

1978 No. 135

COUNTY COURTS

County Court (Criminal Damage Compensation) Rules
(Northern Ireland) 1978*Made* 26th May 1978*Coming into operation* 1st July 1978*To be laid before Parliament*

The Secretary of State in pursuance of section 146 of the County Courts Act (Northern Ireland) 1959(a) and articles 12, 14 and 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977(b) hereby, on the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, makes the following rules:

PART I

GENERAL

Citation and commencement

1. These rules may be cited as the County Court (Criminal Damage Compensation) Rules (Northern Ireland) 1978 and shall come into operation on 1st July 1978.

Interpretation

2.—(1) In these rules—

“the Order” means the Criminal Damage (Compensation) (Northern Ireland) Order 1977;

“the County Court Rules” means the County Court Rules (Northern Ireland) 1976(c);

and any reference to a Form by number is a reference to the Form as numbered in Schedule 1 to these rules.

(2) Without prejudice to section 24 of the Interpretation Act (Northern Ireland) 1954(d), service of any document under these rules may be by registered post or by the recorded delivery service, using the advice of delivery form.

PART II

APPEALS UNDER ARTICLE 15 OF THE ORDER

Lodging of appeals to the county court under article 15 of the Order

3.—(1) Subject to any order under section 2(2)(c) of the County Courts Act (Northern Ireland) 1959, appeals under article 15 of the Order shall be heard at the ordinary sittings of the court for the division specified in article 2(3) of the Order at such times as the judge for the county court division may appoint in accordance with section 4(2) of that Act or, in lieu of such appointment, at the sitting of the court for equity matters.

(a) 1959 c. 25 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)

(b) S.I. 1977/1247 (N.I. 14)

(c) S.R. 1976 No. 374 (II, p. 1774)

(d) 1954 c. 33 (N.I.)

(2) Such appeals shall be heard at the sitting for which the appointed entry day occurs next after a period of 21 days from the date on which the appeal is lodged under paragraph (4).

(3) The appeal shall be by notice in Form 1, 2, 3 or 4, as may be appropriate, and shall state the sitting at which the appeal is to be heard in accordance with paragraph (2) and the appellant shall serve a copy thereof on the Secretary of State at the address of the department dealing with claims for compensation under the Order and on each person upon whom notice has been served by the Secretary of State (in accordance with article 15(1) of the Order) of the decision, determination or order made by him.

(4) The appellant shall at the time of service under paragraph (3) lodge the appeal by delivering the notice to the clerk of the Crown and peace at his office duly endorsed as to service and attach to it—

(a) any certificate of posting;

(b) a copy of the notice of decision, determination or order served on the appellant under article 15(1) of the Order endorsed with a certificate as to the date of service of the notice on him; and

(c) where the appellant was the applicant for compensation, a copy of the application served on the Secretary of State under article 8 of the Order; and the clerk of the Crown and peace shall forthwith upon receipt of the notice enter the appeal for hearing at the sitting specified in paragraph (2).

(5) Where the appeal is against a decision of the Secretary of State refusing a request submitted to him under article 7(3) of the Order, a copy of the preliminary notice to be served under article 7(1) thereof shall be attached to the notice of appeal in Form 3 delivered to the clerk of the Crown and peace under paragraph (4).

(6) Where the appeal is against a decision of the Secretary of State refusing to extend the period within which an application for compensation may be made in accordance with article 8(1) of the Order, a copy of the preliminary notice and of the application to be served under article 8 of the Order shall be attached to the notice of appeal in Form 4 delivered to the clerk of the Crown and peace under paragraph (4).

(7) The notice of appeal shall either state that the appeal is against the entire decision, determination or order of the Secretary of State or shall specify the part or parts thereof by which the appellant is aggrieved.

(8) Nothing in this rule shall prevent the court from considering other items specified in the decision, determination or order or from considering grounds of appeal not referred to in the notice.

(9) A certificate for the purposes of section 25 of the Crown Proceedings Act 1947(e) of an order allowing an appeal under article 15 of the Order shall be in Form 5, 6, 7 or 8 and an order dismissing such appeal shall be in Form 9, 10 or 11.

Payment into court under article 15(3) of the Order, acceptance, etc.

4.—(1) Payment into court by the Secretary of State under article 15(3) of the Order may be made at any time within 10 days from service of the copy of the notice of appeal upon him by lodging in court—

- (a) such sum of money as the Secretary of State thinks sufficient to satisfy so much of the appellant's claim to compensation or of the sum payable under article 12(2) of the Order or both as is in dispute and hence the subject of the appeal; and
- (b) a written undertaking to pay to the appellant any costs or expenses reasonably incurred by him between the date on which the Secretary of State served on him notice of his decision, determination or order under article 15(1) of the Order and the date of the lodgment.

(2) Notice to the appellant in Form 12 of payment into court by the Secretary of State under article 15(3) shall be given at the time of such lodgment.

(3) Money shall be paid into court by lodging it in the County Court Bank to the credit of the Criminal Injuries Account in accordance with Order 42, Part I, of the County Court Rules and where any money is so lodged a copy of the notice sent to the appellant under paragraph (2) shall be lodged with the clerk of the Crown and peace and a copy shall also be lodged with the bank, such last-mentioned copy being headed with the additional words "Criminal Injuries Account".

(4) Money paid into court shall remain in court subject to further order unless the appellant elects to take it out as provided by this rule.

(5) The appellant may, at any time before the opening day of the sitting at which the appeal is to be heard or subsequently with the consent of the Secretary of State, sign and serve on the Secretary of State and lodge with the clerk of the Crown and peace a notice in Form 13 accepting the amount in satisfaction of his claim.

