhausted.

47. Where a person in whose favour an award under this Scheme is made subsequently receives any other payment in respect of the same injury in any of the circumstances mentioned in the paragraph 46, but the award made under this Scheme was not reduced accordingly, he/she will be required to repay MoD in full up to the amount of the other payment.

Re-opening of cases

48. A decision made by the Claims Officer and accepted by the applicant will normally be regarded as final. The Claims Officer may, however, subsequently re-open a case where there has been such a material change in the victim's medical condition that injustice would occur if the original assessment of compensation were allowed to stand, or where he/she has since died in consequence of the injury.

49. A case will not be re-opened more than two years after the date of the final decision unless the Claims Officer is satisfied, on the basis of evidence presented in support of the application to re-open the case, that the renewed application can be considered without a need for further extensive enquiries.

Determination of applications and payment of awards

50. (1) An application for compensation under this Scheme will be determined by a Claims Officer, and written notification of the decision will be sent to the applicant or the applicant's representative. Written acceptance of an award must be received by the MoD within 90 days of the date the decision was issued. If such an acceptance is not received within that period, and no application for a review under paragraph 57 has been made, the MoD may withdraw the award. A Claims Officer may grant an extension to this time limit (whether or not it has already expired) and overturn any withdrawal, if:

- (a) the applicant has made a written request for an extension; and
- (b) the Claims Officer considers that there are exceptional circumstances which justify the granting of an extension.

(2) The Claims Officer may make such directions and arrangements, including the imposition of conditions, in connection with the acceptance, settlement, or trust, payment, repayment and/or administration of an award as he or she considers appropriate in all the circumstances. Any such directions and arrangements, including any settlement or trust may be made having regard to the interests of the applicant (whether or not a minor or a person under an incapacity) as well as to considerations of public policy (including the desirability of providing for the return of any parts of an award which may prove to be surplus to the purposes for which they were awarded) on terms which do not exhaust the beneficial interest in the award and which provide, either expressly or by operation of law, for the balance of any trust fund to revert to the MoD. Subject to any such arrangements, including the special procedures in paragraph 52 (purchase of annuities), and to paragraphs 53-55 (reconsideration of decisions), title to an award offered will be vested in the applicant when the MoD has received notification in writing that the applicant accepts the award.

51. Compensation will normally be paid as a single lump sum, but one or more interim payments may be made where the Claims Officer considers this appropriate. Once an award has been paid to an applicant or his/her representative, paragraph 52 does not apply.

52. Where prior agreement is reached between the Claims Officer and the applicant or their representative, an award may consist in whole or in part of an annuity or annuities, purchased for the benefit of the applicant or to be held on trust for their benefit. Once that agreement is reached, the Claims Officer will take the instructions of the applicant or their representative as to which annuity or annuities should be purchased. Any expenses incurred will be met from the award.

Review of decision

53. (1) An applicant may seek a review of any decision under this Scheme by the Claims Review Officer:

- (a) not to waive the time limit in paragraph 16 (application for compensation) or paragraph 55 (application for review); or
- (b) not to re-open a case under paragraph 48-49; or
- (c) to reject or withhold all or part of an award; or

- (d) to make an award, including a decision to make a reduced award under paragraphs 46
 - (e) to seek repayment of an award under paragraph 47.
 - (f) to withdraw an award under paragraph 50(1)
- (2) An applicant may not however, seek the review of any such decision:
- (a) where the decision was itself made on a review under paragraph 55 and either the applicant did not appeal against it or the appeal did not result in a direction from Claims Appeal Officer; or
 - (b) where the decision was made in accordance with a direction by the Claims Appeal Officer on determining an appeal under paragraph 56.

54. An application for the review of a decision by a Claims Officer must be made in writing to the MoD and must be supported by reasons together with any relevant additional information. It must be received by the MoD within 90 days of the date the decision to be reviewed was issued. However, a Claims Review Officer other than the one who made the original decision may grant an extension to this time limit (whether or not it has already expired) if:

- (a) the applicant has made a written request for an extension; and
- (b) the Claims Review Officer considers that there are exceptional circumstances which justify the granting of an extension.

55. (1) All applications for review will be considered by a Claims Officer other than the one who made the original decision. The officer conducting the review will reach a decision in accordance with the provisions of this Scheme applying to the original application, and will not be bound by any earlier decision either as to the eligibility of the applicant for an award or as to the amount of an award. The applicant will be sent written notification of the outcome of the review, giving reasons for the review decision, and the MoD will, unless it receives notice of an appeal, ensure that a determination of the original application is made in accordance with the review decision.

(2) Where, on review of a decision not to re-open a case under paragraphs 48-49, the Claims Review Officer decides to re-open the case, he or she will proceed to determine the application for compensation. If the applicant is dissatisfied with that determination, he or she may appeal under paragraph 59.

Appeals

56. An applicant who is dissatisfied with a decision taken on a review under paragraph 53(1) or with a determination under paragraph 55(2) may appeal against the decision to the Claims Appeal Officer.

57. Where the appeal concerns a decision not to re-open a case under paragraphs 48-49, and the application for re-opening was made more than two years after the date of the final decision, the Claims Appeal Officer must be satisfied that the renewed application can be considered without a need for further extensive enquiries by the MoD.

58. (1) Where the Claims Appeal Officer allows an appeal against a decision taken on review under paragraph 53(1)(a), (b) or (f), it will direct the MoD in accordance with this paragraph.

