1988 No. 282

COUNTY COURTS

County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1988

Made . . . . . *27th July 1988*

Coming into operation . . *12th September 1988*

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(**a**), in exercise of the powers conferred on us by Article 47 of that Order and in accordance with Articles 14, 15, 16 and 21 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988(**b**), hereby make the following rules:

PART I

GENERAL

Citation

1. These rules may be cited as the County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1988.

Interpretation, revocation and transitional

2.—(1) In these rules—

"the Order" means the Criminal Injuries (Compensation) (Northern Ireland) Order 1988;

"the County Courts Order" means the County Courts (Northern Ireland) Order 1980;

"the County Court Rules" means the County Court Rules (Northern Ireland) 1981(**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.

(3) The County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1983(**e**) and the County Court (Criminal Injuries to the Person) (Compensation) (Amendment) Rules (Northern Ireland) 1988(**f**)

(**a**) S.I. 1980/397 (N.I. 3)
(**b**) S.I. 1988/793 (N.I. 4)
(**c**) S.R. 1981 No. 225
(**d**) 1954 c. 33 (N.I.)
(**e**) S.R. 1983 No. 433
(**f**) S.R. 1988 No. 18

are hereby revoked, except in relation to any application in respect of a criminal injury sustained before 1st July 1988.

PART II

APPEALS UNDER ARTICLE 16 OF THE ORDER

Lodging of appeals to the county court under Article 16 of the Order

3.—(1) Subject to any directions under Article 4 of the County Courts Order, an appeal under Article 16 of the Order shall be heard at the ordinary sittings of the county court for the division in which the criminal injury was sustained at such times as the Lord Chancellor may appoint in accordance with Article 6 of the County Courts Order.

(2) An appeal shall be by notice in Form 1 and the appellant shall serve a copy on the Secretary of State at the address of the department dealing with claims for compensation under the Order.

(3) The appellant shall lodge the appeal by delivering the notice to the chief clerk at his office duly endorsed as to service and attach to it—

(*a*) any certificate of posting;

(*b*) a copy of the notice of determination served on the appellant under Article 12(1) or (2) of the Order endorsed with a certificate as to the date of service of the notice on him;

(*c*) a copy of any written notice of intention to apply for compensation served on the Secretary of State in accordance with Article 5(4)(*b*) of the Order; and

(*d*) a copy of any written form of application for compensation made under Article 4 of the Order.

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

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

(6) The appellant shall request the chief clerk to enter the appeal for hearing by delivering to the chief clerk at his office a certificate of readiness in Form 24 and the appellant shall serve a copy on the Secretary of State at the address of the department dealing with claims for compensation under the Order.

(7) Upon receipt of a certificate of readiness the chief clerk shall enter the appeal for hearing at the first sitting he deems practicable, and shall cause notice of such hearing to be given to the parties.

(8) Without prejudice to paragraph (7), the chief clerk may enter an appeal for hearing and shall cause notice of such hearing to be given to the parties notwithstanding a certificate of readiness has not been delivered by the appellant.

(9) A certificate for the purposes of section 25 of the Crown Proceedings Act 1947(**a**) of an order allowing an appeal under Article 16 of the Order shall be in Form 2 and an order dismissing such appeal shall be in Form 3.

Notice of evidence

4.—(1) Notice specifying any new matter in respect of which the appellant is to adduce evidence in accordance with Article 16(4)(*b*) of the Order shall be in Form 25 and shall be served on the Secretary of State not less than 7 days before the day on which the appeal is to be heard.

(2) Where the Secretary of State intends at the hearing of the appeal to adduce evidence of any matter relevant to Article 5(9) or Article 6(1)(*b*) of the Order, such evidence shall not be admitted at the hearing of the appeal unless—

(*a*) the Secretary of State, not less than 7 days before the day on which the appeal is to be heard, serves on the appellant written notice specifying particulars of that evidence, including a list of any convictions which he intends to adduce in evidence; or

(*b*) the appellant consents to that evidence being adduced; or

(*c*) the court gives leave for that evidence to be adduced.

Provided that where the Secretary of State fails to comply with the requirements of sub-paragraph (*a*) the judge may adjourn the appeal in order to allow the required notice to be served on the appellant and any costs occasioned by any such adjournment shall be in the discretion of the judge.

Payment into court under Article 16(3) of the Order, acceptance etc.

