1977 No. 313

COUNTY COURTS

County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1977

Made . . . . . *28th October* 1977

Coming into operation . . . *1st December* 1977

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 13, 14, 15 and 20 of the Criminal Injuries (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 Injuries to the Person) (Compensation) Rules (Northern Ireland) 1977 and shall come into operation on 1st December 1977.

Interpretation

2.—(1) In these rules—

"the Order" means the Criminal Injuries (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 first-class postal recorded delivery service and, in either case, using the advice of delivery form.

PART II

APPEALS UNDER ARTICLE 14 OF THE ORDER

Lodging of appeals to the County Court under article 14 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 14 of the Order shall be heard at the ordinary sittings of the county court for the division in which the

(a) 1959 c. 25 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)
(b) S.I. 1977/1248 (N.I. 15)
(c) S.R. 1976 No. 374
(d) 1954 c. 33 (N.I.)

criminal injury was sustained 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.

(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 and shall state the sitting at which the appeal is to be heard in accordance with paragraph (1) 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.

(4) The appellant shall 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 or determination served on the appellant under article 14(1) of the Order endorsed with a certificate as to the date of service of the notice on him; and

(*c*) a copy of any written form of application for compensation made under article 4 of the Order;

and the clerk of the Crown and peace shall forthwith upon receipt of the notice and documents enter the appeal for hearing at the sitting specified in paragraph (2).

(5) The notice shall state whether the appeal is against the entire decision or determination or only against so much thereof as the appellant disputes and in every case the grounds of appeal.

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

(7) A certificate for the purposes of section 25 of the Crown Proceedings Act 1947(e) of an order allowing an appeal under article 14 of the Order shall be in Form 2 and an order dismissing such appeal shall be in Form 3.

Payment into Court under article 14(4) *of the Order, acceptance, etc.*

4.—(1) Payment into court by the Secretary of State under article 14(4) of the Order may be made at any time within 14 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 11(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 or determination under article 14(1) of the Order and the date of lodgment.

(2) Notice to the appellant in Form 4 of payment into court by the Secretary of State under article 14(4) of the Order shall be given at the time of such lodgment.

(e) 10 & 11 Geo. 6 c. 44

(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 entry day referred to in rule 3(2) 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 5 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 2 days after the costs are so settled.

(8) The Secretary of State shall, within 14 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 6.

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 14(4) 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 or determination 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 11(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 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 14(4) of the Order that fact shall not be communicated to the judge before the 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 7 to 9, as may be appropriate.

Amendment of Order 42 of County Court Rules to provide that moneys paid into Court under article 14(4) of Order be paid into Criminal Injuries Account

8.—(1) All moneys paid into Court by the Secretary of State under article 14(4) of the Order shall be lodged to the credit of the Criminal Injuries Account and accordingly 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 "or article 14(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977".

(2) 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

9.—(1) The scale of costs set out in Schedule 2 shall apply to appeals under article 14 of the Order.

(2) The costs awarded on any application under article 13 of the Order shall be in the discretion of the judge, but in awarding the costs of the application under that article to a minor where, following an objection on behalf of the minor to approval of the determination, he makes an order under paragraph (2)(*b*) thereof (order such as could have been made under article 14 if there had been an appeal against a determination in connection with application for compensation) he shall have regard to that scale.

(3) The costs awarded on an application under article 14(5), article 15 or article 16 of the Order shall be in the discretion of the judge both as to incidence and amount.

PART III

APPROVAL OF AWARDS TO MINORS

Applications under article 13 of the Order

10.—(1) Order 41 of the County Court Rules shall apply to compensation awarded under the Order as if the amount determined as payable to the minor by the Secretary of State had been damages agreed to be paid in proceedings in the county court.

(2) An application under article 13 of the Order shall be made to the court by which an appeal would have been heard under rule 3(1) had there been an appeal against the determination.

(3) Notice of application under article 13 shall be in Form 10 and shall:

(*a*) be served on the solicitor acting for the minor or, where there is no solicitor so acting, upon the person by whom the application for compensation was made to the Secretary of State; and

(*b*) be lodged in the office of the clerk of the Crown and peace duly endorsed as to service together with any certificate of posting.

