1973. No. 166 **[C]**

COUNTY COURT RULES

Criminal Injuries to Property (Compensation)

RULES, DATED 31ST MAY 1973, MADE BY THE SECRETARY OF STATE UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a), sections 5(3), 6(3) and 8(1) and (2) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971(b), section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(c) and all other powers enabling me in that behalf, do hereby, upon the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, make the Rules hereinafter set forth.

Citation

1. These Rules may be cited as the County Court (Criminal Injuries to Property) (Compensation) Rules (Northern Ireland) 1973.

Interpretation

2. In these Rules—

"the Act" means the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971;

any reference to an Order or Appendix is to the relevant Order or Appendix in the County Court Rules (Northern Ireland) 1965(d);

any reference to a Form by number is a reference to that Form as numbered in Schedule 3 to these Rules.

Revocation and amendment of existing rules

3.—(1) So much of the County Court (Criminal Injuries) Rules (Northern Ireland) 1969(e) as applies to compensation for criminal injuries to property shall cease to have effect in relation to any proceedings for such compensation as a result of an act causing damage committed on or after 1st April 1973 or for the unlawful removal of property on or after that date.

(2) Accordingly, the provisions of those Rules specified in column 1 of Schedule 1 to these Rules are in relation to such proceedings amended or revoked to the extent specified in column 2 of that Schedule.

(3) Part VII in Appendix ZL (costs in applications for criminal injuries) shall apply only to applications for compensation under the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968(f) or under the Criminal Injuries Acts (Northern Ireland) 1956 to 1970(g) (as modified by any

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(a) 1959. c. 25.
(b) 1971. c. 38. (N.I.).
(c) 1972. c. 22.
(d) S.R. & O. (N.I.) 1965, No. 261.
(e) S.R. & O. (N.I.) 1969, No. 18.
(f) 1968. c. 9 (N.I.).
(g) 1956. c. 19; 1957. c. 8; 1958. c. 11; 1964. c. 7 (N.I.); 1970. c. 26 (N.I.).

order under section 133 or 134 of the Local Government Act (Northern Ireland) 1972(**h**)) for damage to property caused as a result of an act committed before 1st April 1973 or for the unlawful removal of property before that date.

(4) The scale of costs set out in Schedule 2 shall apply to appeals under section 8 of the Act.

Application under section 5(3) of Act to extend time for service of preliminary notice or application to Ministry.

4.—(1) The provisions of Rule 1 of Order 14 shall apply to applications under section 5(3) of the Act as those provisions apply to applications on notice in the course of an action or matter.

(2) The notice of an application under the said section 5(3) shall be given in Form 1 and the applicant shall serve a copy of the notice on every person having an estate or interest in the property, the subject matter of the application, who has or may have suffered loss from the damage to or unlawful removal of the property.

(3) Subject to paragraph (4), any order made on the application shall be endorsed on the notice.

(4) An order dismissing an application under the said section 5(3) shall be in Form 2.

Payment into Court under section 6(3) or section 7(1)(ii) of the 1971 Act

5. The provisions of Order 26 shall apply to payment into Court under section 6(3) or section 7(1)(ii) of the Act with the following modifications:—

(*a*) in Rule 1(1) of that Order the reference to section 63 of the Trustee Act (Northern Ireland) 1958(**i**) shall be construed as a reference to the said section 6(3) or section 7(1)(ii), as the case may be, and the form of affidavit in Appendix V may be modified by the Ministry as may be necessary;

(*b*) in Rule 1(5) for the reference to Form 2 in Appendix V there shall be substituted a reference to Form 3 or 4 in the Schedule to these Rules;

(*c*) in Rule 1(6) for the reference to Form 3 in Appendix V there shall be substituted a reference to Form 5 in the Schedule to these Rules.

Appeals to County Court under section 8 from decision of Ministry

6.—(1) Appeals under section 8 of the Act shall be heard at a sitting for which the appointed entry day occurs next after a period of twenty-one days from the date on which the appeal is lodged under paragraph (4).

(2) Subject to any order under section 2(2)(*c*) of the County Courts Act (Northern Ireland) 1959, such appeals shall be heard at the ordinary sittings 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.

(3) The appeal shall be by notice in Form 6 or 7 and shall state the sitting at which the appeal is to be heard in accordance with paragraph (1)

(**h**) See S.R. & O. (N.I.) 1973. Nos. 51 and 60
(**i**) 1958. c. 23 (N.I.).

and the appellant shall serve a copy thereof on the Ministry and on each person who appears to the appellant to be likely to be affected by the decision, determination or order made on appeal as having an estate or interest in the property, the subject matter of the application for compensation.

(4) The appellant shall at the time of such service 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 certificates of posting;

(*b*) a copy of the decision, determination or order as served on the appellant under section 8(1) of the Act; and,

(*c*) where the appellant was the applicant for compensation, a copy of the application for compensation served on the Ministry under section 5;

and the clerk of the Crown and peace shall forthwith upon receipt of the notice and documents as aforesaid enter the appeal for hearing at the sitting specified in paragraph (1).