(6) Subject to paragraph (9), where the money is accepted by the appellant under paragraph (5) all further proceedings in the appeal by the appellant shall be stayed and the money paid into court shall be paid out to the appellant without the necessity of any decree or order of the court and the Secretary of State shall not be liable to any further costs other than those payable under the undertaking referred to in paragraph (1)(b).

(7) Where the costs and expenses referred to in paragraph (1)(b) are not agreed between the Secretary of State and the appellant, they shall be settled by the clerk of the Crown and peace subject to an appeal to the judge, notice of which appeal shall be served on the Secretary of State and the clerk of the Crown and peace not more than two days after the costs are so settled.

(8) The Secretary of State shall, within fourteen days from the day on which the parties agree on the sum due under the undertaking referred to in paragraph (1)(b) or on which the sum is settled by the clerk of the Crown and peace or, as the case may be, determined by the judge, pay that sum to the appellant.

(9) Where notice of acceptance under paragraph (5) is served by, or on behalf of, an appellant under a legal disability—

- (a) the money paid into court shall not be paid out without an order of the judge;
- (b) a notice of intention to apply to the judge for approval of such acceptance shall also be served on the Secretary of State and lodged in the office of the clerk of the Crown and peace;
- (c) the application to the judge shall be made at the time the appeal would, if no notice of acceptance had been served, have been heard by the judge; and

(d) the appellant shall be entitled to his costs of the application unless the judge otherwise directs.

(10) An order approving acceptance by a minor in satisfaction of a sum lodged by the Secretary of State shall be in Form 14.

Costs where payment into court by Secretary of State not accepted

5.—(1) Where money has been paid into court by the Secretary of State under article 15(3) of the Order and the appellant does not serve notice of acceptance in accordance with rule 4(5) and does not on appeal obtain an order for the recovery, in relation to such items in the decision, determination or order of the Secretary of State as are the subject of the appeal, of an amount of compensation or, where appropriate, any sum payable under article 12(2) of the Order greater than the amount paid into court, then, where the appellant is not under a legal disability, he shall not be entitled to any costs against the Secretary of State and shall be liable for the costs of the Secretary of State in such amount as the court may determine.

(2) Where the appellant is under a legal disability the costs shall be in the discretion of the judge.

(3) Where the Secretary of State becomes entitled to costs under this rule such costs shall be paid to him out of the money paid into court before any payment out of the said money is made to the appellant.

Payment into court not to be communicated to the judge

6. Where money has been paid into court under article 15(3) of the Order that fact shall not be communicated to the judge before determination of the appeal.

Form of order where notice of acceptance not served

7. Where money has been paid into court by the Secretary of State and the appellant does not serve notice of acceptance, an order made on the appeal shall be in one of the Forms 5 or 15 to 17, as may be appropriate.

Amendment of Order 42 of County Court Rules and manner of payment out in accordance with rule 4(6)

8.—(1) In rule 3(2) and rule 13(3) of Order 42 of the County Court Rules after the words “the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971” there shall be inserted the words “, article 15(3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977”.

(2) Any interest accruing to the Criminal Injuries Account shall be paid to the Secretary of State for the credit of the Exchequer at such intervals as the Secretary of State may from time to time direct.

(3) All moneys paid into the Criminal Injuries Account in the County Court Bank to be paid out in accordance with rule 4(6) or in accordance with an order made by the judge shall be paid out by cheque signed by the clerk of the Crown and peace and drawn on the said account.

Costs on appeal

9.—(1) Subject to paragraph (2), the scale of costs set out in Schedule 2 shall apply to appeals under article 15 of the Order.

(2) Where the appeal is against a decision of the Secretary of State to refuse either—

- (a) a request submitted to him under article 7(3) of the Order; or
- (b) to extend the period within which an application for compensation may be made in accordance with article 8(1) of the Order;

the costs shall be in the discretion of the judge both as to incidence and as to amount.

PART III

APPLICATIONS FOR RECOVERY FROM OFFENDER UNDER ARTICLE 16 OF THE ORDER

Applications to the court under article 16 of the Order for an order directing offender to reimburse to the Secretary of State whole or part of compensation

10.—(1) An application by the Secretary of State for an order of reimbursement under article 16 of the Order may be made by notice in Form 18 at any time after the conviction of the offender and may be heard at any ordinary sitting of the court for the division specified in article 2(3) of the Order.

(2) Such notice shall be served on the offender and a copy thereof on the clerk of the Crown and peace not less than fifteen days before the day appointed for the commencement of the sitting at which the application is to be heard.

(3) Upon receipt of such copy the clerk of the Crown and peace shall enter the application for hearing.

(4) An order for reimbursement under article 16(1) of the Order shall be in Form 19.

Applications to vary orders made under article 16(4) of the Order

11.—(1) An application under article 16(4) of the Order by the Secretary of State or by an offender for the variation of an order for reimbursement made under article 16(1) shall be in Form 20 and such application shall be served on the respondent and a copy thereof served on the clerk of the Crown and peace within the same period as is specified in rule 10(2) and shall be entered for hearing in the same manner as is provided by rule 10(3).

(2) An order under article 16(4) of the Order shall be in Form 21.

Costs on applications under article 16

12. The costs awarded on an application under article 16(1) or article 16(4) of the Order shall be in the discretion of the judge both as to incidence and as to amount.