(4) An order approving a determination by the Secretary of State under article 13(2)(*a*) shall be in Form 11 and an Order under article 13(2)(*b*) shall be in Form 12.

PART IV

APPLICATIONS UNDER ARTICLE 14(5) OR ARTICLE 15 OF ORDER

11.—(1) The provisions of rule 1 of Order 14 of the County Court Rules with any necessary modifications shall apply to an application under article 14(5) of the Order (applications to extend time for making or serving any report, notice or application referred to in article 3(2)(*d*), 4(1) or 9) or under article 15 of the Order (applications for declaration as to delay in determining compensation) as if it were an interlocutory application in the course of an action or matter.

(2) Any such application shall be made to the county court for the division in which the criminal injury was sustained.

(3) Notice of an application under article 14(5) of the Order shall be in Form 13.

(4) An order made on an application under article 14(5) shall be endorsed on the notice and an order dismissing the application shall be in Form 14.

(5) Notice of an application under article 15 of the Order shall be in Form 15 and a declaration under that article shall be in Form 16 and endorsed on the notice.

(6) An order dismissing an application for a declaration under article 15 shall be in Form 17.

(7) A notice of application to which this Part applies shall be lodged in the office of the clerk of the Crown and peace and a copy thereof shall be served on the solicitor for the Secretary of State.

(8) The notice lodged in the office shall be duly endorsed as to service and accompanied by any certificate of posting.

PART V

APPLICATIONS FOR RECOVERY FROM OFFENDER UNDER ARTICLE 16 OF THE ORDER

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

12.—(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 in which the criminal injury was sustained.

(2) Except as provided by paragraph (4), 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) Where an offender is convicted before or his conviction is on appeal affirmed by a county court of an offence to which a criminal injury is directly attributable, an application under article 16(1) of the Order for reimbursement of compensation may be made by the Secretary of State at the time of that conviction or, as the case may be, its affirmation, by furnishing the offender forthwith with a copy of the application made to the court.

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

Applications to vary orders made under article 16(1) *of the Order*

13.—(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 12(2) and shall be entered for hearing in the same manner as is provided by rule 12(3).

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

PART VI

PAYMENT INTO COURT UNDER ARTICLE 20(2) OF ORDER

Application of Order 27 *to payment into Court under article* 20(2) *of the Order*

14. The provisions of Order 27 of the County Court Rules (Payment into Court by trustees) shall apply to payment into Court under article 20(2) 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 the said article 20(2) and the form of affidavit in Appendix W may be modified as may be necessary;

(f) 1958 c. 23 (N.I.)

(*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
28th October 1977

LIST OF FORMS IN SCHEDULE 1

1. Notice of appeal under article 14 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

2. Certificate of Order by County Court allowing appeal under article 14 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

3. Order by County Court dismissing an appeal under article 14 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

4. Notice of payment into Court (Appeals).

5. Notice of acceptance of the sum lodged in Court (Appeals).

6. Order approving acceptance by minor, in satisfaction, of sum lodged by Secretary of State.

7. Order for payment out of sum not greater than Secretary of State's lodgment (with directions as to application of funds in Court).

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

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

10. Notice of application under article 13 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977 for approval of award to minor.

11. Order under article 13(2)(*a*) of Criminal Injuries (Compensation) (Northern Ireland) Order 1977 approving determination of Secretary of State as to compensation.

12. Order under article 13(2)(*b*) of Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

13. Notice of application under article 14(5) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

14. Order dismissing application under article 14(5) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

15. Notice of application for a declaration under article 15 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

16. Declaration to be endorsed on notice under article 15 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

17. Order dismissing application for declaration under article 15 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

18. Application under article 16(1) of Criminal Injuries (Compensation) (Northern Ireland) Order 1977 for order directing offender to reimburse to the Secretary of State compensation paid under that Order.

19. Order under article 16(1) of Criminal Injuries (Compensation) (Northern Ireland) Order 1977 directing offender to reimburse to the Secretary of State compensation paid under that Order.

20. Application under article 16(4) of Criminal Injuries (Compensation) (Northern Ireland) Order 1977 for variation of Order under article 16(1) thereof for reimbursement to Secretary of State of compensation paid or payable under that Order.