(2) In a case where the appeal was against a decision not to waive the time limit in paragraph 17, the Claims Appeal Officer will direct the MoD to arrange for the application for compensation to be dealt with under this Scheme as if the time limit had been waived by a Claims Officer.

(3) In a case where the appeal was against a decision not to extend the time limit in paragraph 54, the Claims Appeal Officer will direct the MoD to conduct a review under paragraph 55.

(4) In a case where the appeal was against a decision not to re-open a case, the Claims Appeal Officer will direct the MoD to re-open the case under paragraphs 48-49.

(5) In a case where the appeal was against a decision to withdraw an award under paragraph 50(1), the Claims Appeal Officer will direct the MoD to allow the applicant a further period of 90 days in which either to accept the award or seek a review on other grounds.

59. Where the Claims Appeal Officer allows an appeal against a decision taken on review under paragraph 53(1)(c), (d) or (e) he will make such direction as he thinks appropriate as to the decision to be made by a Claims Officer on the application for compensation, but any such direction must be in accordance with the relevant provisions of this Scheme.

Implementation and transitional provisions

60. The provisions of this Scheme come into force on 3 November 2008. All applications for compensation received by the MoD on or after 3 November 2008 will be dealt with under the terms of this Scheme.

61. Applications for compensation received by the MoD before 3 November 2008 will continue to be dealt with if they were received on or after 1 April 2001, in accordance with the provisions of the scheme announced in DCI JS 114/99 and the Tariff which came into operation on 1 April 2001 ("the 2001 Scheme") as modified by paragraph 62 of this Scheme.

62. Where an application is required by paragraph 61 to be dealt with under the 2001 Scheme, with effect from 3 November 2008 any appeal against a decision taken on review will be to the Claims Appeal Officer.

63. Cases which are reopened under paragraph 48 of this Scheme or any corresponding provision of any earlier scheme will be dealt with according to the terms of the scheme under which the initial application was decided, subject to paragraph 62 of this Scheme.

Notes to the Scheme

(see paragraph 7)

Note 1 Definition of Great Britain

(a) For the purposes of paragraph 7 of this Scheme, an injury is sustained in Great Britain where it is sustained:

- (i) on a British aircraft, hovercraft or ship (see Note 2); or
- (ii) on, under or above an installation in a designated area within the meaning of section 1(7) of the Continental Shelf Act 1964 or any waters within 500 metres of such an installation; or
- (iii) in a lighthouse off the coast of Great Britain.

(b) For the purposes of paragraph 7 of this Scheme, Great Britain includes that part of the Channel Tunnel designated part of Great Britain by the Channel Tunnel Act 1987. Within that part of the Tunnel or in the control zones within the meaning of the Channel Tunnel (International Arrangements) Order 1993 (SI No 1813), this Scheme applies to:

- (i) anyone injured by a UK "officer" (as defined by Article 1(d) of the Protocol made under the Channel Tunnel Treaty signed at Sangette on 25 November 1991) in the exercise of his duties, and
- (ii) any UK "officer" injured in the exercise of his duties, but it does not apply to:
- (iii) anyone (except a UK officer in the exercise of his duties) injured by a non-UK "officer" in the exercise of his duties, and
- (iv) any non-UK "officer" injured in the exercise of his duties, and such persons must pursue their remedy under the relevant national law.

Note 2 Definition of British aircraft, British Hovercraft and British ship

In Note 1 above:

- (a) "British aircraft" means a British controlled aircraft within the meaning of section 92 of the Civil Aviation Act 1982 (application of criminal law to aircraft), or one of Her Majesty's aircraft;
- (b) "British hovercraft" means a British controlled hovercraft within the meaning of that section (as applied in relation to hovercraft by virtue of provision made under the Hovercraft Act 1968), or one of Her Majesty's hovercraft; and
- (c) "British ship" means any vessel used in navigation which is owned wholly by persons of the following descriptions, namely:
 - (i) British citizens, or
 - (ii) bodies corporate incorporated under the law of some part of, and having their principal place of business in, the United Kingdom, or
 - (iii) Scottish partnerships, or one of Her Majesty's ships.

The references in this Note to Her Majesty's aircraft, hovercraft or ships are references to aircraft, hovercraft or ships which belong to, or are exclusively used in the service of, Her Majesty in right of the government of the United Kingdom or the Scottish Administration.

Note 3 Illustrative Multipliers
(see paragraph 30)

Table A

(This converts an annual loss over a period of years into a lump sum payable at the beginning of that period)

Years of Loss	Multiplier
5	5
6	5.5
7	6
8	7
9	7.5
10	8
11	8.5
12	9
13	9.5
14	10
15	10.5
16	11
17	11.5
18	12
19	12.5
20	13
25	15
30	16
35	17
40	18
50	20

Table B **Discount Factors**

Period of years	Discount in Future	Period of years In Future	Discount
5	.80	17	.48
6	.77	18	.46
7	.74	19	.44
8	.71	20	.42
9	.68	25	.34
10	.65	30	.27
11	.62	35	.22
12	.59	40	.18
13	.57	50	.12
14	.54		
15	.52		
16	.50		

Table C **Life expectancy table**

Age at date of assessment	Age to which expected to live for purposes of calculation	
	Males	Females
0-25	80	84
26-50	81	84
51-60	81	85
61-65	82	85
66-70	83	86
71-73	84	87
74-76	85	87
77-78	86	88
79-80	87	89
81	88	89
82	88	90
83	89	90
84-85	90	91
86	91	92
87-88	92	93
89	93	94
90	94	95