PART IV

PAYMENT INTO COURT UNDER ARTICLE 12(3) OR ARTICLE 14(1)(ii)
OF THE ORDER*Application of Order 27 of County Court Rules to payment into court under
article 12(3) or 14(1)(ii) of the Order*

13. The provisions of Order 27 of the County Court Rules (Payment into Court by Trustees) shall apply to payment into court under article 12(3) or article 14(1)(ii) of the Order with the following modifications—

- (a) in rule 1(1) of that Order the reference to section 63 of the Trustee Act (Northern Ireland) 1958(f) shall be construed as a reference to article 12(3) or article 14(1)(ii), as the case may be, and the form of affidavit in Appendix W may be modified as may be necessary;
- (b) in rule 1(5) for the reference to Form 2 in Appendix W there shall be substituted a reference to Form 22 in Schedule 1 to these rules; and
- (c) in rule 1(6) for the reference to Form 3 in Appendix W there shall be substituted a reference to Form 23 in Schedule 1 to these rules.

Roy Mason

One of Her Majesty's Principal
Secretaries of State

Northern Ireland Office
26th May 1978

LIST OF FORMS IN SCHEDULE 1

1. Notice of appeal (by applicant) to county court under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.
2. Notice of appeal (by person other than applicant) to county court under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.
3. Notice of appeal to county court under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 against decision of Secretary of State upon request submitted to him under article 7(3) of that Order.
4. Notice of appeal to county court under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 against decision of Secretary of State to refuse to extend time under article 8 for making application for compensation.
5. Certificate of order by county court allowing appeal (by applicant) under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.
6. Certificate of order by county court allowing appeal (by person other than applicant) under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.
7. Certificate of order by county court allowing appeal from refusal of request submitted to Secretary of State under article 7(3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.
8. Certificate of order by county court allowing appeal against decision of Secretary of State to refuse to extend time under article 8 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 for making application for compensation.
9. Order by county court dismissing an appeal under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 from decision/determination/order by Secretary of State on claim for compensation under that Order.
10. Order by county court dismissing appeal from refusal of request submitted to Secretary of State under article 7(3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.
11. Order by county court dismissing appeal against decision of Secretary of State to refuse to extend time under article 8 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.
12. Notice of payment into court (appeals).
13. Notice of acceptance of sum lodged in court (appeals).
14. Order approving acceptance by Minor, in satisfaction, of sum lodged by Secretary of State.
15. Order for payment out of sum not greater than Secretary of State's lodgment (with directions as to application of funds in court).
16. Order where appellant does not obtain on appeal sum greater than amount lodged and is a Minor.
17. Certificate of order allowing appeal and ordering payment to credit of Minor, in part satisfaction, of sum lodged by Secretary of State.
18. Application under article 16(1) of Criminal Damage (Compensation) (Northern Ireland) Order 1977 for order directing offender to reimburse to Secretary of State compensation paid under that Order.
19. Order under article 16(1) of Criminal Damage (Compensation) (Northern Ireland) Order 1977 directing offender to reimburse to Secretary of State compensation paid under that Order.
20. Application under article 16(4) of Criminal Damage (Compensation) (Northern Ireland) Order 1977 for variation of order under article 16(1) for reimbursement to Secretary of State of compensation paid or payable under that Order.
21. Order under article 16(4) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 varying order under article 16(1) of that Order for reimbursement to Secretary of State of compensation paid or payable under that Order.
22. Notice of payment into court by Secretary of State under article 12(3) [or 14(1)(ii)] of Criminal Damage (Compensation) (Northern Ireland) Order 1977.
23. Certificate of Clerk of the Crown and Peace of payment into court under article 12(3) [or 14(1)(ii)] of Criminal Damage (Compensation) (Northern Ireland) Order 1977.

SCHEDULE 1

FORMS FOR PURPOSE OF PROCEEDINGS IN THE COUNTY COURT UNDER
THE CRIMINAL DAMAGE (COMPENSATION) (NORTHERN IRELAND) ORDER 1977

FORM No. 1

Rule 3(3)

**Notice of Appeal (by applicant) to County Court under Article 15
of the Criminal Damage (Compensation) (Northern Ireland) Order 1977**

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an appeal under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.

Between

of

and

Appellant

the Secretary of State
Respondent

Application No.

TAKE NOTICE that the Appellant hereby appeals to the County Court against the decision/determination/order of the Secretary of State dated the day of 19 in respect of the above-numbered application served on him on the day of 19 (in case of postal service state date on which notice of decision/determination/order was delivered to applicant or his solicitor) and the appeal will be heard at the sitting of the Court for the above-named Division to be held at _____ on the day of 19 at _____ a.m./p.m.

The appeal is against the entire decision/determination/order on the grounds set out below [or so much of the decision/determination/order as relates to the items set out below in numerical order on the grounds specified against each item]—[(add if applicable) The applicant has already been paid the sum of £ _____ on account of compensation under article 12(1) of the said Order of 1977.]

Dated this _____ day of _____ 19 _____

Signature of Appellant/Solicitor for Appellant

Name and address of Agent/Solicitor

To:—

(a) The Clerk of the Crown and Peace at
(address of Crown and Peace Office)(b) The Secretary of State at
(address of Department)

[(c) (name(s) of person(s) upon whom notice has been served by the Secretary of State under article 15(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977)]

NOTE:

1. A copy of—

(a) the decision/determination/order of the Secretary of State served on the appellant under article 15 of the Order endorsed with a certificate as to the date of service of the notice on the appellant;

(b) a copy of any written form of application for compensation served on the Secretary of State under article 8 of the Order;

must be delivered to the Clerk of the Crown and Peace with this notice of appeal.

**Notice of Appeal (by person other than applicant) to County Court
under Article 15 of the Criminal Damage (Compensation)
(Northern Ireland) Order 1977**

[Title as in Form No. 1]

Application No.