5.—(1) Payment into court by the Secretary of State under Article 16(3) of the Order may be made at any time within 21 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 13(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 determination under Article 12(1) or (2) 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 16(3) of the Order 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 45, Part I, of the County Court Rules and where any money is lodged a copy of the notice sent to the appellant under paragraph (2) shall be lodged with the chief clerk 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.

(**a**) 1947 c. 44 as extended to Northern Ireland by S.I. 1981/233

(5) The appellant may, either before the expiration of a period of 21 days commencing on the date of service upon him of the notice in Form 4 or before the commencement of the sittings at which the appeal is to be heard, whichever first occurs, or subsequently with the consent of the Secretary of State, sign and serve on the Secretary of State and lodge with the chief clerk 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 circuit registrar subject to an appeal to the judge, notice of which appeal shall be served on the Secretary of State and the circuit registrar 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 circuit registrar 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 chief clerk;

(*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 person under a disability 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

6.—(1) Where money has been paid into court by the Secretary of State under Article 16(3) of the Order and the appellant does not serve notice of acceptance in accordance with rule 5(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 13(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

7. Where money has been paid into court under Article 16(3) 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

8. 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 Forms 7 to 9, as may be appropriate.

Lodgment and payment out

9.—(1) All moneys paid into court by the Secretary of State under Article 16(3) of the Order shall be lodged to the credit of the Criminal Injuries Account.

(2) All moneys paid into the Criminal Injuries Account in the County Court Bank to be paid out in accordance with rule 5(6) or in accordance with an order made by the judge shall be paid out by cheque signed by the chief clerk and drawn on the said account.

Costs

10.—(1) The scale of costs set out in Schedule 2 shall apply to appeals under Article 16 of the Order.

(2) The costs awarded on any application under Article 14 of the Order shall be in the discretion of the judge.

(3) The costs awarded on an application under Article 15, Article 16(6), Article 17 and Article 18(4) of the Order shall be in the discretion of the judge both as to incidence and amount.

PART III

APPROVAL OF AWARDS TO PERSONS UNDER A DISABILITY

Applications under Article 14 of the Order

11.—(1) Order 44 of the County Court Rules shall apply to compensation awarded under the Order as if the amount determined as payable to the person under a disability by the Secretary of State had been damages agreed to be paid in proceedings in the county court.

(2) An application under Article 14 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 14 shall be in Form 10 and shall—

(*a*) be served on the Secretary of State; and

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

(4) An order approving a determination by the Secretary of State under Article 14(2)(*a*) shall be in Form 11 and an order under Article 14(2)(*b*) shall be in Form 12.

PART IV

APPLICATIONS UNDER ARTICLE 16(6) OR ARTICLE 15 OF ORDER

12.—(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 16(6) of the Order (applications to extend time for making or serving any report, notice or application referred to in Article 5(4), 5(5)(*a*) or 11(1)) 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 16(6) of the Order shall be in Form 13.

(4) An order made on an application under Article 16(6) 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 chief clerk 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 17 OF THE ORDER

Applications to the court under Article 17 of the Order for an order directing offender to reimburse to the Secretary of State whole or part of compensation

13.—(1) An application by the Secretary of State for an order of reimbursement under Article 17 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 on the chief clerk not less than 15 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 chief clerk shall enter the application for hearing.

(4) Where on appeal to a county court an offender's conviction of an offence to which a criminal injury is directly attributable is affirmed, an application under Article 17(1) of the Order for reimbursement of compensation may be made by the Secretary of State at the time of its affirmation, by furnishing the offender forthwith with a copy of the application made to the court.

(5) An order for reimbursement under Article 17(1) of the Order shall be in Form 19.

Applications to vary orders made under Article 17(1) of the Order

14.—(1) An application under Article 17(4) of the Order by the Secretary of State or by an offender for the variation of an order for reimbursement made under Article 17(1) shall be in Form 20 and such application shall be served on the respondent and a copy served on the chief clerk within the same period as is specified in rule 13(2) and shall be entered for hearing in the same manner as is provided by rule 13(3).

(2) An order under Article 17(4) of the Order shall be in Form 21.

PART VI

APPLICATIONS FOR RECOVERY FROM VICTIM

Applications to the court under Article 18(4) of the Order for an order requiring reimbursement to the Secretary of State

15.—(1) An application by the Secretary of State for an order of reimbursement under Article 18(4) of the Order may be made by notice in Form 26 and may be heard at any ordinary sitting of the court for the division in which the criminal injury was sustained.

(2) Such notice shall be served on the person to whom the compensation has been paid and a copy on the chief clerk not less than 15 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 chief clerk shall enter the application for hearing.