CRIMINAL INJURIES COMPENSATION (OVERSEAS) SCHEME TARIFF

Level of compensation	Amount
1	£1,000
2	£1,250
3	£1,500
4	£1,750
5	£2,000
6	£2,500
7	£3,300
8	£3,800
9	£4,400
10	£5,500
11	£6,600
12	£8,200
13	£11,000
14	£13,500
15	£16,500
16	£19,000
17	£22,000
18	£27,000
19	£33,000
20	£44,000
21	£55,000
22	£82,000
23	£110,000
24	£175,000
25	£250,000

General Notes to Tariff of Injuries

(Notes 1-3 follow paragraph 59 of the Scheme)

4. *Where the tariff compensates for an operation the award includes provision for the normal operation scarring.*

5. *When a person suffers both a physical injury and a mental injury, and the tariff amount for the physical injury is higher than that for the mental injury, the applicant will be entitled only to the tariff amount for the physical injury.*

When a person suffers both a physical injury and a mental injury, and the tariff amount for the mental injury is the same as or higher than that for the physical injury, the applicant will be entitled to awards for the separate injuries in accordance with paragraph 27 of the Scheme (the serious multiple injury formula).

When a person is a victim of a sexual offence and also suffers a mental injury, the applicant will be entitled only to whichever is the higher of the two tariff amounts.

TARIFF OF INJURIES		
Description of injury	Level	Standard Amount £
<u>GENERAL</u>		
<u>Fatal injury</u>		
One qualifying claimant	13	11,000
Each qualifying claimant	10	5,500
<u>Burns</u>		
<i>Note 6. For other burn injuries see under individual parts of the body.</i>		
Affecting multiple areas of body covering over 25% of skin area, with significant scarring	19	33,000
<u>Infection with HIV/Hepatitis B/Hepatitis C</u>		
<i>Note 7. Not subject to the multiple injuries formula and may be paid in addition to other awards.</i>		
Infection with HIV/Hepatitis B/Hepatitis C	17	22,000
<u>Loss of foetus</u>		
	10	5,500
<u>Major paralysis</u>		
Hemiplegia (paralysis of one side of the body)	21	55,000
Paraplegia (paralysis of lower limbs)	24	175,000
Quadriplegia/tetraplegia (paralysis of all four limbs)	25	250,000
<u>Medically recognised illness/condition – not mental illness</u>		
Moderately disabling disorder where the symptoms and disability persist for more than 6 weeks from the incident/date of onset		
- lasting 6 to 13 weeks	1	1,000
- lasting up to 28 weeks	5	2,000
- lasting over 28 weeks		
- not permanent	7	3,300
- permanent	12	8,200
Seriously disabling disorder where the symptoms and disability persist for more than 6 weeks from the incident/date of onset		
- lasting 6 to 13 weeks	5	2,000
- lasting up to 28 weeks	9	4,400
- lasting over 28 weeks		
- not permanent	12	8,200
- permanent	17	22,000

Mental illness and temporary mental anxiety

Notes:

8. *Mental illness includes conditions attributed to post-traumatic stress disorder, depression and similar generic terms within which there may be:*

(a) such psychological symptoms as anxiety, tension, insomnia, irritability, loss of confidence, agoraphobia and preoccupation with thoughts of guilt or self-harm; and

(b) related physical symptoms such as alopecia, asthma, eczema, enuresis and psoriasis.

9. *“Medically verified” means that the mental anxiety has been diagnosed by a registered medical practitioner.*

10. *“Psychiatric diagnosis/prognosis” means that the disabling mental illness has been diagnosed or the prognosis made by a psychiatrist or clinical psychologist.*

11. *Mental anxiety or a mental illness is disabling if it significantly impairs a person’s functioning in some important aspect of her/his life e.g. impaired work or school performance or significant adverse effects on social relationships or sexual dysfunction.*

Disabling but temporary mental anxiety lasting more than 6 weeks, medically verified	1	1,000
Disabling mental illness, confirmed by psychiatric diagnosis:		
- lasting up to 28 weeks	6	2,500
- lasting over 28 weeks to 2 years	9	4,400
- lasting 2 years to 5 years	12	8,200
- lasting over 5 years but not permanent	14	13,500
Permanent mental illness, confirmed by psychiatric prognosis		
- moderately disabling	16	19,000
- seriously disabling	18	27,000

Minor injuries: multiple

Note 12: Minor multiple physical injuries will qualify for compensation only where the applicant has sustained at least 3 separate physical injuries of the type illustrated below, at least one of which must still have had significant residual effects 6 weeks after the incident. The injuries must also have necessitated at least 2 visits to or by a medical practitioner within that 6-week period. Examples of qualifying injuries are:

(a) grazing, cuts, lacerations (no permanent scarring)

(b) severe and widespread bruising

(c) severe soft tissue injury (no permanent disability)

(d) black eye(s)

(e) bloody nose

(f) hair pulled from scalp

(g) loss of fingernail

Minor injuries: multiple	1	1,000
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Peripheral sensory nerve damage

