



Criminal Justice Act 1988

1988 CHAPTER 33

PART VII

COMPENSATION BY COURT AND CRIMINAL INJURIES COMPENSATION BOARD

The Criminal Injuries Compensation Scheme

109 Criminal injuries

- (1) In this Part of this Act “criminal injury” means any personal injury caused by—
- (a) conduct constituting—
 - (i) an offence which is specified in subsection (3) below; or
 - (ii) an offence which is not so specified but which requires proof of intent to cause death or personal injury or recklessness as to whether death or personal injury is caused; or
 - (b) any of the following activities—
 - (i) the apprehension or attempted apprehension of an offender or suspected offender;
 - (ii) the prevention or attempted prevention of the commission of an offence; or
 - (iii) assisting a constable engaged in any of the activities mentioned in sub-paragraph (i) or (ii) above;
- and “personal injury” includes any disease, any harm to a person’s physical or mental condition and pregnancy.
- (2) Harm to a person’s mental condition is only a criminal injury if it is attributable—
- (a) to his having been put in fear of immediate physical injury to himself or another; or
 - (b) to his being present when another sustained a criminal injury other than harm to his mental condition.
- (3) The offences mentioned in subsection (1)(a)(i) above are—

Status: This is the original version (as it was originally enacted).

- (a) rape;
 - (b) assault;
 - (c) an offence which falls to be charged as arson;
 - (d) wilful fireraising;
 - (e) any offence under section 2 (causing explosion likely to endanger life or property) or 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property) of the Explosive Substances Act 1883;
 - (f) an offence under section 16 (possession of firearm with intent to injure), 17 (use of firearm to resist arrest), 18 (carrying firearm with criminal intent), 19 (carrying firearm in a public place) or 20 (trespassing with firearm) of the Firearms Act 1968;
 - (g) an offence under section 1 (riot), 2 (violent disorder) or 3 (affray) of the Public Order Act 1986;
 - (h) mobbing;
 - (j) kidnapping;
 - (k) false imprisonment;
 - (l) abduction;
 - (m) trespass on a railway; and
 - (n) any attempt to commit an offence mentioned in this subsection.
- (4) For the purposes of this Part of this Act, a person's conduct shall be treated as constituting an offence notwithstanding that he may not be convicted of the offence by reason of age, insanity or diplomatic immunity.