

**CRIMINAL INJURIES (COMPENSATION) AMENDMENT ACT
2005**



BERMUDA

2005 : 27

**CRIMINAL INJURIES (COMPENSATION) AMENDMENT ACT
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Date of Assent: 4 August 2005

Operative Date: Notice in Gazette

WHEREAS it is expedient to amend the Criminal Injuries (Compensation) Act 1973:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Short title

1 This Act, which amends the Criminal Injuries (Compensation) Act 1973 (the "principal Act"), may be cited as the Criminal Injuries (Compensation) Amendment Act 2005.

Amends section 1 of principal Act

2 Section 1 of the principal Act is amended by inserting in the appropriate alphabetical order the following definitions —

"barrister and attorney" means a person who has been admitted under section 51 of the Bermuda Bar Act 1974 to practise law in Bermuda;

"Minister" means the Minister of Justice;".

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Amends section 2 of principal Act

3 Section 2(2) of the principal Act is amended —

- (a) by deleting the word "Premier" and substituting the word "Minister";
- (b) by inserting next after paragraph (a), the following paragraph—

"(ab) a Deputy Chairman, who shall be a barrister and attorney in private practice in Bermuda.";
- (c) in paragraph (b), by deleting the words "one member who shall be a person" and substituting the words "two members who shall be persons";
- (d) by deleting paragraph (c).

Amends section 3 of principal Act

4 Section 3 of the principal Act is amended by inserting next after subsection (5) the following subsection—

"(6) The Board shall refuse to entertain a claim for compensation where an application for compensation is made to the Board after the end of the period specified by the Board under section 4(1) in respect of the application."

Amends section 4 of principal Act

5 Section 4(1) of the principal Act is amended by deleting the words "such further period as it thinks fit" and substituting the words "a further period not exceeding twelve months."

Inserts section 6A in principal Act

6 The principal Act is amended by inserting next after section 6 the following section—

"Standard amount of compensation

6A (1) The Board, after consultation with the Minister, may make Regulations providing for a standard amount of compensation, determined by reference to the nature of the injury.

(2) Regulations made under subsection (1) shall provide for the standard amount to be determined—

- (a) in accordance with a table (the "Tariff"); and
- (b) where no provision is made in the Tariff, in accordance with such provisions of this Act as may be relevant.

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(3) The Tariff shall show, in respect of each description of injury mentioned therein, the standard amount of compensation payable in respect of that description of injury.

(4) An injury may be described in the Tariff in such a way, including by reference to the nature of the injury, its severity or the circumstances in which it was sustained, as the Board considers appropriate.

(5) The Board, after consultation with the Minister, may at any time alter the Tariff —

- (a) by adding to the descriptions of injury mentioned therein;
- (b) by removing a description of injury;
- (c) by increasing or reducing the amount shown as the standard amount of compensation payable in respect of a particular description of injury; or
- (d) in such other way as he considers appropriate.

(6) Regulations made under subsection (1) or subsection (5) shall be subject to the affirmative resolution procedure and may include such transitional provisions as the Board considers appropriate."

Amends section 10 of principal Act

7 Section 10 of the principal Act is amended by deleting "\$70,000" wherever it appears and substituting "\$100,000".

Amends section 19 of principal Act

8 Subsections (1) and (2) of section 19 of the principal Act are amended by deleting the word "Premier" and substituting the word "Minister".

Amends Schedule to principal Act

9 Paragraph 9 of the Schedule to the principal Act is amended by deleting the word "Premier" and substituting the word "Minister".

Commencement

10 This Act comes into operation on such day as the Minister may appoint by notice published in the Gazette and different days may be appointed for different provisions.