	- lasting more than 13 weeks		
	- substantial recovery expected	3	1,500
	- permanent disability		
	- minor loss	3	1,500
	- significant loss (e.g. loss of sensation in large area of leg)	7	3,300
	- serious loss (e.g. loss of sensation of hand)	12	8,200
<u>Peripheral motor nerve damage not otherwise compensated for</u>			
	- lasting more than 13 weeks		
	- substantial recovery expected	5	2,000
	- permanent disability		
	- minor (e.g. paralysis or equivalent functional loss of finger/toe)	6	2,500
	- significant (e.g. paralysis or equivalent loss of handgrip/foot movement)	12	8,200
<u>Physical abuse of adults</u>			
<i>Note 13: In the case of adult applicants where there has been a series of assaults (sexual and/or physical) over a period of time, it may be that an applicant will qualify for compensation only for the single most recent incident, if in relation to the earlier incidents she/he failed to report them to the police without delay and/or failed to co-operate with the police in bringing the assailant to justice. Where the applicant is entitled to compensation for the series of assaults, she/he will qualify for an award as the victim of a pattern of abuse, rather than for a separate award for each incident.</i>			
<u>Serious abuse</u>			
	- intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement	5	2,000
<u>Severe abuse</u>			
	- pattern of repetitive violence resulting in minor disfigurement	10	5,500
Persistent pattern of severe abuse over a period exceeding 3 years		12	8,200
<u>Physical abuse of children</u>			
<u>Minor abuse</u>			
	- isolated or intermittent assault(s) resulting in weals, hair pulled from scalp etc.	1	1,000
<u>Serious abuse</u>			
	- intermittent physical assaults resulting in an accumulation of healed wounds, burns or scalds, but with no appreciable disfigurement	5	2,000
<u>Severe abuse</u>			
	- persistent pattern of repetitive violence resulting in:		
	moderate multiple injuries (e.g. bruising and minor fractures) and/or minor disfigurement	10	5,500
	- significant multiple injuries	12	8,200
	- severe multiple injuries	14	13,500

<u>Sexual offence where victims is any age (if not already compensated as a child)</u>			
<i>Note 14: Note 13 (under Physical Abuse of Adults) applies here too</i>			
Sexual assault			
	- minor - non-penetrative sexual physical act/or acts over clothing	1	1,000
	- serious - non-penetrative sexual physical act/or acts under clothing	5	2,000
	- severe - non-penile penetrative and/or oral-genital act or acts	7	3,300
	- pattern of repetitive frequent severe abuse (whether by one or more attackers) over a period		
	- up to 3 years	11	6,600
	- exceeding 3 years	12	8,200
	- resulting in serious internal bodily injuries	17	22,000
	- resulting in permanently disabling mental illness confirmed by psychiatric prognosis	18	27,000
Non-consensual penile penetration of the vagina and/or anus and/or mouth			
	- by one attacker	13	11,000
	- by two or more attackers	14	13,500
	- resulting in serious internal bodily injuries	17	22,000
	- resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
	- moderate mental illness	17	22,000
	- severe mental illness	18	27,000
	- resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis		
	- moderate mental illness	19	33,000
	- severe mental illness	20	44,000
	- pattern of repetitive incidents (whether by one or more attackers) over a period		
	- up to 3 years	15	16,500
	- exceeding 3 years	17	22,000
<u>Sexual offence where victim is a child (under age of 18 at time or commencement of offence) or an adults who by reason of mental incapacity is incapable of giving consent</u>			
Sexual assault			
	- minor – non-penetrative sexual physical act/or acts over clothing	1	1,000
	- minor – non-penetrative frequent sexual physical act/or acts over clothing	3	1,500
	- serious – non-penetrative sexual physical act/or acts under clothing	5	2,000
	- serious - pattern of repetitive non-penetrative sexual physical acts under clothing	7	3,300
Sexual assault			
	- non-penile penetrative and/or oral genital act/or acts		
	- one incident	7	3,300

	- two or more isolated incidents	9	4,400
	- pattern of repetitive, frequent incidents		
	- over a period up to 3 years	11	6,600
	- over a period exceeding 3 years	12	8,200
	- resulting in serious internal bodily injuries	17	22,000
	- resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
	- moderate mental illness	17	22,000
	- severe mental illness	18	27,000
Non-consensual penile penetration of the vagina and/or anus and/or mouth			
	- one incident	13	11,000
	-one incident involving two or more attackers	14	13,500
	- repeated incidents over a period		
	- up to 3 years	15	16,500
	- exceeding 3 years	17	22,000
	- resulting in serious internal bodily injuries	17	22,000
	- resulting in permanently disabling mental illness confirmed by psychiatric prognosis		
	- moderate mental illness	17	22,000
	- severe mental illness	18	27,000
	- resulting in serious internal bodily injury with permanent disabling mental illness confirmed by psychiatric prognosis		
	- moderate mental illness	19	33,000
	- severe mental illness	20	44,000
Sexual offences - additional awards where the following are directly attributable to a sexual offence (whether victim is an adult or a child) - not subject to the multiple injuries formula and may be paid in addition to other awards			
Pregnancy		10	5,500
Sexually transmitted disease other than HIV/Hepatitis B/Hepatitis C			
	- substantial recovery	10	5,500
	- permanent disability	13	11,000
Infection with HIV/Hepatitis B/Hepatitis C		17	22,000
HEAD & NECK			
Burns			
Head			
	- minor visible disfigurement	5	2,000
	- moderate	9	4,400
	- severe	15	16,500
Face			
	- minor disfigurement	5	2,000