TAKE NOTICE that I _____ of _____
being a person affected by the decision/determination/order
of the Secretary of State in respect of the above-numbered application served on
me on the _____ day of _____ 19 _____ (in the case of
*postal service state date on which notice of decision/determination/order was
delivered to applicant or his solicitor*) do hereby appeal to the county court against
such decision/determination/order and the appeal will be heard at the sitting of
the court for the above-named Division to be held at
on the _____ day of _____ 19 _____ at _____ a.m./p.m.

The appeal is against the entire decision/determination/order on the grounds
set out below [or so much of the decision/determination/order as relates to the
items set out below in numerical order on the grounds specified against each
item]—

Dated this _____ day of _____ 19 _____

Signature of Appellant/Solicitor for
Appellant

Name and address of Agent/Solicitor

To:—

(a) The Clerk of the Crown and Peace at
(address of Crown and Peace Office)

(b) The Secretary of State at
(address of Department)

[(c)

(name(s) of person(s) upon whom notice has been served by the Secretary
of State under article 15(1) of the Criminal Damage (Compensation)
(Northern Ireland) Order 1977)]

NOTE:

A copy of the decision/determination/order of the Secretary of State served on
the appellant under article 15 of the Order endorsed with a certificate as to the
date of service of the notice on the appellant must be delivered to the Clerk of
the Crown and Peace with this notice of appeal.

**Notice of Appeal to County Court under Article 15 of the
Criminal Damage (Compensation) (Northern Ireland) Order 1977
against decision of Secretary of State upon request submitted to him
under Article 7(3) of that Order**

[Title as in Form 1]

TAKE NOTICE that the Appellant hereby appeals to the county court for the above-named Division sitting at _____ on the _____ day of 19____ at _____ a.m./p.m. against the decision of the Secretary of State dated the _____ day of _____ 19____ served on him on the _____ day of _____ 19____ (in case of postal service state date on which notice of decision was delivered to appellant or his solicitor) to refuse the request of the appellant dated the _____ day of _____ 19____ that the period within which preliminary notice of his claim to compensation under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in accordance with article 7(1) of that Order may be extended under article 7(3) thereof.

Dated this _____ day of _____ 19____

Signature of Appellant/Solicitor for
Appellant

Name and address of Agent/Solicitor

To:—

- (a) The Clerk of the Crown and Peace at
(address of Crown and Peace Office)
- (b) The Secretary of State at
(address of Department)

[(c)

(name(s) of person(s) upon whom notice has been served by Secretary of State under article 15(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.)]

NOTE: A copy of the preliminary notice sought to be served under article 7(1) must be attached to this notice served on the Clerk of the Crown and Peace.

**Notice of Appeal to County Court under Article 15 of the
Criminal Damage (Compensation) (Northern Ireland) Order 1977
against decision of Secretary of State to refuse to extend time
under Article 8 for making application for compensation**

[Title as in Form 1]

TAKE NOTICE that the appellant hereby appeals to the county court for the above-named Division sitting at _____ on the _____ day of _____ 19____ at _____ a.m./p.m. against the decision of the Secretary of State dated the _____ day of _____ 19____ served on him on the _____ day of _____ 19____ (*in case of postal service state date on which notice of decision was delivered to appellant or his solicitor*) to refuse the request of the appellant dated the _____ day of _____ 19____ that the period of four months from the date on which the appellant served on the Secretary of State the preliminary notice (a copy of which is attached hereto) of his claim for compensation under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in accordance with article 7(1) thereof, namely the _____ day of _____ 19____, be extended under article 8(1) thereof to a longer period not exceeding twelve months from the date of such service.

Dated this _____ day of _____ 19____ .

Signature of Appellant/Solicitor for
Appellant

Name and address of Agent/Solicitor

To:—

(a) The Clerk of the Crown and Peace at
(*address of Crown and Peace Office*)

(b) The Secretary of State at
(*address of Department*)

[(c)

(*name(s) of person(s) upon whom notice has been served by the Secretary of State under article 15(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.*)]

NOTE: A copy of the preliminary notice served under article 7(1) and any application sought to be served on the Secretary of State under article 8 of the Order must be attached to this notice served on the Clerk of the Crown and Peace

Certificate of Order by County Court allowing appeal (by applicant) under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

BY THE COUNTY COURT JUDGE/RECORDER for the County Court Division of
IN THE MATTER OF the Criminal Damage (Compensation) (Northern Ireland) Order 1977;

AND IN THE MATTER OF an appeal under article 15 of the order against a decision/determination/order of the Secretary of State in respect of Application No. for compensation under that order.

Between

of Appellant
and The Secretary of State
Respondent

UPON AN APPEAL made by the appellant on the day of 19 under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 heard at the sitting;

AND WHEREAS the appellant under the decision/determination/order of the Secretary of State dated and served on the appellant [is entitled to receive] [or has received] the sum of £ specified as due to the appellant in that decision/determination/order by way of compensation [together with the sum of £ payable under article 12(2) of the Order] and the appellant has appealed against [the entire decision/determination/order of the Secretary of State] [or so much of the decision/determination/order as relates to the items specified in the notice of appeal] on the grounds specified in the notice of appeal;

AND THE COURT HAVING EXAMINED into the matter of such appeal and having found that the sum of £ is payable by the respondent Secretary of State to the appellant as compensation for the loss suffered by the appellant [together with the sum of £ payable by the Secretary of State under article 12(2) of the Order].

IT WAS ORDERED that the [additional] sum of £ be paid to the appellant by the respondent;

AND IT WAS FURTHER ORDERED that the appellant be paid by the respondent the sum of £ for the costs of this appeal and the sum of £ for witnesses' expenses;

[AND IT WAS FURTHER ORDERED that the sum of £ lodged in court by the respondent be forthwith paid out to the appellant in part satisfaction of the amount decreed, costs and expenses.]

