

# **THE CRIMINAL INJURIES COMPENSATION (AMENDMENT) BILL, 2007**

## **EXPLANATORY NOTE**

(These notes form no part of the Bill but are intended only to indicate its general purport)

The main purpose of this Bill is to clarify the categories of persons who may apply for compensation, increase the amount of compensation to be awarded and provide for the payment of reasonable funeral expenses.

Clauses 1 and 2 would provide for the short title and the commencement of the Act.

Clause 3 of the Bill would add a definition of “deceased victim”.

Clause 4 of the Bill would specify that the Act applies only to injuries sustained in Trinidad and Tobago.

Clause 5 of the Bill would authorize the Board to set guidelines for awarding compensation in keeping with the current laws on compensation for personal injury or death.

Clause 6 of the Bill would clarify the categories of persons who are entitled to apply for compensation, including a provision for applications to be made on behalf of a child who is a victim or a child who is a dependant of a victim.

Clause 7 would provide for the keeping and maintaining of a Register of applications.

Clause 8 would provide for the Board to consider every application and to make an award without a hearing or reject an application.

Clause 9 would provide for the Board to make compensation for reasonable funeral expenses and for informing the Board of any improvement or deterioration on a victim’s circumstances.

Clause 10 would provide for an increase in the amount of compensation to fifty thousand dollars.

Clause 11 would provide for the method of payment.

Clause 12 would provide for the deletion of the words “dependant” or “his dependant” and substituting the words “or the dependant of the deceased victim”.

## A BILL

### AN ACT to amend the Criminal Injuries Compensation Act, 1999

- Enactment                    ENACTED by the Parliament of Trinidad and Tobago as follows:
- Short title                    1. This Act may be cited as the Criminal Injuries Compensation (Amendment) Act, 2007.
- Commencement                2. This Act comes into force on such date as is fixed by the President by Proclamation.
- Section 3 amended            3. Section 3 of the Act is amended by –
- (a) inserting in the appropriate alphabetical sequence, the following definition:

““deceased victim” means a victim who is now deceased”;  
and
  - (b) deleting the words occurring after the word “injury” in the definition of “victim”.
- Section 4 amended            4. Section 4 of the Act is amended by inserting after subsection (2), the following subsection:
- “ (3) This Act applies only in respect of criminal injury or injuries sustained in Trinidad and Tobago.”.
- Section 9 amended            5. Section 9 of the Act is amended by –
- (a) deleting the word “9” and substituting the words “9 (1)”; and
  - (b) inserting after subsection (1), the following subsection:

“ (2) The Board shall set guidelines for the award of compensation having regard to current laws on compensation for personal injury or death.”.

Section 24  
amended

6. Section 24 of the Act is amended -

- (a) by repealing subsections (1) and (5) and replacing those subsections as follows:

“(1) The following persons may apply to the Board for compensation in accordance with this Act –

- (a) a victim;
- (b) the parent, guardian or person acting in *loco parentis* of a child who is a victim; or
- (c) the dependant of a deceased victim or a person acting on behalf of such a dependant.

(2) Where a dependant is -

- (a) a child, the application may be made on his behalf by a parent, guardian or person acting in *loco parentis*; or
- (b) a mentally ill person or a mentally subnormal person, the application may be made by a duly authorized medical officer, or by the person with whom he normally resides.

(3) The terms “mentally ill”, “mentally subnormal” and “duly authorized medical officer” have the meanings as assigned in the Mental Health Act.

(4) Where the victim or a dependant of a deceased victim is a child in the care of a children’s home or such other institution, or agency, pending the proclamation of the Children’s Authority Act, the person applying on his behalf, shall produce a Fit Person Order issued under the Children’s Act to make an application on behalf of the child.”;

- (b) by renumbering existing subsections (2) to (4) as (5) to (7), respectively.

Section 24A  
inserted

7. The Act is amended by inserting after section 24 the following section:

“Register of  
applications

24A.(1) The Board shall keep and maintain a Register of applications with details of all supporting documents submitted with an application.

(2) A member of the public may inspect the Register on payment of the prescribed fee.”.

Section 25  
amended

8. Section 25 of the Act is amended –

- (a) by inserting after subsection (2), the following subsection:

“ (2A) The Board shall consider every application, and may make an award without a hearing as contemplated by section 27 or may, subject to subsection (9), reject an application.”; and

- (b) in subsection (9), by inserting after the word “applicant”, the words “and give reasons for its decision”.

Section 29  
amended

9. Section 29 of the Act is amended –

- (a) in subsection (2), by -

- (i) deleting the full stop at the end of paragraph (d) and substituting a semicolon followed by the word “and”; and

- (ii) adding after paragraph (d), the following paragraph:

“(e) such reasonable funeral expenses as determined by the Board, taking into consideration the religious and cultural background of the deceased victim and his family.”; and

(b) adding after subsection (2), the following subsection:

“ (3) In respect of any loss of earning power, or primary loss or the expenses incurred as a result of the personal injury or death of a victim, where an applicant’s circumstances have either improved or deteriorated, he shall inform the Board in writing, detailing the change of circumstances including the restoration of earning power.”.

Section 34 amended

10. Section 34 of the Act is amended by repealing subsections (2) and (3) and substituting the following new subsections:

“(2) No compensation shall be paid in an amount in excess of fifty thousand dollars.

(3) In the exercise of its discretion the Board may take cognizance of such factors as the number of dependants, the nature and severity of the injury and any other pertinent consideration, having regard to the circumstances of the case.”.

Section 35 amended

11. Section 35 of the Act is repealed and replaced as follows:

“Method of payment 35. Compensation shall be paid in a lump sum except that –

(a) in the case of death or protracted disability, periodic payments may be made to compensate for loss of earnings or support; or

(b) where in respect of a dependant under the age of eighteen years, the Board is of the opinion that it would be in the interest of the dependant to be paid in periodic instalments, such payments may be made for such period as the Board may determine.”.

Certain words in the Act deleted and substituted

12. The Act is amended by deleting the words “or dependant” and “or his dependant” wherever they occur and substituting the words “or the dependant of the deceased victim”.

Passed in the House of Representatives this                      day of                      , 2007.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this                      day of                      , 2007.

Clerk of the Senate

I confirm the above.

President of the Senate