21. Order under article 16(4) of the Criminal Injuries (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 20(2) of Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

23. Certificate of clerk of the Crown and peace of payment into Court under article 20(2) of Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

SCHEDULE 1

FORMS

FORM No. 1 Rule 3(3)

Notice of Appeal under Article 14 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977

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

IN THE MATTER OF an appeal under article 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

Between
of

Appellant

and

the Secretary of State
Respondent

Application No.

TAKE NOTICE that the Applicant hereby appeals to the County Court against the decision/determination of the Secretary of State dated 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 determination was delivered to applicant or his solicitor*) and the appeal will be heard at the sitting of the Court for the Division sitting at on the day of 19 at a.m./p.m.

The appeal is against the entire decision/determination on the grounds set out below [or so much of the decision/determination 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:

Name and address of Agent/Solicitor:

To the Clerk of the Crown and Peace at
(*address of Crown and Peace Office*).

and to the Secretary of State at
(*address of Department*).

NOTE:

A copy of—

(*a*) the notice of the decision/determination of the Secretary of State served on the applicant under article 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 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 made under article 4 of the Order;

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

FORM No. 2 Rule 3(7)

Certificate of Order by County Court allowing appeal under Article 14 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977

BY THE COUNTY COURT JUDGE/RECORDER for the County Court/Recorder's Court for the Division of

IN THE MATTER OF the Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

AND IN THE MATTER OF an appeal under article 14 of the Order against a decision/determination of the Secretary of State in respect of Application No. for compensation under that Act.

Between
of

Appellant

and

the Secretary of State
Respondent

UPON AN APPEAL made by the appellant on the day of 19 under article 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 heard at the sittings;

AND WHEREAS the appellant under the decision/determination of the Secretary of State dated and served on the appellant is entitled to receive the sum of £ by way of compensation specified as due to the appellant [together with the sum of £ payable under article 11(2) of the Order] [*or* is not entitled to receive compensation] and the appellant has appealed against the entire decision/determination of the Secretary of State [*or* so much of the decision/determination 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 the sum of £ is payable as compensation under the Order by the respondent Secretary of State to the appellant [together with the sum of £ payable by the Secretary of State under article 11(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 his 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 said respondent Secretary of State.

Dated at this day of 19 .

Clerk of the Crown and Peace

(Seal)

Solicitor for Appellant

FORM No. 3 Rule 3(7)

Order by County Court dismissing an appeal under Article 14 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977

[*Title as in Form* 2]

IT APPEARING to the Court that on the day of 19 the appellant served notice of appeal under article 14 of the Order against the decision/determination of the respondent to the following effect—

(*state briefly relevant terms of decision/determination 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 11(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 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. 4 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 £ payable by the Secretary of State under article 11(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 under article 14(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 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 the Secretary of State

To the appellant

* This undertaking should be lodged in court with the amount paid into court (see Rule 4(1) of the County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1977).

FORM No. 5 Rule 4(5)

Notice of Acceptance of the 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 £ for such sum as is payable by the Secretary of State under article 11(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 the Appellant

(Date)

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

FORM No. 6 Rule 4(10)

Order approving acceptance by minor, in satisfaction, of sum lodged by Secretary of State

[*Title as in Form* 2]

IT APPEARING TO THE COURT that notice of appeal under article 14 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 as compensation under the Order [together with the sum of £ for such sum as is payable by the Secretary of State under article 11(2) of the Order, making the total amount payable of £];

IT IS THEREFORE ORDERED that the Clerk of the Crown and Peace do transfer the sum of £ lodged in Court by the Secretary of State in satisfaction of this claim from the Criminal Injuries Account to the Separate Credit of , a Minor, without prejudice to the appellant's rights on foot of the respondent's undertaking regarding costs and expenses, to which there shall be added the sum of £ costs of this application and Order;

AND IT IS FURTHER ORDERED that the sum when so transferred 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 for him a Guardian of his fortune and that his is a fit and proper person to be appointed as 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 said Minor 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

FORM NO 7 Rule 7

Order for payment out of sum not greater than Secretary of State's lodgment (with directions as to application of funds in Court)

[*Title as in Form 2*]