	- moderate	10	5,500
	- severe	18	27,000
Neck			
	- minor disfigurement	3	1,500
	- moderate	9	4,400
	- severe	15	16,500
Scarring			
Head			
	- minor visible disfigurement	3	1,500
	- significant disfigurement	7	3,300
	- serious disfigurement	1	5,500
Face			
	- minor disfigurement	3	1,500
	- significant disfigurement	9	4,400
	- serious disfigurement	13	11,000
Neck			
	- minor disfigurement	3	1,500
	- significant disfigurement	7	3,300
	- serious disfigurement	11	6,600
Brain Damage			
<i>Note 15. A brain injury can cause physical and/or mental damage, resulting in, for example, spasticity, loss of balance, incontinence, or impairment of concentration, memory, motivation or personality. It can also commonly cause epilepsy, to a greater or lesser extent. Where the cause of any injury is brain damage there will not be additional awards for separate injuries but the seriousness of the combined effects will be measured together.</i>			
Minor head injury			
Brain injury, if any, minimal. Concussion/impairment of balance/headaches			
	- lasting 6 to 28 weeks	3	1,500
	- lasting over 28 weeks	7	3,300
	- permanent	12	8,200
Minor brain damage			
Good recovery, able to socialise and return to work but persisting problems with concentration, memory, disinhibition of mood affecting lifestyle, leisure activities, future work prospects			
	- slight and short lived (6 months)	12	8,200
	- moderate and medium term (2 years)	15	16,500
	- significant and long lasting (more than 2 years)	17	22,000
Moderate brain damage			
Some dependence on others, intellectual deficit, personality change, ability to work reduced, some effect on the senses			
	- slight	18	27,000

	- moderate	21	55,000
	- significant	22	82,000
<u>Moderately severe brain damage</u>			
	Serious disablement of physical or mental faculties requiring substantial dependence on professional or other care, with marked impairment of intellect and personality, abnormal behaviour and poor communication	23	110,000
<u>Very serious brain injury</u>			
	Severe physical limitation, significant effect on the senses with little insight and/or significant reduction in life expectancy. Little or no response to the environment, little or no language function, double incontinence and need for full-time/all day and some night nursing care	24	175,000
<i>Note 16. Applications otherwise within level 25 fall into level 24 if life expectancy is greatly reduced and/or there is little or no insight as in a persistent vegetative state.</i>			
	No useful physical movement, significant effect on the senses and with some degree of insight. Little or no meaningful response to the environment, little or no language function, double incontinence and need for full-time nursing care	25	250,000
<u>Epilepsy</u>			
	- post-traumatic epileptic fits – substantial recovery	5	2,000
	- well controlled on medication	12	8,200
	- partially controlled on medication	14	13,500
	- uncontrolled despite medication	20	44,000
<u>Ear</u>			
	Fractured mastoid	1	1,000
<u>Deafness</u>			
	- temporary partial deafness		
	- lasting 6 to 13 weeks	1	1,000
	- lasting more than 13 weeks	3	1,500
	- partial deafness (remaining hearing socially useful, with hearing aid if necessary)		
	- one ear	8	3,800
	- both ears	12	8,200
	- total deafness		
	- one ear	15	16,500
	- in only hearing ear	19	33,000
	- both ears	20	44,000
<u>Loss of ear</u>			
	- partial loss of ear(s)	9	4,400
	- loss of ear	13	11,000
	- loss of both ears	16	19,000
<u>Perforated ear drum</u>			

	- one ear	4	1,750
	- both ears	6	2,500
Tinnitus (ringing noise in ear(s))			
	- lasting 6 to 13 weeks	1	1,000
	- lasting more than 13 weeks	7	3,300
	- permanent		
	- other than very severe	12	8,200
	- very severe	15	16,500
Vestibular damage (causing giddiness)			
	- lasting 6 to 28 weeks	3	1,500
	- lasting over 28 weeks - recovery expected	7	3,300
	- permanent	12	8,200
<u>Eye</u>			
Blow out or other fracture of orbital bone cavity containing eyeball			
	- no operation	7	3,300
	- requiring operation	9	4,400
Blurred or double vision			
	- temporary		
	- lasting 6 to 13 weeks	1	1,000
	- lasting more than 13 weeks - recovery expected	4	1,750
	- permanent		
	- slight	9	4,400
	- moderate	12	8,200
	- serious	14	13,500
Cataracts			
	- one eye		
	- requiring operation	7	3,300
	- permanent/inoperable	12	8,200
	- both eyes		
	- requiring operation	12	8,200
	- permanent/inoperable	16	19,000
Corneal abrasions		5	2,000
Permanent loss of visual field			
	- slight	6	2,500
	- moderate	10	5,500
	- serious	20	44,000
Dislocation of lens			
	- one eye	10	5,500
	- both eyes	14	13,500

Glaucoma	6	2,500
Hyphaema requiring operation		
- one eye	3	1,500
- both eyes	6	2,500
Loss of eye		
- one eye	18	27,000
- both eyes	23	110,000
Loss of sight		
- one eye	17	22,000
- one eye, where the sight in the uninjured eye cannot be corrected to better than 6/36	19	33,000
- one eye, where the uninjured eye is already totally blind	22	82,000
- both eyes	23	110,000
Partial loss of vision when corrected by glasses or contact lenses or other means e.g. laser surgery		
- better than 6/12	6	2,500
- 6/12	11	6,600
- 6/18	12	8,200
- 6/24	14	13,500
- 6/36	15	16,500
- 6/60	16	19,000
- substantial loss of vision (both eyes) at least 6/36 in each eye or worse	21	55,000
Residual central floater(s) affecting vision	7	3,300
Retina		
- damage not involving detachment		
- one eye	6	2,500
- both eyes	10	5,500
- detached		
- one eye	10	5,500
- both eyes	14	13,500
Significant penetrating injury		
- one eye	6	2,500
- both eyes	11	6,600
Traumatic angle recession	6	2,500
<u>Face</u>		
Clicking jaw		
- temporary		
- lasting 6 to 13 weeks	1	1,000
- lasting more than 13 weeks	3	1,500

