

R. v. Criminal Injuries Compensation Board, *ex p.*  
Lazzari

CO/2611/90

May 14, 1993

Pill J.

*Disablement benefit under Social Security Act 1975—nil award by Criminal Injuries Compensation Board.*

Application by Mrs Lisa Anne Lazzari to quash a decision of the Criminal Injuries Compensation Board which made a nil award in the following circumstances.

In July 1987 Mrs Lazzari was employed as a hotel receptionist, when in the course of her work, she was attacked by an intruder into the hotel. She sustained serious injuries including multiple stab wounds. The intruder pleaded guilty to an offence of wounding with intent under section 18 of the Offences Against the Person Act 1861 and was sentenced to a term of six years' imprisonment. On October 12, 1987 the application to the Criminal Injuries Compensation Board was made under the 1979 scheme. The applicant also made a claim for disablement benefit under the statutory scheme in the Social Security Act 1975. In terms of application to the CICB

this case was almost certainly unusual, in that most claims to that Board do not arise out of incidents which involve violent crimes against people while they are in the course of their employment. An award was made under section 57 of the Social Security Act which provides that:

“ . . . an employed Disablement earner shall be entitled to disablement benefit if he suffers as the result of the relevant accident from loss of physical or mental faculty such that the assessed extent of the resulting disablement amounts to not less than 1 per cent.”

The final assessment was of 34 per cent., including a figure for anxiety of 3 per cent. Under the Act, the applicant was awarded a sum of £21.36 a week for life. The application to the Criminal Injuries Compensation Board was referred to a panel of three. The reasons for deciding on a nil award were given by the Board:

“The Board stated that having fully considered all the evidence in the case, they concluded that the value of general damages, subject to what the Board then said with regard to deductions, was £17,500.00.”

The Board were bound under paragraph 19(a) of the Scheme to reduce the award “by the full value of any present or future entitlement to United Kingdom Social Security Benefits.” Applying a multiplier of 14 the Board assessed the appropriate deduction in the sum of £18,756. The applicant had received an interim award of £5,000.

***Held, refusing the application:***

The Criminal Injuries Compensation Scheme did not confer upon the panel members a discretion to interpret the rules in any other way. There was no error of law in their reasoning.

*J. Wigoder* (Kenneth Cooke & Co., Walsall) for the applicant; *M. Kent* (Treasury Solicitor) for the respondent.

S.M.K.