IT APPEARING TO THE COURT that notice of appeal under article 14 of the Order was duly served on the respondent Secretary of State for hearing at the present sittings and that the sum of £ is payable by the Secretary of State to the appellant as compensation under the Order [together with the sum of £ for such sum as is payable by the Secretary of State under article 11(2) of the Order, making the total amount payable of £];

AND IT FURTHER APPEARING TO THE COURT that the respondent Secretary of State did on the day of 19 pay into Court the sum of £ in satisfaction of so much of the appellant's claim to compensation [and £ in satisfaction of so much of such sum payable under the said article 11(2)] as is the subject of the appeal, [each of] which said sum(s) so lodged is not less than the amount payable as recited above;

IT IS THEREFORE ORDERED by the Court that there be paid out of the sums so lodged in Court as aforesaid (1) to the Secretary of State the sum of £ being costs for the payment of which the appellant is liable under rule 5 of the County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1977 as determined by the Court and (2) to the appellant the sum of £ * in satisfaction of his claim for compensation [and for such sum as is payable by the Secretary of State under article 11(2) of the Order].

AND IT IS FURTHER ORDERED that the balance of the said sum so lodged in Court, namely £ , be paid out to the Secretary of State.

Dated at this day of 19 .

Signed:

Clerk of the Crown and Peace

(Seal)

Signed:

Solicitor for the Appellant

* Amount awarded for compensation under the Order together with any sum payable under article 11(2) less the Secretary of State's costs of the appeal.

FORM No. 8 Rule 7

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

[*Title as in Form* 2]

IT APPEARING TO THE COURT that notice of appeal under article 14 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 11(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

FORM NO. 9 Rule 7

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 2 with any necessary modifications*]

The Form of Certificate is as in Form 2 with any necessary modifications and in particular for the words "IT WAS ORDERED that the [additional] sum of £ be paid to the appellant by the respondent" onwards there shall be substituted the following:—

IT WAS ORDERED that the appellant, 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 transfer the sum lodged in Court by the Secretary of State on foot of this claim 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 appellant, 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 appellant to be paid into court as aforesaid) and the sum of £ for the said costs and expenses to be paid to the appellant.

Dated at this day of 19 .

Signed:

Clerk of the Crown and Peace

(Seal)

Signed:

Solicitor for Appellant

FORM NO. 10 Rule 10

Notice of Application under Article 13 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977 for approval of award of compensation to minor

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

IN THE MATTER OF an application under article 13 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 for approval of an award of compensation to

(*name of minor*) a Minor.

Between

the Secretary of State

Applicant

and

of

(*a minor*)

Respondent

WHEREAS the Secretary of State on the day of 19 served notice upon [acting for] (*name of minor*), being a Minor, that he had determined that the said Minor was entitled to receive the sum of £ by way of compensation under the said Order of 1977 [together with the sum of £ payable under article 11(2) of the Order];

TAKE NOTICE that I shall apply to the Judge/Recorder at the County Court/Recorder's Court sitting at (*Courthouse*) on the day of 19 for approval of the said determination.

Dated this day of 19 .

Signed:

Solicitor for Secretary of State

To

(*Name of solicitor acting for Minor, or where Minor has no solicitor, name of person by whom application for compensation was made.*)

and to the Clerk of the Crown and Peace at

(*Courthouse*).

FORM No. 11 Rule 10

Order under Article 13(2)(a) of Criminal Injuries (Compensation) (Northern Ireland) Order 1977 approving determination of Secretary of State as to Compensation

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under article 13 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 for approval of an award of compensation to

(*name of minor*) a Minor.

Between

the Secretary of State
Applicant

and

(*a minor*)
of

Respondent

WHEREAS the Secretary of State on the day of 19 served notice upon [acting for] (*name of minor*), being a Minor, that he had determined that the said Minor was entitled to receive the sum of £ by way of compensation under the said Order of 1977 [together with the sum of £ payable under article 11(2) of the Order];

AND WHEREAS on the day of 19 application was made on behalf of the Secretary of State for approval of the said determination;

THE COURT HAVING EXAMINED into the matter of the said determination and having found that the sum of £ is so payable [together with the sum of £ payable under article 11(2) of the Order];

THE COURT on the day of 19 approved the said determination.

