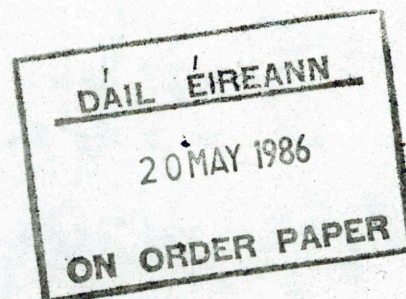


4035

Scheme of Compensation for Personal Injuries  
suffered at the Stardust, Artane on the  
14th February, 1981

As amended



Laid by the Minister for Justice before each House of  
Oireachtas, May, 1986.



Amendment to Scheme of Compensation for  
Personal Injuries suffered at the Stardust, Artane  
on the 14th February, 1981.

Paragraph 14 of the Scheme is amended by the insertion of the following after "31st January, 1986" in the penultimate line of the paragraph:

"However, where a completed application form has not been returned by that date but is returned not later than 20th June, 1986, the Tribunal will consider the claim if the applicant satisfies the Tribunal that there was good reason why he did not make the application by 31st January, 1986."

The amended paragraph 14 is as follows:

Applications should be made on the Tribunal's application form which is obtainable from the Secretary to the Tribunal. Completed application forms should be returned to the Tribunal as soon as possible and in any event not later than 31st January, 1986. However, where a completed application form has not been returned by that date but is returned not later than 20th June, 1986, the Tribunal will consider the claim if the applicant satisfies the Tribunal that there was good reason why he did not make the application by 31st January, 1986. Completed forms should be accompanied by any relevant medical reports.



Scheme of Compensation for Personal Injuries suffered at  
the Stardust, Artane, on the 14th February, 1981

1. The Stardust Victims' Compensation Tribunal established under this Scheme will assess, and the State will pay, ex gratia compensation in accordance with this Scheme in respect of personal injury and loss which is attributable to the fire which occurred on the 14th February, 1981 at the Stardust, Artane, Dublin.
2. The Tribunal will be entirely responsible for deciding in any particular case whether compensation is payable under the Scheme, and, if so, the amount. There will be no appeal against or review of a final decision of the Tribunal.
3. The Tribunal will consider claims for compensation made by or on behalf of -
  - (a) the persons who sustained the injury or loss (the victim);
  - (b) any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred any expenses as a result of the victim's injury;
  - (c) where the victim has died as a result of the injury, any dependant of the victim or, if he has no dependant, any person who incurred expenses as a result of his death;
  - (d) where the victim has died otherwise than as a result of the injury, any dependant of the victim.



4. If the claimant has suffered injury or loss in the circumstances set out in this Scheme and would be entitled to claim compensation (whether statutory or non-statutory) otherwise than under the Scheme in respect of the injury or loss, he may also claim compensation under the Scheme, but no payment of an award under the Scheme shall be made to him unless he agrees to such discontinuance of any existing proceedings or claims as is required by the State, and agrees not to institute any new proceedings or claim in respect of the injury or loss.

Any claimant under the Scheme will likewise be entitled to reject the amount of compensation awarded by the Tribunal. In such event he will be entitled to proceed with his legal action in the Courts but will not be entitled to bring a claim before the Criminal Injuries Compensation Tribunal or proceed with any existing such claim.

5. Subject to the limitations and restrictions contained elsewhere in this Scheme, the compensation to be awarded by the Tribunal will be on the basis of damages awarded under the Civil Liability Acts except that compensation will not be payable by way of exemplary, vindictive or aggravated damages or, where the victim has died, for the benefit of the victim's estate.
6. Where the victim has died otherwise than as a result of the injury the Tribunal may award compensation in respect of loss of earnings, expenses and liabilities incurred before the death but only to a dependant who would, in the opinion of the Tribunal, suffer hardship otherwise.
7. Compensation will be by way of a lump sum payment, rather than a periodical pension, but it will be open to the Tribunal to make an



interim award and to postpone making a final award in a case in which a final medical assessment of the injury is not yet possible.

8. The Tribunal may refuse to pay compensation, or may reduce the compensation otherwise payable, to an applicant who has not, in the opinion of the Tribunal, given the Tribunal all reasonable assistance, in relation to any medical report that it may require or otherwise.
9. Compensation will be reduced by the value of the entitlement of the victim or claimant to social welfare benefits payable as a result of the injury and will be reduced, to the extent determined by the Tribunal, in respect of the entitlement of the victim to receive, under his conditions of employment, wages or salary while on sick leave.
10. The Scheme will be administered by the Stardust Victims' Compensation Tribunal, the members of which are Mr. Justice Donal Barrington, who will act as Chairman, and Mr. Hugh O'Flaherty, Senior Counsel, and Mr. Noel T. Smith, Solicitor.
11. Compensation will be payable out of funds made available from monies provided by the Oireachtas.
12. The Tribunal will submit to the Minister for Justice a report on the operation of the Scheme together with its accounts. The reports and accounts will be laid before both Houses of the Oireachtas.
13. The Tribunal will be free to draw up any instructions it considers necessary regarding the administration of the Scheme. However, these



instructions will be consistent with the provisions of this Scheme and with the general intention that the administration of the Scheme and, in particular, proceedings before the Tribunal, should be informal.

14. Applications should be made on the Tribunal's application form which is obtainable from the Secretary to the Tribunal. Completed application forms should be returned to the Tribunal as soon as possible and in any event not later than 31st January, 1986. Completed forms should be accompanied by any relevant medical reports.
15. The Tribunal's staff will process applications in the first instance and may seek all relevant information as to the injury or loss, either from the applicant or otherwise.
16. Proceedings before the Tribunal will be by way of a presentation of his case by or on behalf of the applicant, who will be entitled to call and question witnesses. It will be for the claimant to establish his case, and for that purpose he must, if so requested, submit himself to questioning by or on behalf of the Tribunal. All information before the Tribunal will be made available to the applicant.
17. An applicant may be accompanied by his legal advisor or other person. Where the award of the Tribunal is accepted, the State will pay such costs of legal representation before the Tribunal (including the costs of a Counsel) as the Tribunal considers appropriate, together with the necessary and reasonable expenses of witnesses as assessed by the Tribunal.



18. Hearings before the Tribunal will be in private.
19. It will be a condition of making an application to the Tribunal that a claimant undertakes not to disclose the amount of any award made in respect of his claim, unless he has accepted the award. The Tribunal may withdraw its award in the event of a breach of this undertaking.
20. The standard of proof which the Tribunal will apply to a determination of any claim will be the balance of probabilities.
21. An applicant must accept or reject the award made in respect of his claim within one month of the notification to him of the award, failing which he will be deemed to have rejected it.
22. The Tribunal will be entitled to make arrangements which it considers desirable for the administration of money awarded by it as compensation.
23. The Tribunal will not have power to assess costs or loss arising out of or in connection with any proceedings other than the claim to the Tribunal and, in particular, will not have power to deal with the costs of the proceedings referred to in paragraph 4 above.