I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act 1947 that the aforesaid sums are payable by the respondent Secretary of State.

Dated at this day of 19

Clerk of the Crown and Peace

(Seal)

Solicitor for Appellant

Certificate of Order by County Court allowing appeal (by person other than applicant) under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

[Title as in Form 5]

UPON AN APPEAL by the appellant on the day of 19 under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 heard at the sitting;

IT APPEARING THAT on the day of 19 the respondent Secretary of State served on the appellant a copy of his decision/determination/order made on an application for compensation under the said Order of 1977 by (full names)

of

(full address)

to the following effect, namely—

(state terms of decision/determination/order);

AND IT FURTHER APPEARING that the appellant having the following estate or interest, namely—

in the subject matter of the application was aggrieved by the said decision/determination/order;

AND THE COURT HAVING EXAMINED into the matter of said appeal and having found that the sum of £ is payable by the Secretary of State to the appellant as compensation for the loss suffered by the appellant;

IT WAS ORDERED that the sum of £ be paid to the appellant by the respondent;

AND IT WAS FURTHER ORDERED that the appellant be paid by the respondent the sum of £ for the costs of this appeal and the sum of £ for witnesses' expenses.

I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act 1947 that the aforesaid sums are payable by the respondent Secretary of State.

Dated at this day of 19 .

Clerk of the Crown and Peace

(Seal)

Solicitor for Appellant

Certificate of Order by County Court allowing appeal from refusal of request submitted to Secretary of State under Article 7(3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

[Title as in Form 5]

UPON AN APPEAL made by the appellant on the _____ day of 19____ under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 heard at the _____ sitting;

AND WHEREAS the appellant submitted a request under article 7(3) of the said Order of 1977 to the Secretary of State in writing dated the _____ day of 19____ to extend the period specified in article 7(1) thereof for serving a preliminary notice of intention to claim compensation under the Order in respect of the following act

(state briefly details of act giving rise to claim for compensation)
alleged to have been committed on the _____ day of 19____ and the Secretary of State on the _____ day of 19____ served upon the appellant notice of his decision to refuse that request;

AND THE COURT HAVING EXAMINED into the matter of such appeal;

IT WAS ORDERED that the appellant be allowed to serve such preliminary notice on the Secretary of State not later than the _____ day of 19____ ;

AND IT WAS ORDERED that the appellant be paid by the respondent Secretary of State the sum of £ _____ for the costs of this appeal;

I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act 1947 that the aforesaid sum for costs is payable by the respondent Secretary of State.

Dated at _____ this _____ day of _____ 19____ .

Clerk of the Crown and Peace

(Seal)

Solicitor for Appellant

**Certificate of Order by County Court allowing appeal against decision of
Secretary of State to refuse to extend time under Article 8 of the
Criminal Damage (Compensation) (Northern Ireland) Order 1977
for making application for compensation**

[Title as in Form 5]

UPON AN APPEAL made by the appellant on the day of
19 under article 15 of the Criminal Damage (Compensation) (Northern
Ireland) 1977 heard at the sitting;

AND WHEREAS the appellant served preliminary notice under article 7(1) of that
Order of his intention to claim compensation thereunder on the Secretary of State
dated the day of 19 and the appellant failed
within four months from that date to make an application to the Secretary of
State for such compensation in accordance with article 8 of that Order and the
Secretary of State on the day of 19 served
notice of his decision not to allow such longer period for service of such notice
as is specified in article 8(1) thereof;

AND THE COURT HAVING EXAMINED into the matter of such appeal;

IT WAS ORDERED that the appellant be allowed to make such application to the
Secretary of State not later than the day of 19 ;

AND IT WAS ORDERED that the appellant be paid by the respondent Secretary of
State the sum of £ for the costs of this appeal;

I THEREFORE CERTIFY for the purposes of section 25 of the Crown Proceedings Act
1947 that the aforesaid sum for costs is payable by the respondent Secretary of
State.

Dated at this day of 19 .

Clerk of the Crown and Peace

(Seal)

Solicitor for Appellant

Order by County Court dismissing an appeal under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 from decision/determination/order by Secretary of State on claim for compensation under that Order

[Title as in Form 5]

IT APPEARING to the court that on the _____ day of _____ 19____ the appellant served notice of appeal under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 against the decision/determination/order of the respondent Secretary of State to the following effect:—

(state briefly relevant terms of decision/determination/order as the case may be);

AND IT FURTHER APPEARING that the appellant has failed to prove that the sum of £ _____ claimed as compensation under the Order [and/or the sum of £ _____ claimed under article 12(2) of the Order] is payable to the appellant by the respondent;

IT IS THEREFORE ORDERED by the court that the appeal be and the same is hereby dismissed [and that the respondent Secretary of State do recover against the appellant the sum of £ _____ for costs and the sum of £ _____ for witnesses' expenses].