IT WAS ORDERED that the Secretary of State do forthwith [upon the privity of the Clerk of the Crown and Peace lodge in Court to the Separate Credit of the said Minor the sum of £ and that the said sum be invested [or dealt with] as follows:—

(*state order or direction*)

[AND IT APPEARING TO THE COURT that the said (*name of minor*), having been born on the day of 19 , 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 FURTHER ORDERED that the said be and he is hereby appointed Guardian of the fortune of the said Minor and his minority or until further order.]

AND IT WAS FURTHER ORDERED that the said (*name of minor*) do recover from the Secretary of State the sum of £ being his costs of appearing upon the said application and I hereby certify for the purposes of section 25 of the Crown Proceedings Act 1947 that the said sum is payable by the Secretary of State.

Dated at this day of 19 .

Signed:
Clerk of the Crown and Peace

(Seal)

Signed:
Solicitor for Secretary of State

FORM NO. 12 Rule 10

Order under Article 13(2)(b) of Criminal Injuries (Compensation) (Northern Ireland) Order 1977

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under article 13 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 for approval of an award of compensation to

(*name of minor*), a Minor.

Between

the Secretary of State
Applicant

and

of

(*a minor*)
Respondent

WHEREAS the Secretary of State on the day of 19 served notice upon
[acting for] (*name of minor*), being a Minor, that he had determined that the said Minor was entitled to receive the sum of £ by way of compensation under the said Order of 1977 [together with the sum of £ payable under article 11(2) of the Order];

AND WHEREAS the Court having considered the said determination did not approve the sums specified therein;

AND THE COURT HAVING EXAMINED into the matter of the said determination and having found that the sum of £ is payable by the Secretary of State to or for the benefit of the said
(*name of minor*) [together with a sum of £ payable under article 11(2) of the Order];

IT WAS ORDERED that the Secretary of State do forthwith upon the privity of the Clerk of the Crown and Peace lodge in Court to the Separate Credit of the said Minor the sum of £ and that the said sum be invested [or dealt with] as follows:—

(*state order or direction*)

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

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

AND IT WAS FURTHER ORDERED that the said
(*name of minor*) do recover from the Secretary of State the sum of £
being his costs of appearing upon the said application and I hereby certify for the purposes of section 25 of the Crown Proceedings Act 1947 that the said sum is payable by the Secretary of State.

Dated at this day of 19 .

Signed:
Clerk of the Crown and Peace

(Seal)

Signed:
Solicitor for Minor

FORM No. 13 Rule 11

Notice of Application under Article 14(5) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977

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

IN THE MATTER OF an application under article 14(5) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977

Between

of

Applicant

and

the Secretary of State

Respondent

TAKE NOTICE that I will on the day of 19 apply to the Court for the above-named County Court Division sitting at at a.m./p.m. for an order

(*Insert nature of application and attach a copy of the notice of intention under article* 3(2)(*d*)(ii) *of Order of* 1977 *or of application under article* 4(1) *or* 9 *of that Order, as appropriate.*)

Dated this day of 19 .

Applicant/or
Solicitor for Applicant

To the Clerk of the Crown and Peace at

(*Courthouse*)

and to the solicitor for the Secretary of State

at

(*address of Department dealing with claims for compensation under Order*)

ENDORSEMENT

(*Here endorse order made on application*)

Clerk of the Crown and Peace

FORM No. 14 Rule 11

Order dismissing application under Article 14(5) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under article 14(5) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977

Between

of

Applicant

and

the Secretary of State

Respondent

UPON AN APPLICATION made by the applicant on the day of 19 under article 14(5) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977;

AND UPON READING the notice of such application, due service of such notice upon the respondent having been proved;

AND UPON HEARING

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

IT IS ORDERED by the Court that the application be and the same is hereby dismissed and that the respondent do recover against the applicant the sum of £ for costs.

Dated at this day of 19 .

Clerk of the Crown and Peace

(Seal)

Solicitor for Secretary of State

FORM No. 15 Rule 11

Notice of Application for a Declaration under Article 15 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977

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

IN THE MATTER OF an application for a declaration under article 15 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 for a declaration as to delay in determining an application for compensation.