- permanent	10	5,500
Dislocated jaw		
- substantial recovery	5	2,000
- continuing significant disability	10	5,500
Fractured ethmoid		
- no operation	5	2,000
- operation required	9	4,400
Fractured zygoma (malar/cheek bone)		
- no operation		
- substantial recovery	5	2,000
- continuing significant disability	9	4,400
- operation required		
- substantial recovery	6	2,500
- continuing significant disability	10	5,500
Fractured mandible and/or maxilla (jaw bones)		
- no operation		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
- operation required		
- substantial recovery	8	3,800
- continuing significant disability	12	8,200
Multiple fractures to face (e.g. Le Fort fractures types 2 & 3)	13	11,000
Numbness/loss of feeling		
- temporary lasting more than 13 weeks - recovery expected	3	1,500
- permanent		
- moderate e.g. cheek, forehead	7	3,300
- severe e.g. lip interfering with function	9	4,400
<u>Neck</u>		
Fractured hyoid (bone in windpipe)	1	1,000
Strained neck or whiplash injury		
- disabling		
- for 6 to 13 weeks	1	1,000
- for more than 13 weeks	6	2,500
- seriously disabling		
- not permanent	10	5,500
- permanent	13	11,000
<u>Nose</u>		
Deviated nasal septum		

- no operation	1	1,000
- requiring septoplasty	5	2,000
Fracture of nasal bones		
- undisplaced	1	1,000
- displaced	3	1,500
- requiring manipulation	5	2,000
- requiring rhinoplasty	5	2,000
- requiring turbinectomy	5	2,000
Loss of smell/taste		
- partial loss of smell and/or taste	10	5,500
- total		
- loss of smell or taste	13	11,000
- loss of smell and taste	15	16,500
Partial loss of nose (at least 10%)	9	4,400
<u>Skull</u>		
Fracture		
- simple		
- no operation	6	2,500
- requiring operation	10	5,500
- depressed		
- no operation	9	4,400
- requiring operation	11	6,600
<u>Teeth</u>		
Damage to:		
- tooth/teeth requiring root-canal treatment	5	2,000
- front tooth/teeth requiring crown(s)	6	2,500
Fractured/chipped tooth/teeth requiring treatment	5	2,000
Fractured tooth/teeth requiring apicectomy (surgery to gum to reach root - root resection)	8	3,800
Loss of:		
- crowns	6	2,500
- front tooth/teeth (incisor or canine)		
- one front tooth	7	3,300
- two or three front teeth	9	4,400
- four or more front teeth	10	5,500
- tooth/teeth other than front		
- one tooth	5	2,000
- two or more teeth	7	3,300
Slackening of teeth requiring dental treatment	5	2,000

<u>Tongue</u>		
Impaired speech		
- slight	5	2,000
- moderate	10	5,500
- serious	13	11,000
- severe	16	19,000
Loss of speech - permanent	19	33,000
Loss of tongue	20	44,000
<u>UPPER LIMBS</u>		
<u>Burns</u>		
Minor	3	1,500
Moderate	9	4,400
Severe	13	11,000
<u>Scarring</u>		
Minor disfigurement	2	1,250
Significant disfigurement	6	2,500
Serious disfigurement	10	5,500
<u>Arm</u>		
Loss of:		
- one non-dominant arm	19	33,000
- one dominant arm	21	55,000
- one arm where there is no remaining arm/hand with any useful function	22	82,000
- both arms	23	110,000
Paralysis of or equivalent loss of function of:		
- one non-dominant arm	18	27,000
- one dominant arm	20	40,000
- total loss of function of one arm where there is no remaining arm/hand with any useful function	22	82,000
- both arms	22	82,000
<u>Elbow</u>		
Dislocated/fractured		
- one elbow		
- substantial recovery	7	3,300
- continuing significant disability	12	8,200
- both elbows		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000

<u>Finger and Thumb</u>			
Fracture/dislocation of:			
- thumb			
- one hand			
	- substantial recovery	5	2,000
	- continuing significant disability	9	4,400
- both hands			
	- substantial recovery	10	5,500
	- continuing significant disability	12	8,200
- index finger			
- one hand			
	- substantial recovery	4	1,750
	- continuing significant disability	8	3,800
- both hands			
	- substantial recovery	9	4,400
	- continuing significant disability	11	6,600
- one finger other than index finger			
- one hand			
	- substantial recovery	1	1,000
	- continuing significant disability	5	2,000
- both hands			
	- substantial recovery	4	1,750
	- continuing significant disability	9	4,400
- two or more fingers other than index finger			
- one hand			
	- substantial recovery	2	1,250
	- continuing significant disability	6	2,500
- both hands			
	- substantial recovery	7	3,300
	- continuing significant disability	11	6,600
Loss of:			
	- finger other than index finger	10	5,500
	- two or more fingers	13	11,000
	- index finger	12	8,200
	- both index fingers	15	16,500
	- thumb	15	16,500
	- both thumbs	21	55,000
Partial loss of:			
	- finger other than thumb or index finger	6	2,500
	- two or more fingers other than index finger or thumb	10	5,500

