
STATUTORY INSTRUMENTS

1988 No. 793

**Criminal Injuries (Compensation)
(Northern Ireland) Order 1988**

Appeals to county court

16.—(1) Any person aggrieved by a determination of the Secretary of State notified to him under Article 12(1) or (2) may, within 10 weeks from the service of the notice, appeal to the county court in accordance with county court rules against the determination (unless it is under Article 10) but, unless he so appeals within that time, the determination shall become in all respects final and binding.

(2) Where the Secretary of State has varied a determination under Article 12(5), paragraph (1) shall apply as if the references to a determination were references to a determination as so varied and as if the reference to Article 12(1) or (2) were a reference to Article 12(5).

(3) Where an appeal under paragraph (1) relates to the amount of any compensation or costs to be paid by the Secretary of State under this Order, the Secretary of State shall have the like right to make a payment into the county court as a defendant has in an action in that court and—

- (a) where such a payment is made by the Secretary of State it shall, notwithstanding any provision to the contrary contained in section 22(c) of the Interpretation Act (Northern Ireland) 1954 or in any other statutory provision, have the like consequences as regards liability to pay the costs of the appeal as a payment made into court by a defendant has as regards liability to pay the costs of such an action;
- (b) the procedure and practice relating to payments made by the Secretary of State under this paragraph may be regulated by county court rules.

(4) At the hearing of any appeal under paragraph (1), the appellant shall not adduce evidence of any new matter unless—

- (a) the Secretary of State consents to that evidence being adduced; or
- (b) the applicant has, not less than 7 days before the day on which the appeal is heard, served on the Secretary of State a notice specifying that matter.

(5) In paragraph (4) “new matter” means any fact, information, report or other matter which would have been material to the determination of the appellant’s application for compensation by the Secretary of State but which, for whatever reason, was not available to the Secretary of State on the date on which he made the determination against which the appeal is brought.

(6) The county court may, on an application made to it on notice to the Secretary of State and in accordance with county court rules—

- (a) extend the time for making or serving any report or notice referred to in Article 5(4);
- (b) extend the time referred to in Article 5(5)(a) or 11(1) for making an application;
- (c) amend or otherwise deal with, in such manner and on such terms as the court thinks just, any such notice or application.

(7) Nothing in this Article or in any other statutory provision shall authorise the county court to extend—

- (a) the time referred to in Article 5(5)(b) for making an application; or

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(b) the time for bringing an appeal under this Article.