Dated at _____ this _____ day of _____ 19____

Clerk of the Crown and Peace

(Seal)

Solicitor for Respondent

Order by County Court dismissing appeal for refusal of request submitted to Secretary of State under Article 7(3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

[Title as in Form 5]

IT APPEARING to the court that on the day of 19 the appellant served notice of appeal under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 against the decision under article 7(3) of that Order of the respondent Secretary of State to extend the period specified in article 7(1) thereof for service on the Secretary of State by the appellant of a preliminary notice of intention to claim compensation under that Order;

AND THE COURT HAVING EXAMINED into the matter of such appeal;

IT WAS ORDERED by the court that the appeal be and the same is hereby dismissed [and that the respondent Secretary of State do recover against the appellant the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19

Clerk of the Crown and Peace

(Seal)

Solicitor for Respondent

Order by County Court dismissing appeal against decision of Secretary of State to refuse to extend time under Article 8 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 for making application for compensation

[Title as in Form 5]

IT APPEARING to the court that on the day of 19 the appellant served notice of appeal under article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 against the decision of the respondent Secretary of State not to allow the appellant to make any application under article 8 of the said Order for compensation thereunder within the period specified in article 8(1) thereof from the date on which the appellant served on the respondent Secretary of State preliminary notice under article 7(1) of that Order of his intention to apply for such compensation;

AND THE COURT HAVING EXAMINED into the matter of such appeal;

IT WAS ORDERED by the court that the appeal be and the same is hereby dismissed [and that the respondent Secretary of State do recover against the appellant the sum of £ for costs and the sum of £ for witnesses' expenses].

Dated at this day of 19

Clerk of the Crown and Peace

(Seal)

Solicitor for Respondent

FORM NO. 12

Rule 4(2)

Notice of Payment into Court (Appeals)*[Title as in Form 1]*

TAKE NOTICE that the respondent Secretary of State has paid into Court the sum of £ being £ in satisfaction of so much of the appellant's claim for compensation under the Order [and/or £ payable under article 12(2) of the Order] as is the subject of the appeal and in the event of the appellant accepting the amount so paid, the Secretary of State undertakes to pay to the appellant the amount of any costs or expenses reasonably incurred by him between the date on which the Secretary of State served on him notice of his decision/determination/order under article 15(1) of the Order and the date of lodgment (such costs and expenses to be settled in default of agreement by the Clerk of the Crown and Peace or by the Judge on appeal).

Signed :

(Rank) on behalf of the
Secretary of State/Solicitor
for Secretary of State

To the Appellant

FORM NO. 13

Rule 4(5)

Notice of acceptance of sum lodged in Court (Appeals)*[Title as in Form 1]*

TAKE NOTICE that the appellant accepts the sum of £ paid into Court by the respondent Secretary of State being £ in satisfaction of so much of his claim for compensation under the Order [and/or £ for such sum as is payable by the Secretary of State under article 12(2) of the Order] as is the subject of the appeal without prejudice to his rights on foot of the respondent's undertaking regarding costs and expenses.

Signed :

Appellant/Solicitor for
Appellant

(Date)

To the respondent Secretary of State and to the Clerk of the Crown and Peace

Order where appellant does not obtain on appeal sum greater than amount lodged and is a Minor

[Title as in Form 5]

IT APPEARING TO THE COURT that notice of appeal under article 15 of the Order was duly served on the respondent Secretary of State for hearing at the present sittings and that the [additional] sum of £ is payable by the Secretary of State to the appellant as compensation under the Order [and £ for such sum as is payable by the Secretary of State under article 12(2) thereof] and that the Secretary of State has lodged in Court the sum of £ in satisfaction of the appellant's claim for such compensation [and £ for such sum] [[or so much of such compensation] [or of such sum] as was the subject of the appeal from the Secretary of State's decision/determination];

IT IS ORDERED that the Clerk of the Crown and Peace do out of the sum lodged in Court by the Secretary of State on foot of this claim pay thereout the sum of £ to and do transfer the balance, namely £ from the Criminal Injuries Account to the Separate Credit of , a Minor;

AND IT IS FURTHER ORDERED that the sum when so transferred be invested in

AND IT APPEARING TO THE COURT that the appellant is a Minor, having been born on the day of 19 , and that it is necessary to appoint for him a Guardian of his fortune and that his is a fit and proper person to be appointed such Guardian; has no interest in this matter adverse to the said Minor and consents to be so appointed;

IT IS ORDERED THAT the said be and he is hereby appointed Guardian of the fortune of the appellant during his minority or until further order.

Dated at this day of 19

Signed:
Clerk of the Crown and Peace

(Seal)

Signed:
Solicitor for the Appellant

Certificate of order allowing appeal and ordering payment to credit of Minor, in part satisfaction, of sum lodged by Secretary of State

[Title as in Form 5 with any necessary modifications]

The Form of Certificate is as in Form 5 with any necessary modifications and in particular for the words "IT WAS ORDERED that the [additional] sum of £ be paid to the appellants by the respondent" onwards there shall be substituted the following:—

IT WAS ORDERED that the appellants, a Minor, by his and next friend, do recover from the respondent Secretary of State the [additional] sum of £ together with the sum of £ for the costs of this appeal and the sum of £ for witnesses' expenses.

AND IT WAS FURTHER ORDERED that the Clerk of the Crown and Peace do out of the sum lodged in Court by the Secretary of State on foot of this claim pay the sum of £ to and do transfer the balance, namely £ from the Criminal Injuries Account to the Separate Credit of , a Minor;

AND IT WAS FURTHER ORDERED that the Secretary of State do forthwith upon the privity of the Clerk of the Crown and Peace lodge the sum of £ , being the balance of the sum otherwise due to the appellants, in Court to the credit of this matter and to the Separate Credit of ;

AND IT WAS FURTHER ORDERED that the sums transferred and lodged in Court as aforesaid be invested in to abide further order;

AND IT APPEARING TO THE COURT that the said is a Minor, having been born on the day of 19 , and that it is necessary to appoint him a Guardian of his fortune and that his is a fit and proper person to be appointed such Guardian, has no interest in this matter adverse to the said Minor and consents to be so appointed;

IT WAS ORDERED that the said be and he is hereby appointed Guardian of the fortune of the said Minor during his minority or until further order.