(4) An order for reimbursement under Article 18(4) of the Order shall be in Form 27.

PART VII

PAYMENT INTO COURT UNDER ARTICLE 21(1) OF THE ORDER

Application of Order 28 to payment into court under Article 21(1) of the Order

16. The provisions of Order 28 of the County Court Rules (Payment into court by trustees) shall apply to payment into court under Article 21(1) of the Order with the following modifications:—

(*a*) in rule 1(1) the reference to section 63 of the Trustee Act (Northern Ireland) 1958(**a**) shall be construed as a reference to the said Article 21(1) and Form 132 (Affidavit on Payment into Court under section 63 of the Trustees Act (Northern Ireland) 1958) in Appendix 1 to the said Rules may be modified as may be necessary;

(*b*) in rule 1(5) for the reference to Form 133 in the said Appendix 1 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 134 in the said Appendix 1 there shall be substituted a reference to Form 23 in Schedule 1 to these rules.

We the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

John K. Pringle
John J. Curran
Timothy T. Ferris
Barry Valentine
K. G. Nixon
S. D. Massey

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 12th September 1988.

Dated 27th July 1988. *Mackay of Clashfern,* C.

(**a**) 1958 c. 23 (N.I.)

SCHEDULE 1

FORMS

FORM 1 Rule 3(2)

Notice of Appeal under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

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

IN THE MATTER OF an appeal under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between
of
Appellant
and
The Secretary of State
Respondent
Application No.

TAKE NOTICE that the Applicant hereby appeals to the County Court against the 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 a date to be notified to the parties by the chief clerk.

The appeal is against the entire determination on the grounds set out below [or so much of the 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 Chief Clerk at (*address of courthouse*)
and to the Secretary of State at (*address of Department*).

NOTE:

A copy of—

(*a*) the notice of the determination of the Secretary of State served on the applicant under Article 12(1) or (2) of the Criminal Injuries (Compensation)

(Northern Ireland) Order 1988 endorsed with a certificate as to the date of service of the notice on the appellant;

(*b*) a copy of any written notice of intention to apply for compensation served on the Secretary of State in accordance with Article 5(4)(*b*) of the Order;

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

must be delivered to the chief clerk with this notice of appeal.

UPON AN APPEAL made by the appellant on the day of 19 under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 heard at the sittings;

AND WHEREAS the appellant under the 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 13(2) of the Order] [*or* is not entitled to receive compensation] and the appellant has appealed against the entire determination of the Secretary of State [*or* so much of the determination as relates to the items specified in the notice of appeal] on the grounds specified in the notice of appeal;

FORM 2 Rule 3(9)

Certificate of Order by County Court allowing appeal under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

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 1988.

AND IN THE MATTER OF an appeal under Article 16 of the Order against a determination 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 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 heard at the sittings;

AND WHEREAS the appellant under the determination of the Secretary of State dated 198 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 13(2) of the Order] [*or* is not entitled to receive compensation] and the appellant has appealed against the entire determination of the Secretary of State [*or* so much of the 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 13(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 .

(Seal)

Chief Clerk

Solicitor for Appellant

FORM 3 Rule 3(9)

Order by County Court dismissing an appeal under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

[*Title as in Form 2*]

IT APPEARING TO THE COURT that on the day of 19 the appellant served notice of appeal under Article 16 of the Order against the determination of the respondent to the following effect—

(*state briefly relevant terms of 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 13(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 .

Chief Clerk

(Seal)

Solicitor for Respondent

FORM 4 Rule 5(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 13(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 determination under Article 12(1) or (2) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 and the date of lodgment (such costs and expenses to be settled in default of agreement by the circuit registrar 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 5(1) of the County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1988).

FORM 5 Rule 5(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 13(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 Chief Clerk.

FORM 6 Rule 5(10)

Order approving acceptance by person under a disability, 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 16 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 13(2) of the Order, making the total amount payable of £];

IT IS THEREFORE ORDERED that the chief clerk 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 person under disability, 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 the 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:

Chief Clerk

(Seal)

Signed:

Solicitor for the Appellant

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 16 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 13(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 13(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 6 of the County Court (Criminal Injuries to the Person) (Compensation) Rules (Northern Ireland) 1988 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 13(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:

Chief Clerk

(Seal)

Signed:

Solicitor for the Appellant

* Amount awarded for compensation under the Order together with any sum payable under Article 13(2) less the Secretary of State's costs of the appeal.

