

# Press release: Access to compensation scheme for victims who lived with their attacker

- victims previously denied awards will also be able to claim
- part of wider review of Criminal Injuries Compensation Scheme already underway

More victims of violent crime will be able to claim compensation, as the government today (28 February 2019) brought forward legislation to abolish the longstanding pre-1979 'same-roof' rule.

Under the so-called 'same roof' rule, victims of violent crimes which took place before 1979 have been blocked from receiving compensation if the attacker was someone they were living with at the time of the incident.

Ministers vowed to remove this obstacle and allow greater access to compensation, recognising the rule's unfair impact on victims of crimes such as child sexual abuse. The pledge is part of wider measures to boost support for victims included in the cross-government Victims Strategy, published last September.

The move will amend the Criminal Injuries Compensation Scheme so that all victims abused by someone they lived with can reapply for compensation – regardless of when the attack took place.

It will mean that victims who may not have come forward because of the rule, or were previously denied awards under it, will be eligible to claim compensation – with awards being made to those who meet the Scheme's other criteria.

A wider review of the whole compensation scheme, ordered by Ministers, is already underway. This review aims to ensure the scheme responds to the changing nature of crime, and best supports victims in their recovery.

Victims Minister Edward Argar said:

We are abolishing the out-dated 'same-roof' rule so no victim is unfairly denied access to compensation after the trauma they suffered many years ago, simply because they lived with their attacker.

This delivers on another of the commitments we set out in the Victims Strategy last year, and we are undertaking a full review of the whole scheme to ensure that it continues to reflect the changing nature of violent crime and needs of victims.

Today's announcement, along with the Victims Strategy, is a further reflection of this government's determination to ensure that victims of crime get the support they need and deserve.

Baroness Newlove, Victims' Commissioner for England and Wales, said:

I very much welcome the government's move to abolish the "same roof" rule.

I have always felt that the rule was unfair. It has caused unnecessary distress to many victims and survivors, especially within families, where some siblings have been eligible for criminal injuries compensation and yet others have not, solely on the grounds of the date on which, the abuse took place.

In future, all victims of historic abuse will be treated equally and their access to compensation will be an acknowledgement of their suffering and pain.

The Criminal Injuries Compensation Scheme awards taxpayer-funded payments to victims injured as a result of violent crime, paying out over £150 million to victims in 2017/18.

The 'same roof rule' was part of the original scheme introduced in 1964 and was intended to ensure perpetrators would not benefit from compensation paid to victims they lived with.

It was amended in October 1979 so future victims could claim compensation if they no longer lived with their attacker and were unlikely to do so again. However, as is common with many changes to the law, this was not made retrospective – which meant some victims may have missed out on compensation if they were a victim of a violent crime before the law change.

A statutory instrument, laid in Parliament today, will remove the pre-1979 rule completely – enabling more victims access to compensation.

The ongoing review of the Criminal Injuries Compensation Scheme will look at, among other things, concerns around the eligibility rules, the definition of 'violent crime', and the type of injuries that are covered.

It will report back later this year and inform a future consultation on changes.

## **Notes to editors**

### **'Same roof rule'**

- The so-called 'same roof rule' was part of the original (non-statutory) compensation scheme introduced in 1964.
- The rule was changed in October 1979, but the changes were not made

retrospective.

- The pre-1979 same roof rule applies to adults and children. Under the rule applicants are not entitled to compensation if they were living with their assailant as members of the same family at the time of the incident.
  - The reasons for the rule were, broadly, difficulties with evidence in such cases, and a wish to ensure that offenders did not benefit from compensation paid to the victim who they were living with.
  - The rule applies to all victims of abuse inflicted by a family member living under the same roof; this includes physical as well as sexual abuse.
- The rule was amended in 1979 to apply to adults who continued to live with their attacker only. Under the current 2012 Scheme, applicants can still be refused compensation if at the time of the incident they were adults living with the assailant as members of the same family, unless they no longer live together and are unlikely to do so again. This rule is being amended so that it will apply to adults from 1964 onwards to ensure that it applies equally to all applicants regardless of the date when the injuries were sustained.
- In July 2018 the Court of Appeal decided that the 'same-roof' rule had unfairly denied a claimant who was abused by her stepfather the right to damages. The government chose to not appeal this judgment, and confirmed that the rule would be removed as part of the Victims Strategy published in September.
- The statutory instrument laid today will remove the pre-1979 rule from the 2012 Criminal Injuries Compensation Scheme. New and past applicants refused an award under the pre-1979 rule will still need to meet all the remaining eligibility criteria within the 2012 Scheme.

## **Review**

The review will examine whether the Scheme remains fit for purpose, reflects the changing nature of violent crime and effectively supports victims in their recovery.

It will consider:

- The scope of the Scheme, including the definition of violent crime for the purposes of compensation for injury, and the type of injuries that are covered by the Scheme.
- The eligibility rules including, among other things, concerns about time limits for making applications, unspent convictions, and consent in sexual offences cases.
- The requirements of the Scheme in relation to decision-making, including issues such as the level of evidence required for compensation claims, and the timeframes for accepting or rejecting awards.
- The value and composition of awards available through the Scheme, including the balance struck between serious and less serious physical and mental injuries.
- The impact of the Scheme on particular groups, including victims of child sexual abuse and victims of terrorism.
- Opportunities to simplify the Scheme.

- The affordability and financial sustainability of the Scheme.

The review's [Terms of Reference](#).

The [Victims Strategy](#), published in September 2018, sets out a series of measures and commitments across government to overhaul the support available to victims of crime.