- thumb or index finger	9	4,400
- thumb or index finger - both hands	12	8,200
- thumb and index finger - one hand	12	8,200
- thumb and index finger - both hands	15	16,500
<u>Hand</u>		
Fractured hand		
- one hand		
- substantial recovery	5	2,000
- continuing significant disability	10	5,500
- both hands		
- substantial recovery	8	3,800
- continuing significant disability	12	8,200
Loss of, or equivalent loss of function of:		
- one non-dominant hand	19	33,000
- one dominant hand	21	55,000
- loss of, or total loss of function of one hand where there is no remaining hand/arm with any useful function	22	82,000
- both hands	23	110,000
Permanently & seriously impaired grip		
- one hand	12	8,200
- both hands	15	16,500
<u>Humerus (upper arm bone)</u>		
Fractured		
- one arm		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
- both arms		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000
<u>Radius (a forearm bone)</u>		
Fractured		
- one arm		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
- both arms		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000

<u>Shoulder</u>			
Dislocated			
	- one shoulder		
	- substantial recovery	4	1,750
	- continuing significant disability	10	5,500
	- both shoulders		
	- substantial recovery	8	3,800
	- continuing significant disability	12	8,200
Frozen			
	- one shoulder		
	- substantial recovery	5	2,000
	- continuing significant disability	10	5,500
	- both shoulders		
	- substantial recovery	7	3,300
	- continuing significant disability	12	8,200
	Arthroscopy – where the shoulder is not dislocated, frozen or otherwise provided for	5	2,000
<u>Tendon and/or Ligament and/or Cartilage</u>			
Minor damage			
	- one arm		
	- substantial recovery	1	1,000
	- continuing significant disability	6	2,500
	- both arms		
	- substantial recovery	5	2,000
	- continuing significant disability	9	4,400
Moderate damage			
	- one arm		
	- substantial recovery	5	2,000
	- continuing significant disability	9	4,400
	- both arms		
	- substantial recovery	9	4,400
	- continuing significant disability	12	8,200
Severely damaged			
	- one arm		
	- substantial recovery	7	3,300
	- continuing significant disability	10	5,500
	- both arms		
	- substantial recovery	11	6,600
	- continuing significant disability	13	11,000

<u>Ulna (a forearm bone)</u>		
Fractured		
- one arm		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
- both arms		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000
<u>Wrist</u>		
Fractured - colles type or equivalent fracture/displacement of distal radius		
- one wrist		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200
- both wrists		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000
Fractured/dislocated – including scaphoid fracture		
- one wrist		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200
- both wrists		
- substantial recovery	12	8,200
- continuing significant disability	13	11,000
Sprained		
- one wrist		
- disabling for 6 to 13 weeks	1	1,000
- disabling for more than 13 weeks	6	2,500
- both wrists		
- disabling for 6 to 13 weeks	5	2,000
- disabling for more than 13 weeks	8	3,800
<i>TORSO</i>		
<u>Burns</u>		
Minor	3	1,500
Moderate	9	4,400
Severe	13	11,000
<u>Scarring</u>		
Minor disfigurement	2	1,250
Significant disfigurement	6	2,500

Serious disfigurement	10	5,500
<u>Abdomen</u>		
Injury requiring laparoscopy – including no repair or repair of one organ	5	2,000
Injury requiring laparotomy – including no repair or repair of one organ	8	3,800
Injury requiring laparotomy/laparoscopy		
- including repair of two organs	10	5,500
- including repair of three or more organs	12	8,200
Laparotomy with colostomy and/or ileostomy and/or ureterostomy lasting more than 14 weeks but not permanent	10	5,500
Laparotomy with permanent colostomy and/or ileostomy and/or ureterostomy	14	13,500
<u>Back</u>		
Fracture of vertebra		
- one vertebra		
- substantial recovery	6	2,500
- continuing significant disability	10	5,500
- more than one vertebra		
- substantial recovery	9	4,400
- continuing significant disability	12	8,200
Prolapsed intervertebral disc(s)		
- seriously disabling		
- not permanent	10	5,500
- permanent	12	8,200
Ruptured intervertebral disc(s) - requiring surgical removal	13	11,000
Strained		
- disabling		
- for 6 to 13 weeks	1	1,000
- for more than 13 weeks	6	2,500
- seriously disabling		
- not permanent	10	5,500
- permanent	13	11,000
<u>Chest</u>		
Injury requiring thoracotomy	12	8,200
Injury requiring thoracotomy with removal/extensive repair of organ or organs	15	16,500

<u>Clavicle (collar bone)</u>		
Dislocated acromioclavicular joint	5	2,000
Fractured		
- one clavicle		
- substantial recovery	5	2,000
- continuing significant disability	9	4,400
- two clavicles		
- substantial recovery	9	4,400
- continuing significant disability	11	6,600
<u>Coccyx (tail bone)</u>		
Fractured	6	2,500
<u>Genitalia</u>		
Injury requiring medical treatment		
- no significant permanent damage		
- permanent damage	4	1,750
- moderate	10	5,500
- severe	13	11,000
Loss of fertility	21	55,000
<u>Hernia</u>		
- hernia	8	3,800
- hernias	10	5,500
<u>Kidney</u>		
Loss of kidney	13	11,000
Serious and permanent damage to or loss of both or only functioning kidney	21	55,000
<u>Lung</u>		
Punctured		
- one lung	7	3,300
- both lungs	11	6,600
Collapsed		
- one lung	8	3,800
- both lungs	12	8,200
Permanent and disabling damage to lungs from smoke or chemical inhalation	13	11,000
<u>Pancreas</u>		
Loss of pancreas	15	16,500