FORM 8 Rule 8

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

[*Title as in Form 2*]

IT APPEARING TO THE COURT that notice of appeal under Article 16 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 13(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 determination];

IT IS ORDERED that the chief clerk 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 person under a disability;

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:

Chief Clerk

(Seal)

Signed:

Solicitor for the Appellant

FORM 9 Rule 8

Certificate of Order allowing appeal and ordering payment to credit of person under a disability, 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 person under a disability, [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 chief clerk 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 person under a disability;

AND IT WAS FURTHER ORDERED that the Secretary of State do forthwith upon the direction of the Accountant General 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:

Chief Clerk

(Seal)

Signed:

Solicitor for Appellant

FORM 10 Rule 11

Notice of Application under Article 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for approval of award of compensation to person under a disability

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

IN THE MATTER OF an application under Article 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for approval of an award of compensation to (*name of person under disability*) a person under a disability.

Between

Applicant

and

the Secretary of State
Respondent

Application No.

WHEREAS the Secretary of State on the day of 19 served notice upon [acting for] (*name of person under disability*), being a person under a disability, that he had determined that the said person was entitled to receive the sum of by way of compensation under the said Order of 1988 [together with the sum of £ payable under Article 13(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 a date to be notified to the parties by the chief clerk, for approval of the said determination.

Dated this day of 19 .

Signed:

Solicitor for Applicant

To the respondent Secretary of State

and to the Chief Clerk at
(*address of Courthouse*).

FORM 11 Rule 11

Order under Article 14(2)(a) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 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 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for approval of an award of compensation to (*name of person under disability*) a person under a disability.

Between

Applicant

and

the Secretary of State
Respondent

Application No.

WHEREAS the Secretary of State on the day of 19 served notice upon [acting for] (*name of person under disability*), being a person under a disability, that he had determined that the said person under a disability was entitled to receive the sum of £ by way of compensataion under the said Order of 1988 [together with the sum of £ payable under Article 13(2) of the Order];

AND WHEREAS on the day of 19 application was made on behalf of the said person under a disability 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 13(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 direction of the Accountant General lodge in Court to the Separate Credit of the said person under a disability 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*) 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 WAS FURTHER 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.]

AND IT WAS FURTHER ORDERED that the said
(*name of person under disability*) 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:
Chief Clerk

(Seal)

FORM 12 Rule 11

Order under Article 14(2)(b) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under Article 14 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for approval of an award of compensation to

(*name of person under disability*), a person under a disability.

Between

Applicant

and

the Secretary of State
Respondent

Application No.

WHEREAS the Secretary of State on the day of 19 served notice upon [acting for] (*name of person under disability*) being a person under a disability, that he had determined that the said person under a disability was entitled to receive the sum of £ by way of compensation under the said Order of 1988 [together with sum of £ payable under Article 13(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 person under a disability*) [together with a sum of £ payable under Article 13(2) of the Order];

IT WAS ORDERED that the Secretary of State do forthwith upon the direction of the Accountant General lodge in Court to the Separate Credit of the said person under a disability the sum of £ and that the said sum be invested [or dealt with] as follows:—

[AND IT APPEARING TO THE COURT that the said (*name of minor*) 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 WAS FURTHER 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.]

AND IT WAS FURTHER ORDERED that the said (*name of person under a disability*) 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:

Chief Clerk

(Seal)

FORM 13 Rule 12

Notice of Application under Article 16(6) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

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

IN THE MATTER OF an application under Article 16(6) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

of

Applicant

and

the Secretary of State
Respondent

Application No.

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 5(4)(b) of the Order of 1988 or of application under Article 5(5)(a) or 11(1) of that Order, as appropriate.)

Dated this day of 19 .

Applicant/or
Solicitor for Applicant

To the Chief Clerk at
(address of 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)

Chief Clerk

FORM 14 Rule 12

Order dismissing application under Article 16(6) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

BY THE COUNTY COURT JUDGE/RECORDER for the Division of

IN THE MATTER OF an application under Article 16(6) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

of

Applicant

and

the Secretary of State
Respondent

Application No.

UPON AN APPLICATION made by the applicant on the day of 19 under Article 16(6) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988;

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 .

Chief Clerk

(Seal)

Solicitor for Secretary of State

FORM 15 Rule 12

Notice of Application for a Declaration under Article 15 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

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 1988 for a declaration as to delay in determining an application for compensation.

Between

Applicant

and

the Secretary of State
Respondent

Application No.

