

1991 No. 505

CRIMINAL DAMAGE

**Criminal Damage (Compensation) (Northern Ireland)
(Amendment) Regulations 1991**

Made 26th November 1991

Coming into operation 1st February 1992

To be laid before Parliament

The Secretary of State, in pursuance of Articles 2(2), 7(2) and 21(2) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977(a), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Criminal Damage (Compensation) (Northern Ireland) (Amendment) Regulations 1991 and shall come into operation on 1st February 1992.

Interpretation

2. In these regulations “the principal regulations” means the Criminal Damage (Compensation) (Northern Ireland) Regulations 1978(b).

Application of regulations

3. These regulations shall apply to any application for compensation for damage caused as a result of an act committed on or after 1st February 1992 or for the unlawful removal of property on or after that date.

Amendment of the principal regulations

4. For the Schedule to the principal regulations there shall be substituted the new Schedule set out in the Schedule to these regulations.

Peter Brooke

Northern Ireland Office
26th November 1991

One of Her Majesty's Principal
Secretaries of State

(a) S.I. 1977/1247 (N.I. 14)
(b) S.R. 1978 No. 72

SCHEDULE

Regulation 4

Schedule substituted for Schedule to the Principal Regulations

“SCHEDULE

Regulations 3 and 4

FORMS

FORM 1

PRELIMINARY NOTICE OF INTENTION TO APPLY FOR COMPENSATION (FORM 1)

Under the Criminal Damage (Compensation) (Northern Ireland) Order 1977

- This Notice may be completed by the applicant(s) or their solicitor
- Please complete all sections fully in black ink
- A copy of this Notice should be served within 10 days from the date of damage on:—
 1. The Secretary of State
(address of Department)
 2. The Divisional Commander of police for the Division in which the damage occurred.
 3. Anyone else who may have an interest in the property damaged or unlawfully removed e.g. building societies, hire purchase companies, landlords/tenants, insurance companies.

Part 1 Details of the applicant (please complete in BLOCK LETTERS)

If there is more than one applicant please give similar details on a separate sheet, and attach it firmly to this form

Surname or company name _____

If you have been married before or used different name(s) please give details _____ Maiden Name (if applicable) _____

First Name(s) _____

Title (please tick box) Mr Mrs Miss Ms Other title

Date of Birth _____

Address*

* If applicant is a company please give registered office address

No. & Street/Townland _____

Town/City _____ County _____

Postcode _____

Part 2 **Details of interested parties (BLOCK LETTERS please)**

Please give name(s) and address(es) of interested parties e.g. building societies, hire purchase companies, landlords/tenants, insurance companies, who will receive a copy of this form. (Continue on a separate sheet if necessary)

Names _____ Addresses _____

Part 3 **Please complete if a solicitor is acting for you (BLOCK LETTERS please)**

Name of Firm _____

Address _____

Postcode _____

Part 4 **Place, date, time and details of the act giving rise to the claim**

Place (exact address) _____

What date was the property/vehicles(s) damaged? Time am/pm*
* Delete as appropriate

Was the damage caused by (Please tick)

fire riot gunfire explosion joyriding petrol bomb other

If 'other' please give details _____

Please give the name of the police station to which the damage was reported _____

Part 5 **Nature of the property damaged or removed (BLOCK LETTERS please)**

Please give the address(es) of property damaged. (Continue on a separate sheet if necessary and attach it firmly to this form)

No. & Street/Townland _____ Town/City _____
County _____ Postcode _____

Is the property agricultural (please tick) Yes No

Registration number, make & model of any vehicle(s) damaged

Where can the vehicle(s) be inspected? _____

Where can you be contacted (daytime telephone or address) to arrange inspection?

What is your interest in the property/vehicle(s) (e.g. owner, tenant) _____

Which of the following are you claiming for? (please tick)

Building Contents Stock Fixtures & Fittings Consequential Loss
Demolition Vehicle Other If 'other' please give details

Was any property unlawfully removed? (please tick) Yes No

If 'yes' give details _____

If you have any other information which may be relevant to the claim please give details

Part 6 **Chief Constable's Certificate**

Do you intend to request a Chief Constable's Certificate for this incident under Article 5(2) of the Order?

(Please tick) Yes No

Part 7 **Signature**

I/we intend to apply to the Secretary of State for compensation for the loss which I/we have suffered and request an extension of time under Article 7(3) of the Order if this notice is not received within 10 days from the date of damage.

Signature of applicant or solicitor _____ Date _____

APPLICATION FOR COMPENSATION (FORM 2)

Criminal Damage (Compensation) (Northern Ireland) Order 1977

- To be signed by the applicant(s) **in person** (a person authorised by a company may sign the form on its behalf)
- Please complete all sections fully in black ink
- This application **must** be sent **within 4 months** of submitting a Preliminary Notice of Intention to:

The Secretary of State
(address of Department)

WARNING — You will be guilty of an offence and, on conviction, will be liable to a fine and/or imprisonment if—

- compensation is paid to you and you fail without reasonable excuse to notify the Secretary of State of the receipt of any sum by way of reparation or damages from the offender or on the offender's behalf which was not taken into account at the time of assessing compensation

or

- you deliberately attempt to obtain compensation for yourself or any other person by deception.

To be completed by **all** applicants

a. I/We* _____
of _____

hereby apply for compensation in respect of the loss which I/we* have suffered in the circumstances described in the Preliminary Notice of Intention dated _____

- b. if any payments for compensation are made to me/us* exceeding the final amount which may be determined, I/we* hereby undertake to repay immediately on demand the excess amount to the Secretary of State.
- c. I/we* enclose the Chief Constable's Certificate relating to the incident.
- d. I/we* will forward the Chief Constable's certificate to the Northern Ireland Office as soon as it is received.
- e. Have you appointed a solicitor to act on your behalf? (Please tick) Yes No

*Delete as appropriate

To be completed **only** if a solicitor is acting for you

Name of firm _____

Address _____

To be signed by **all** Applicants (a person authorised by a company may sign the form on its behalf)

Signature(s) of applicant(s) _____ Date _____”

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Criminal Damage (Compensation) (Northern Ireland) Regulations 1978 (the principal regulations) by prescribing new forms of preliminary notice of intention to apply for compensation under Article 7 and application for compensation under Article 8 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977 in substitution for the forms prescribed by the principal regulations.