I certify that for the purposes of section 25 of the Crown Proceedings Act 1947 the following sums are payable by the respondent Secretary of State, namely the sum of £ (being the balance otherwise due to the appellants to be paid into court as aforesaid) and the sum of £ for the said costs and expenses to be paid to the appellants.

Dated at this day of 19 .

Signed:

Clerk of the Crown and Peace

(Seal)

Signed:

Solicitor for Appellant

Application under Article 16(1) of Criminal Damage (Compensation) (Northern Ireland) Order 1977 for order directing offender to reimburse to Secretary of State compensation paid under that Order

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application under article 16(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

Between

the Secretary of State

and

Applicant

of

Respondent

WHEREAS compensation has been paid [is payable] by the Secretary of State under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in respect of the following damage to [or loss as a result of the unlawful removal of] property:—

(details of damage or loss)

being damage [or loss] directly attributable to the following offence:—

committed at _____ on the _____ day of _____ 19____; *(details of offence)*

AND WHEREAS it appears that you _____ *(name)*
of _____ *(address)*
were on the _____ day of _____ 19____ convicted by the
Court sitting at _____
of that offence;

APPLICATION IS HEREBY MADE under article 16(1) of the said Order of 1977 by the Secretary of State to the County Court/Recorder's Court for the above Division [at the sitting to be held at _____ on _____ the _____ day of _____ 19____ at the hour of _____ at _____ Courthouse] for an Order directing you to reimburse to the Secretary of State the said sum paid [or payable] under the said Order or such part thereof as the Court may direct.

Dated this _____ day of _____ 19____

Signed:
Solicitor for Secretary of State

To

of

Order under Article 16(1) of Criminal Damage (Compensation) (Northern Ireland) Order 1977 directing offender to reimburse to Secretary of State compensation paid under that Order

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under article 16(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

Between

the Secretary of State

Applicant

and

of

Respondent

IT APPEARING TO THE COURT that an application under article 16(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 was made to the Court for hearing at the _____ sittings;

AND THE COURT HAVING EXAMINED into the matter of such application;

AND IT FURTHER APPEARING that there has been paid [is payable] the sum of £ _____ by the Secretary of State as compensation under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in respect of the following damage to [or loss as a result of the unlawful removal of] property:—

(details of damage or loss)

being damage [or loss] directly attributable to the following offence:—

(details of offence)

committed at _____ on the _____ day of _____ 19 _____
and that on the _____ day of _____ 19 _____ the Respondent was
convicted by the _____ Court sitting at _____
of the said offence;

IT IS THEREFORE ORDERED AND DIRECTED that the Respondent reimburse to the Secretary of State the sum of £ _____ being [part of] the sum paid [or payable] under the said Order of 1977 [together with the sum of £ _____ for the costs and £ _____ for witnesses' fees and expenses incurred on the hearing of this application making £ _____ in the aggregate] [by instalments, the first of such instalments to be for the sum of £ _____ and to be paid on the _____ day of _____ 19 _____, and the remaining instalments to be each for the sum of £ _____ and to be paid upon the _____ day of each succeeding _____ and so to continue until the sum is paid].

Dated at _____ this _____ day of _____ 19 _____

Signed:

Clerk of the Crown and Peace

(Seal)

Signed:

Solicitor for Secretary of State

Application under Article 16(4) of Criminal Damage (Compensation) (Northern Ireland) Order 1977 for variation of order under Article 16(1) for reimbursement to Secretary of State of compensation paid or payable under that Order

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF an application under article 16(4) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

Between

and

Applicant

Respondent

WHEREAS on the _____ day of _____ 19____ an Order under article 16(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 was made by the Court sitting at _____ for the above Division directing the [Applicant] [Respondent] [(name) of _____ (address)] to reimburse to the Secretary of State the sum of £ _____ being [part of] a sum of £ _____ paid [or payable] by the Secretary of State under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 as compensation for damage to [or loss as a result of the unlawful removal of] property which was damage [or loss] attributable to an offence of which the [Applicant] [Respondent] was convicted by the _____ Court on the _____ day of _____ 19____ together with £ _____ for costs and £ _____ for witnesses' fees and expenses making £ _____ in the aggregate.

APPLICATION IS HEREBY MADE under article 16(4) of the said Order of 1977 by the Applicant to the County Court/Recorder's Court for the above Division at the sitting to be held at _____ on the _____ day of _____ 19____ at the hour of _____ at _____ Courthouse for an order varying the order for such reimbursement on the following grounds:—

Dated this _____ day of _____ 19____

Applicant/Solicitor for Applicant

Order under Article 16(4) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 varying order under Article 16(1) of that Order for reimbursement to Secretary of State of compensation paid or payable under that Order

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under article 16(4) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.

Between [of]
[the Secretary of State]

Applicant

and [the Secretary of State] [of]

Respondent

IT APPEARING TO THE COURT that an application under Article 16(4) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 was made to the Court for hearing at the sittings;

AND THE COURT HAVING EXAMINED into the matter of such application;

AND IT FURTHER APPEARING that there has been paid [is payable] the sum of £ by the Secretary of State as compensation under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 as compensation for damage to [, or loss as a result of the unlawful removal of] property which was damage [or loss] attributable to an offence of which the [Applicant] [Respondent] was convicted by the Court sitting at on the day of 19 ;

AND IT FURTHER APPEARING that the said order for reimbursement to the Secretary of State should be varied as follows:—

IT IS THEREFORE ORDERED AND DIRECTED that under the Order as so varied the [Applicant] [Respondent] reimburse the Secretary of State the sum of £ [outstanding] being [part of] the sum paid [or payable] as aforesaid [by [fresh] instalments, the first of such [fresh] instalments to be for the sum of £ and to be paid on the day of 19 , and the remaining instalments to be each for the sum of £ and to be paid upon the day of each succeeding and so to continue until the aforesaid sum outstanding is paid].

