

1973. No. 60

LOCAL GOVERNMENT: CRIMINAL INJURIES**Applications for Compensation****Local Government (Criminal Injury Proceedings) Order
(Northern Ireland) 1973***Made* 8th March 1973*Coming into operation* 1st April 1973*To be laid before the Parliament of the United Kingdom
under paragraph 4(5)(b) of the Schedule to the Northern
Ireland (Temporary Provisions) Act 1972.*

The Ministry of Home Affairs on behalf of the Secretary of State and in exercise of the powers conferred on it by section 134 of the Local Government Act (Northern Ireland) 1972(a) and of every other power enabling it in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Local Government (Criminal Injury Proceedings) Order (Northern Ireland) 1973 and shall come into operation on 1st April 1973.

Proceedings for compensation under Criminal Injuries Acts

2.—(1) Proceedings on applications for compensation under the Criminal Injuries Acts (Northern Ireland) 1956 to 1970(b) for damage caused as a result of an act committed before 1st April 1973 (being the day appointed for the coming into operation of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971(c)) to any property or for the unlawful removal of property before that date may on or after the relevant date be commenced or continued in accordance with this Order against the Ministry of Home Affairs.

(2) The relevant date for the purposes of paragraph (1) shall in relation to proceedings against the council of the county borough of Belfast be 1st April 1973 (being the date on which the functions of the council of the county borough of Belfast under the said Acts of 1956 to 1970 are under the Local Government (Transfer of Functions) (Criminal Injuries) Order (Northern Ireland) 1973(d) transferred to the said Ministry in relation to such damage or unlawful removal as is specified in paragraph (1) of this Article) and in relation to proceedings against any other council be 1st October 1973.

(3) Paragraphs (1) and (2) shall apply to proceedings against a council under any of the enactments repealed by section 13 of and Schedule 2 to the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968(e) arising from any criminal injury to the person sustained before 1st March 1969 as they apply to the proceedings specified in paragraph (1).

(a) 1972. c. 9 (N.I.).

(b) 1956. c. 19; 1957. c. 8; 1958. c. 11; 1964. c. 7 (N.I.); 1970. c. 26 (N.I.).

(c) 1971. c. 38 (N.I.).

(d) S.R. & O. (N.I.) 1973, No. 51.

(e) 1968. c. 9 (N.I.).

(4) The Criminal Injuries Acts (Northern Ireland) 1956 to 1970 shall for the purposes of paragraphs (1) and (2) of this Order have effect with any necessary modifications and, without prejudice to the generality of the foregoing provision, as if—

- (a) for any reference to the council of a county or county borough there were substituted a reference to the Ministry;
- (b) sections 5, 6 and 9 of the Criminal Injuries Act (Northern Ireland) 1956(f), sections 6, 7, 8 and 10 of the Criminal Injuries Act (Northern Ireland) 1957(g) and section 3 of the Criminal Injuries (Amendment) Act (Northern Ireland) 1958(h) were omitted.

(5) Any document (including a decree or order) made in or for the purposes of such proceedings as are referred to in paragraphs (1), (2) and (3) shall have effect with the substitution for any reference to a county or county borough council of a reference to the Ministry.

(6) The Ministry shall be liable to satisfy any such decree or order made against it in such proceedings.

Sealed with the Official Seal of the Ministry of Home Affairs this 8th day of March 1973.

(L.S.)

W. G. Robinson,
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

The Local Government (Transfer of Functions) (Criminal Injuries) Order (Northern Ireland) 1973, No. 51, made under section 133(1) of the Local Government Act (Northern Ireland) 1972 provides for the transfer of the functions to the Ministry of Home Affairs of County and County Borough Councils under the Criminal Injuries Acts in relation to compensation for damage to property resulting from acts committed before 1st April 1973 (the date on which the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 comes into force). See section 1 of the 1971 Act.

The present Order provides for the commencement or continuance of proceedings arising from such acts and modifies the Criminal Injuries Acts (Northern Ireland) 1956 to 1970 for that purpose. The Order also provides for the continuance against the Ministry of proceedings brought against a council for compensation for criminal injuries to the person where the injury was sustained before 1st March 1969 (the date on which the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 came into force).