TAKE NOTICE that I will on the day of 19 apply to the Court for a declaration under Article 15 of the Order of 1988 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 Chief Clerk at
(*address of courthouse*)

and to the solicitor for the Secretary of State

ENDORSEMENT

(*Here endorse declaration as in Form 16*)

FORM 16 Rule 12

Declaration to be endorsed on Notice under Article 15 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

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 1988 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.

Chief Clerk

(Seal)

Date

FORM 17 Rule 12

Order dismissing Application for Declaration under Article 15 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

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 1988.

Between

of

Applicant

and

the Secretary of State
Respondent

Application No.

UPON AN APPLICATION made by the applicant on the day of 19 under Article 15 of the said Order of 1988;

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 .

Chief Clerk

(Seal)

Solicitor for the Secretary of State

FORM 18 Rule 13

Application under Article 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 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 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

the Secretary of State
Applicant

and

of

Respondent

Application No.

WHEREAS compensation has been paid [is payable] by the Secretary of State under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 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 17(1) of the said Order of 1988 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 (*name of offender*) of

(*address of offender*),

Copy to the Chief Clerk at
(*address of courthouse*).

FORM 19 Rule 13

Order under Article 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 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 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

the Secretary of State
Applicant

and
of

Respondent

Application No.

IT APPEARING TO THE COURT that an application under Article 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 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 1988 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 1988 [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:

Chief Clerk

(Seal)

Signed:

Solicitor for Secretary of State

FORM 20 Rule 14

Application under Article 17(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for variation of Order under Article 17(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 17(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

Applicant

and

Respondent

Application No. (*including number of original application for compensation*)

WHEREAS on the day of 19 , an Order under Article 17(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 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 1988 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 17(4) of the said Order of 1988 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

To: (*name of respondent*)

of (*address of respondent*).

Copy to the Chief Clerk at (*address of courthouse*).

Order under Article 17(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 varying Order under Article 17(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 17(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between [of]
[the Secretary of State]
Applicant

and [the Secretary of State][of]
Respondent

Application No.

IT APPEARING TO THE COURT that an application under Article 17(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 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 1988 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:

Chief Clerk

(Seal)

Signed:

Applicant/Solicitor for
Applicant

FORM 22 Rule 16

Notice of payment into Court by Secretary of State under Article 21(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

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

IN THE MATTER OF the Criminal Injuries (Compensation) (Northern Ireland) Order 1988;

AND IN THE MATTER OF payment into Court as provided by Article 21(1) 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 21(1) 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.

Chief Clerk

To:

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

of:

(*address*)

Application No.

FORM 23 Rule 16

Certificate of Chief Clerk of Payment into Court under Article 21(1) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

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

IN THE MATTER OF the Criminal Injuries (Compensation) (Northern Ireland) Order 1988;

AND IN THE MATTER OF payment into Court as provided by Article 21(1) of that Order.

I HEREBY CERTIFY that has on the day of 19 , filed with me, the chief clerk 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 21(1) of the said Order on the day of 19 .

Dated this day of 19 .

Chief Clerk

To:
Application No.

FORM 24 Rule 3(6)

Certificate of Readiness

[*Title as in Form 1*]

To the Chief Clerk

Sir,

I/We request that you enter this appeal for hearing.

I/We certify on behalf of the appellant—

(1) that, so far as concerns the appellant, the appeal is ready for hearing; and
(2) that the appellant estimates that the hearing will last not more than hour(s).*

Signed:

Appellant/Solicitor for the Appellant

(Date)

To: the Chief Clerk and to the respondent Secretary of State

*Note: this information will assist the Chief Clerk in assessing the likely duration of the hearing.

FORM 25 Rule 4(1)

Notice specifying new matter in respect of which the appellant is to adduce evidence in accordance with Article 16(4)(b) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

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

IN THE MATTER of an appeal under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

of

Applicant

and

the Secretary of State
Respondent

Application No.

The Applicant hereby gives Notice pursuant to Article 16(4)(*b*) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 of the following matter:—

(*specify details of the new matter*)

Dated this day of 19 .

Applicant/or
Solicitor for
Applicant

To the respondent Secretary of State

FORM 26 Rule 15

Application under Article 18(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 for Order directing person to whom compensation has been paid 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 18(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

the Secretary of State
Applicant

and

of

Respondent

Application No.(*including number of original application for compensation*)

WHEREAS compensation has been paid to the respondent by the Secretary of State under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 in the sum of £ [together with the sum of £ for costs and £ for witnesses' fees and expenses incurred making £ in the aggregate] in respect of the following criminal injury:—

(*details of injury*)

being an injury directly attributable to the following:—

(*give details*)

which took place at on the day of 19 .