Dated at this day of 19

Signed:

Clerk of the Crown and Peace

Signed:

Applicant/Solicitor for Applicant

(Seal)

Notice of payment into court by Secretary of State under Article 12(3) [or 14(1)(ii)] of Criminal Damage (Compensation) (Northern Ireland) Order 1977

Order 27, Rule 1(5)

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF the Criminal Damage (Compensation) (Northern Ireland) Order 1977;

AND IN THE MATTER OF payment into Court as provided by article 12(3) [or 14(1)(ii)] of that Order.

WHEREAS, in pursuance of an affidavit filed in the Court on the _____ day of _____ 19____ (a copy of which is attached hereto) the Secretary of State on the _____ day of _____ 19____ did pay the sum of £ _____ being compensation to which the applicant named in the said affidavit is entitled under the said Order, into the County Court/Recorder's Court for the above-named Division in accordance with article 12(3) [or 14(1)(ii)] thereof, to be dealt with in accordance with the orders of the Court.

TAKE NOTICE that any person interested in or entitled to the said compensation may apply to this Court respecting the investment, payment out, or mode of dealing with the said sum or the income thereof.

Clerk of the Crown and Peace

To:

(full names of person appearing to have right to receive compensation)

of:

(address)

Certificate of Clerk of the Crown and Peace of payment into court under Article 12(3) [or 14(1)(ii)] of Criminal Damage (Compensation) (Northern Ireland) Order 1977

Order 27, Rule 1(6)

IN THE COUNTY COURT/RECORDER'S COURT for the Division of

IN THE MATTER OF the Criminal Damage (Compensation) (Northern Ireland) Order 1977;

AND IN THE MATTER OF payment into Court as provided by article 12(3) [or 14(1)(ii)] of that Order.

I HEREBY CERTIFY THAT _____ has on the _____ day of _____ 19____, filed with me, the Clerk of the Crown and Peace of this Court, an affidavit entitled as above-mentioned, with reference to a payment into Court by the Secretary of State of £ _____ which sum was duly paid into the County Court Account of the County Court Bank under the provisions of article 12(3) [or 14(1)(ii)] of the said Order on the _____ day of _____ 19____.

Dated this _____ day of _____ 19____.

Clerk of the Crown and Peace

To:

SCHEDULE 2

Rule 9

**Party and party costs in appeals under Article 15 of the Criminal Damage
(Compensation) (Northern Ireland) Order 1977 in relation to claims for
compensation under that Order**

A. Appellant's Costs

<i>Where amount awarded in excess of the determination of the Secretary of State—</i>	<i>Solicitor's Costs</i>	<i>Counsel's Fee</i>
(1)	(2)	(3)
	£	£
(i) does not exceed £30	10.00	5.00
(ii) exceeds £30 but does not exceed £75	19.50	10.00
(iii) exceeds £75 but does not exceed £150	34.50	12.50
(iv) exceeds £150 but does not exceed £300	55.00	16.00
(v) exceeds £300 but does not exceed £500	60.00	18.00
(vi) exceeds £500 but does not exceed £1,000	70.00	20.00
(vii) exceeds £1,000 but does not exceed £2,000	80.00	30.00
(viii) exceeds £2,000 but does not exceed £3,500	90.00	35.00
(ix) exceeds £3,500 but does not exceed £5,000	100.00	40.00
(x) exceeds £5,000 but does not exceed £5,500	105.00	42.00
(xi) exceeds £5,500 but does not exceed £6,000	110.00	45.00
(xii) exceeds £6,000 but does not exceed £6,500	115.00	47.00
(xiii) exceeds £6,500 but does not exceed £7,000	120.00	50.00
(xiv) exceeds £7,000 but does not exceed £7,500	125.00	52.00
(xv) exceeds £7,500 but does not exceed £8,000	130.00	55.00
(xvi) exceeds £8,000 but does not exceed £8,500	135.00	57.00
(xvii) exceeds £8,500 but does not exceed £9,000	140.00	60.00
(xviii) exceeds £9,000 but does not exceed £9,500	145.00	62.00
(xix) exceeds £9,500 but does not exceed £10,000	150.00	63.00

NOTE

- Where the case is one of exceptional complexity or difficulty and, in any event taking into account the role of counsel and the nature and content of the appeal, the judge may certify an amount exceeding the scale figure.
- Where the judge considers that it was proper for the applicant to instruct senior as well as junior counsel, he may certify counsel's fees and solicitor's costs in such sum as he considers appropriate.
- Where the amount awarded in excess of the determination of the Secretary of State exceeds £10,000 the judge shall, unless the parties otherwise agree, certify the amount for solicitor's costs and the amount allowed for counsel's fees.
- Nothing in this Schedule shall derogate from the provisions of Rule 5 or article 15(3) of the Order.

B. Respondent's Costs

- Where an appeal is dismissed, the judge may order the appellant to pay to the Secretary of State an amount for his solicitor's costs or counsel's fees.
- Where he does so, that amount shall, in default of agreement, be such as the judge may determine, whether equal to or less than the costs actually incurred or the fees paid by the Secretary of State in resisting the appeal.

EXPLANATORY NOTE

(This note is not part of the rules but is intended to indicate their general purport.)

These rules govern the procedure in the County Court for the purposes of proceedings under the Criminal Damage (Compensation) (Northern Ireland) Order 1977 and relate to compensation for damage caused as a result of an act committed on or after 1st April 1978 to any property or for the unlawful removal on or after that date of property in the circumstances described in article 6 of that Order.