

# Legal Frameworks and Remedies: Loss of Income for Victims of Harassment, Stalking, and Assault (Ireland & UK)

**Date:** November 2025

**Jurisdiction:** Ireland & United Kingdom

**Subject:** Compensation for Loss of Income, Civil/Criminal Remedies, and Third-Party Liability (Enablers/Financiers)

## 1. Criminal Injuries Compensation Schemes

### Ireland: Criminal Injuries Compensation Tribunal (CICT)

The Irish scheme compensates victims for personal injuries from violent crimes, including out-of-pocket expenses and loss of earnings.

- Governing Document:** *Scheme of Compensation for Personal Injuries Criminally Inflicted* (General Scheme).
- Application Timeline:** Applications must be submitted within **3 months** of the incident. Late applications (up to 2 years) are accepted only in exceptional circumstances.<sup>[1]</sup>
- Loss of Earnings Coverage:** Compensation is provided for loss of earnings (past and future) directly resulting from the injury. This requires vouched expenses and documentary evidence (e.g., P60s, tax returns).
- Compensation Basis:** Awards are assessed on the basis of damages under the *Civil Liability Act 1961*.
- EU Directive & Case Law:** The Court of Justice of the EU (CJEU) ruled in *Case C-129/19* regarding the EU Directive 2004/80/EC, mandating that member states must provide fair and appropriate compensation, which has pressured the State to ensure schemes cover material and non-material damages.<sup>[2]</sup>
- Recent Statistics:** In 2024, significant variances in awards were noted, with high-end awards reaching approx. €238,894 (inclusive of €236,250 for past loss of earnings) for severe cases.<sup>[3]</sup>

### UK: Criminal Injuries Compensation Authority (CICA)

The CICA scheme handles claims for England, Scotland, and Wales.

- Governing Legislation:** *Criminal Injuries Compensation Scheme 2012*.
- The 28-Week Rule:** Statutory Sick Pay (SSP) is the primary vehicle for the first 28 weeks. CICA loss of earnings payments are only payable from **week 29** onwards.<sup>[4]</sup>
- Eligibility:** The injury must result in a total inability to undertake paid work or a very limited capacity.
- Cap on Damages:** The maximum payout for a single award (including loss of earnings and special expenses) is capped at **£500,000**.<sup>[4]</sup>
- Application Timeline:** Claims must generally be made within **2 years** of the incident.

## 2. Civil Actions for Damages

### Ireland

Battery and assault are torts actionable *per se* (without proof of loss), but harassment requires proof of damage.

- New Stalking Laws (2024):** Under Part 5 of the *Criminal Justice (Miscellaneous Provisions) Act 2023*, victims can apply to the District Court for civil restraint orders. This includes emergency orders lasting up to 8 days.<sup>[5]</sup>
- Harassment Offense:** Section 10 of the *Non-Fatal Offences Against the Person Act 1997* (as amended) covers persistent conduct. The standalone stalking offense now carries a maximum sentence of 10 years.
- Damages Categories:**
  - General Damages:* Pain and suffering.
  - Special Damages:* Pecuniary losses including **loss of earnings**, medical costs, and property damage.

### UK: Protection from Harassment Act 1997 (PHA)

The PHA 1997 creates both criminal offenses and a statutory tort for harassment.

- Civil Remedies (Section 3):** Victims may claim damages for anxiety and financial loss.
  - Majrowski v Guy's and St Thomas' NHS Trust [2006]* confirmed that employers can be vicariously liable for harassment committed by employees.<sup>[6]</sup>
- Key Requirements:**
  - Conduct must occur on at least two occasions.
  - Must be calculated to cause alarm or distress.
  - Jones v Ruth [2011]* established that damages can be awarded for anxiety even without a recognized psychiatric injury.
- Limitation Period:** Six years from the date of the harassment (Section 2, *Limitation Act 1980*).

3. Legal Action Against Enablers and Financiers

Joint Tortfeasors and Conspiracy

To recover lost income from financiers or those who "enabled" the stalker/attacker, the claimant must prove **Joint Tortfeasorship**.

Common Design & Joint Liability

- **Principle:** Liability arises where parties act in furtherance of a common design.
- **UK Case Law:** *Fish & Fish Ltd v Sea Shepherd UK [2015] UKSC 10*. The Supreme Court held that to be liable as a joint tortfeasor, the defendant must have given "substantial assistance" to the primary tortfeasor pursuant to a common design.<sup>[2]</sup>
- **Conspiracy:** Requires:
  1. Combination/Agreement.
  2. Unlawful means.
  3. Intention to injure.
  4. Resulting damage (loss of income).

Ireland-Specific Principles

- **Civil Liability Act 1961 (Section 11):** Defines "concurrent wrongdoers."
- **Conspiracy:** Irish courts view a combination to use unlawful means as a civil wrong regardless of motive, whereas the UK often looks for the *predominant intention* to damage the claimant (unless unlawful means were used, in which case intention to injure is sufficient).<sup>[8]</sup>

Obstruction of Justice (Civil Implications)

While "Obstruction" is primarily criminal:

- **Ireland:** *Criminal Justice Act 1999* (Section 41) – Intimidation of witnesses/potential witnesses.
- **Civil Utility:** Evidence of funding legal defense to prolong harassment, or funding flight risks, can be used as evidence of "**Unlawful Means Conspiracy**" or to prove the "Common Design" element in a joint tort claim.

4. Summary of Actionable Steps

Action	Ireland (Time Limit)	UK (Time Limit)	Primary Target
State Compensation	3 Months (Strict)	2 Years	CICT (IE) / CICA (UK)
Civil Harassment	6 Years	6 Years	Perpetrator
Personal Injury	2 Years	3 Years	Perpetrator
Joint Tort/Conspiracy	6 Years	6 Years	Enablers/Financiers

Key Recommendations

1. **Concurrent Filings:** Pursue State compensation immediately (due to short deadlines) while building the civil case.
2. **Evidence of "Common Design":** To sue a financier, you must document that they did not just provide money, but did so *knowing* it would facilitate the harassment or effectively "commissioned" the acts.
3. **Legal Counsel:** Retain solicitors specializing in *intentional torts* and *asset tracing* to handle claims against financiers.

References & Citations

1. *Scheme of Compensation for Personal Injuries Criminally Inflicted*, Dept of Justice (Ireland).  
2. *Case C-129/19, President of the Centre for Equal Treatment v Commission* [2020] CJEU.  
3. CICT Annual Data / Department of Justice Reviews (2023-2024).  
4. *The Criminal Injuries Compensation Scheme 2012* (Ministry of Justice, UK).  
5. *Criminal Justice (Miscellaneous Provisions) Act 2023*, Part 5 (Ireland).  
6. *Majrowski v Guy's and St Thomas' NHS Trust* [2006] UKHL 34.  
7. *Fish & Fish Ltd v Sea Shepherd UK* [2015] UKSC 10.  
8. *Crofter Hand Woven Harris Tweed Co Ltd v Veitch* [1942] AC 435; *Civil Liability Act 1961* (Ireland).