AND WHEREAS it appears that the Respondent failed to make full and true disclosure of the following facts material to the determination of the application for compensation, that is to say:—

(*give details*)

APPLICATION IS HEREBY MADE under Article 18(4) of the said Order of 1988 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 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 27 Rule 15

Order under Article 18(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 directing person to whom compensation has been paid 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 18(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

Between

the Secretary of State

Applicant

and

of

Respondent

Application No.

IT APPEARING TO THE COURT that an application under Article 18(4) of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 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 the sum of £ [together with the sum of £ for costs and £ for witnesses' fees and expenses incurred making £ in the aggregate] by the Secretary of State as compensation under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988 in respect of the following criminal injury:—

(*details of injury*)

being an injury directly attributable to the following:—

(*give details*)

which took place at on the day of 19 .

AND IT FURTHER APPEARING that the Respondent failed to make full and true disclosure of all the facts material to the determination of the application for compensation.

IT IS THEREFORE ORDERED AND DIRECTED that the Respondent reimburse to the Secretary of State the sum of £ being [part of] the sum paid under the said Order of 1988 [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:

Chief Clerk

(Seal)

Signed:

Solicitor for Secretary of State

SCHEDULE 2 Rule 10(1)

Party and party costs in appeals under Article 16 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1988

A. Appellant's costs

Where the amount awarded is greater than the Secretary of State's determination and does not exceed—	*Solicitor's Costs*	*Counsel's Fees*
(1)	(2)	(3)
£	£	£
500	138	56
750	193	78
1,000	240	92
2,000	261	101
3,000	274	111
4,000	295	122
5,000	309	132
6,000	323	136
7,000	336	140
8,000	350	145
9,000	364	152
10,000	378	157
15,000	433	175
20,000	500	199
25,000	570	216
30,000	638	233
35,000	706	260
40,000	775	287
45,000	844	315
50,000	911	343
60,000	994	375
70,000	1,098	424
80,000	1,235	485
90,000	1,371	548
100,000	1,509	612
125,000	1,715	714
150,000	1,783	760
175,000	1,853	800
200,000	1,920	839
225,000	1,990	876
250,000	2,058	911

NOTE:

1. Where a case is settled more than 2 days prior to the court hearing, 85% of the appropriate amount in column (3) of the above table is payable as counsel's fee.

2. Where the judge considers it was proper for an applicant to instruct senior as well as junior counsel, the senior counsel's fee will be one and a half times the appropriate figure in column (3) of the above table.

3. Where the amount awarded is in excess of £250,000 the judge shall, unless the parties otherwise agree, certify the amount of solicitor's costs and the amount allowed for counsel's fees.

4. Where the case is one of exceptional complexity or difficulty the judge may certify an amount exceeding the scale figures in columns (2) or (3) of the above table.

5. Nothing in this Schedule shall derogate from the provisions of rule 6 or Article 16(3) of the Order.

6. The scale of solicitor's costs in column (2) above is inclusive if any costs (but not expenses) payable under Article 13(2) of the Order in respect of making out and verifying the claim to compensation up to the date of the Secretary of State's determination.

B. Respondents' 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.)

These rules prescribe the procedure in the county court for the purposes of proceedings under the Criminal Injuries (Compensation) (Northern Ireland) Order 1988.

The rules introduce the following procedural changes—

(*a*) notice of appeal under Article 16 is to have attached to it a copy of any notice of intention to apply for compensation served on the Secretary of State in accordance with Article 5(4)(*b*) (rule 3(3)(*c*));

(*b*) a procedure is prescribed under which an appellant may serve notice of a new matter in respect of which he is to adduce evidence in accordance with Article 16(4)(*b*) (rule 4(1));

(*c*) a procedure is prescribed under which the Secretary of State is to give an appellant notice of any evidence he intends to adduce of matters relevant to Article 5(9) or Article 6(1)(*b*), including a list of any convictions which he intends to put in evidence (rule 4(2));

(*d*) a new scale of costs payable to solicitors and counsel is introduced for appeals under Article 16 (rule 10 and Schedule 2);

(*e*) an application under Article 14 for approval of an award to a person under a disability is to be made by or on behalf of the person concerned (rule 11);

(*f*) a procedure is prescribed under which the Secretary of State may apply under Article 18(4) for reimbursement of compensation paid to a victim of a criminal injury (rule 15).