Between

Applicant

and

the Secretary of State

Respondent

TAKE NOTICE that I will on the day of 19 apply to the Court for a declaration under article 15 of the Order of 1977 that the Secretary of State has had sufficient information to enable him to determine the applicant's application for compensation under the said Order and that he has not determined the said application within such period after he received or obtained that information as is reasonable.

Dated this day of 19 .

Applicant/or Solicitor for Applicant

To the Clerk of the Crown and Peace

(*Courthouse*)

and to the solicitor for the Secretary of State

ENDORSEMENT

(*Here endorse declaration as in Form* 16)

FORM No. 16 Rule 11

Declaration to be endorsed on Notice under Article 15 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

WHEREAS on the day of 19 the applicant applied to the Court under article 15 of the Order of 1977 for a declaration that the Secretary of State has had sufficient information to enable him to determine the applicant's application for compensation under the said Order, the Court on the day of 19 made a declaration that the Secretary of State has not determined this application within such period after he received or obtained that information as is reasonable.

Clerk of the Crown and Peace

(Seal)

Date

FORM No. 17 Rule 11

Order dismissing Application for Declaration under Article 15 of Criminal Injuries (Compensation) (Northern Ireland) Order 1977

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under article 15 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977

Between

of

Applicant

and

the Secretary of State

Respondent

UPON AN APPLICATION made by the applicant on the day of 19 under article 15 of the said Order of 1977;

AND UPON READING the notice of such application, due service thereof upon the Secretary of State having been proved;

AND UPON HEARING

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

IT IS ORDERED by the Court that the application be and the same is hereby dismissed and that the respondent Secretary of State do recover against the applicant the sum of £ for costs.

Dated at this day of 19

Clerk of the Crown and Peace

(Seal)

Solicitor for the Secretary of State

FORM NO. 18 Rule 12

Application under Article 16(1) of Criminal Injuries (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 Injuries (Compensation) (Northern Ireland) Order 1977 .

Between

the Secretary of State

Applicant

and

of

Respondent

WHEREAS compensation has been paid [is payable] by the Secretary of State under the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 in respect of the following criminal injury:—

(*details of injury*)

being an injury directly attributable to the following offence:—

(*details of offence*)

committed at on the day of 19 ;

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

FORM NO. 19 Rule 12

Order under Article 16(1) of Criminal Injuries (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 Injuries (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 Injuries (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 Injuries (Compensation) (Northern Ireland) Order 1977 in respect of the following criminal injury:—

(*details of injury*)

being an injury 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

FORM No. 20 Rule 13

Application under Article 16(4) of Criminal Injuries (Compensation) (Northern Ireland) Order 1977 for variation of Order under Article 16(1) thereof 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 Injuries (Compensation) (Northern Ireland) Order 1977

Between

Applicant

and

Respondent

WHEREAS on the day of 19 , an Order under article 16(1) of the Criminal Injuries (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 Injuries (Compensation) (Northern Ireland) Order 1977 as compensation for criminal injury to the person of of 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

FORM No. 21 Rule 13

Order under Article 16(4) of the Criminal Injuries (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 Injuries (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 Injuries (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 Injuries (Compensation) (Northern Ireland) Order 1977 as compensation for a criminal injury to the person of
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

(Seal)

Signed:

Applicant/Solicitor for Applicant

FORM No. 22 Rule 14

Notice of payment into Court by Secretary of State under Article 20(2) of Criminal Injuries (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 Injuries (Compensation) (Northern Ireland) Order 1977;

AND IN THE MATTER OF payment into Court as provided by article 20(2) 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 20(2) 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)

FORM No. 23 Rule 14

Certificate of Clerk of the Crown and Peace of Payment into Court under Article 20(2) of Criminal Injuries (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 Injuries (Compensation) (Northern Ireland) Order 1977;

AND IN THE MATTER OF payment into Court as provided by article 20(2) 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 20(2) 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 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977

A. Appellant's costs

Where amount awarded in excess of the determination of the Secretary of State— (1)	*Solicitor's Costs* (2)	*Counsel's Fee* (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

1. 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.
2. 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.
3. 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.
4. Nothing in this Schedule shall derogate from the provisions of Rule 5 or article 14(4) of the Order.

B. Respondent's costs

1. 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.
2. 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 Injuries (Compensation) (Northern Ireland) Order 1977.