<u>Pelvis</u>		
Fractured		
- substantial recovery	9	4,400
- continuing significant disability	13	11,000
<u>Penetrating injury not otherwise compensated</u>		
- symptoms persisting for at least a week	1	1,000
<u>Rib</u>		
Fractured (or bruised where significant pain lasts more than 6 weeks)		
- one rib	1	1,000
- two or more	3	1,500
<u>Scapula (shoulder blade)</u>		
Fractured		
- one scapula		
- substantial recovery	6	2,500
- continuing significant disability	9	4,400
- both scapulas		
- substantial recovery	9	4,400
- continuing significant disability	11	6,600
<u>Spleen</u>		
Loss of spleen	13	11,000
<u>Sternum (breast bone)</u>		
Fractured		
- substantial recovery	6	2,500
- continuing significant disability	10	5,500
LOWER LIMBS		
<u>Burns</u>		
Minor	3	1,500
Moderate	9	4,400
Severe	13	11,000
<u>Scarring</u>		
Minor disfigurement	2	1,250
Significant disfigurement	6	2,500

Serious disfigurement	10	5,500
<u>Ankle</u>		
Fractured or Dislocated		
- one ankle		
- substantial recovery	9	4,400
- continuing significant disability	13	11,000
- both ankles		
- substantial recovery	12	8,200
- continuing significant disability	15	16,500
Sprained		
- one ankle		
- disabling for at least 6 to 13 weeks	1	1,000
- disabling for more than 13 weeks	6	2,500
- both ankles		
- disabling for at least 6 to 13 weeks	5	2,000
- disabling for more than 13 weeks	8	3,800
<u>Femur (thigh bone)</u>		
Fractured		
- one leg		
- substantial recovery	8	3,800
- continuing significant disability	11	6,600
- both legs		
- substantial recovery	10	5,500
- continuing significant disability	13	11,000
<u>Fibula (slender bone from knee to ankle)</u>		
Fractured		
- one leg		
- substantial recovery	6	2,500
- continuing significant disability	8	3,800
- both legs		
- substantial recovery	7	3,300
- continuing significant disability	10	5,500
<u>Foot</u>		
Fractured metatarsal bones		
- one foot		
- substantial recovery	6	2,500

	- continuing significant disability	8	3,800
	- both feet		
	- substantial recovery	7	3,300
	- continuing significant disability	10	5,500
Fractured tarsal bones			
	- one foot		
	- substantial recovery	7	3,300
	- continuing significant disability	12	8,200
	- both feet		
	- substantial recovery	10	5,500
	- continuing significant disability	14	13,500
Heel			
Fractured heel bone			
	- one foot		
	- substantial recovery	7	3,300
	- continuing significant disability	12	8,200
	- both feet		
	- substantial recovery	10	5,500
	- continuing significant disability	14	13,500
Hip			
Fractured/Dislocated			
	- one hip		
	- substantial recovery	9	4,400
	- continuing significant disability	13	11,000
	- both hips		
	- substantial recovery	12	8,200
	- continuing significant disability	15	16,500
Knee			
	Arthroscopy (investigative surgery / repair to knee) – no fracture	5	2,000
	Patella (knee cap)		
Dislocated			
	- one knee		
	- substantial recovery	1	1,000
	- continuing significant disability	10	5,500
	- both knees		
	- substantial recovery	6	2,500
	- continuing significant disability	12	8,200

Fractured			
	- one knee		
	- substantial recovery	6	2,500
	- continuing significant disability	10	5,500
	- both knees		
	- substantial recovery	9	4,400
	- continuing significant disability	12	8,200
removal of			
	- one knee	8	3,800
	- both knees	10	5,500
Leg			
Loss of			
	- one leg		
	- below knee	19	33,000
	- above knee	20	44,000
	- loss of, or total loss of function of one leg where there is no remaining leg with useful function	22	82,000
	- both legs, whether below or above knee	23	110,000
	Paralysis of leg (see also major paralysis {paraplegia})	18	27,000
Tendon and/or Ligament and/or Cartilage			
Minor damage			
	- one leg		
	- substantial recovery	1	1,000
	- continuing significant disability	7	3,300
	- both legs		
	- substantial recovery	5	2,000
	- continuing significant disability	10	5,500
Moderate damage			
	- one leg		
	- substantial recovery	5	2,000
	- continuing significant disability	10	5,500
	- both legs		
	- substantial recovery	9	4,400
	- continuing significant disability	13	11,000
Severe damage			
	- one leg		
	- substantial recovery	7	3,300
	- continuing significant disability	12	8,200
	- both legs		

	- substantial recovery	11	6,600
	- continuing significant disability	15	16,500
<u>Tibia (shin bone)</u>			
Fractured			
	- one leg		
	- substantial recovery	8	3,800
	- continuing significant disability	11	6,600
	- both legs		
	- substantial recovery	10	5,500
	- continuing significant disability	13	11,000
<u>Toe</u>			
Fractured			
	- great toe		
	- one foot		
	- substantial recovery	6	2,500
	- continuing significant disability	12	8,200
	- both feet		
	- substantial recovery	8	3,800
	- continuing significant disability	14	13,500
	- two or more toes		
	- one foot		
	- substantial recovery	1	1,000
	- continuing significant disability	6	2,500
	- both feet		
	- substantial recovery	3	1,500
	- continuing significant disability	9	4,400
Loss of:			
	- great toe	12	8,200
	- both great toes	14	13,500
	- one toe (other than great toe)	1	1,000
	- two or more toes	9	4,400
Partial loss of:			
	- great toe	6	2,500
	- both great toes	10	5,500