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

(6) Where the appeal is against part only of the decision, determination or order the notice shall specify briefly the grounds of appeal against each item which is the subject of the appeal.

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

(8) Where the property damaged is let to the applicant or is held under a fee farm grant, unless the court otherwise directs, paragraph (3) shall not operate so as to require service of a copy of the notice referred to in that paragraph on a lessor other than the applicant's immediate lessor or a recipient from the applicant of a fee farm rent.

(9) Service of any notice, copy or document under this Rule may, without prejudice to section 24 of the Interpretation Act (Northern Ireland) 1954(j), be by registered post or by first-class post using the recorded delivery service or otherwise in accordance with that section.

(10) The copy of the notice required to be served on the Ministry shall be served on it at the official address of the branch dealing with criminal injury claims.

(11) A certificate for the purposes of section 25 of the Crown Proceedings Act 1947(k) of an order allowing an appeal under section 8 shall be in Form 8 or 9, as appropriate, and an order dismissing such appeal shall be in Form 10.

(12) Without prejudice to paragraph (4), before proceeding to hear an appeal under section 8 of the Act, the court shall ascertain that the appellant has served copies of his notice of appeal in accordance with paragraph (3) upon the persons upon whom the Ministry served notice of its decision, determination or order in accordance with section 8(1) of the Act.

(j) 1954. c. 33. (k) 10 & 11 Geo. 6. c. 44.

Payment into court under section 8(2) of the Act, acceptance, etc.

7.—(1) Payment into court by the Ministry under section 8(2) of the Act may be made at any time within fourteen days from service of the copy of the notice of appeal upon it by—

(*a*) lodging in court such sum of money as the Ministry thinks sufficient to satisfy so much of the appellant's claim to compensation or of the sum payable by the Ministry under section 6(2) of the Act 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 Ministry served on him its decision, determination or order under section 8(1) of the Act until the date of lodgment.

(2) Notice to the appellant in Form 11 of payment into court by the Ministry under section 8(2) shall be given at the time of such lodgment.

(3) Money shall be paid into court by lodging it at the county court bank to the credit of the Criminal Injuries Account in accordance with Order 41, Part I, 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 6(1) or subsequently with the consent of the Ministry, sign and serve on the Ministry and lodge with the clerk of the Crown and peace a notice in Form 12 accepting the amount in satisfaction of his claim.

(6) Subject to paragraph (9), where the money is accepted by an appellant under paragraph (5) all further proceedings in the appeal by that 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 Ministry shall not be liable to any further costs other than those payable under the undertaking given under paragraph (1)(*b*).

(7) Where the costs and expenses referred to in paragraph (1)(*b*) are not agreed between the Ministry 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 shall be served on the Ministry and the clerk of the Crown and peace not less than two days after the costs are so settled.

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

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

(*a*) the money paid into court shall not be paid out without an order of the Judge;

(*b*) a notice of intention to apply to the Judge for approval of such acceptance shall also be served on the Ministry and lodged in the Office; and

(*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;

(*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 Ministry shall be in Form 13.

Costs where payment in by Ministry not accepted

8.—(1) Where money has been paid into court by the Ministry under section 8(2) of the Act and the appellant does not serve notice of acceptance in accordance with Rule 7(5) and does not on appeal obtain an order for the recovery, in relation to such items in the decision, determination or order of the Ministry as are the subject of the appeal, of an amount of compensation or, where appropriate, any sum payable under section 6(2) of the Act, greater than the amount paid into court, then he shall not be entitled to any costs against the Ministry and shall be liable for the costs of the Ministry in such amount as the court may determine.

(2) Where the Ministry becomes entitled to costs under this Rule such costs shall be paid to it out of the money paid into court before any payment out of the said money is made to the appellant.

Payments into court not to be communicated to the Judge

9. Where money has been paid into court under section 8(2) of the Act that fact shall not be communicated to the Judge before the determination of the appeal.

Form of order where notice of acceptance not served

10. Where money has been paid into court by the Ministry and the appellant does not serve notice of acceptance, an order made on the appeal shall be in one of the Forms 14 to 16, as may be appropriate.

Amendment of Order 41 to provide for Criminal Injuries Account

11.—(1) All moneys paid into court by the Ministry under section 8(2) of the Act shall be lodged to the credit of a separate account at the county court bank to be known as "the Criminal Injuries Account" and, accordingly, Order 41 and Appendix ZG shall have effect subject to paragraph (2) and to the amendments specified in Schedule 4 to these Rules.

(2) Rules 5 to 10 inclusive of Order 41 shall not apply to moneys so lodged, and in lieu thereof the following provisions shall have effect, that is to say—

(*a*) all moneys paid into the Criminal Injuries Account in the County Court Bank to be paid out in accordance with Rule 7(6) or in accordance with an order made by the Judge or in accordance with sub-paragraph (*b*) shall be paid out by cheque signed by the clerk of the Crown and peace and drawn on the said account; and

(*b*) any interest accruing to the said Account shall be paid to the Ministry for the credit of the Exchequer at such intervals as the said Ministry may from time to time direct.

Dated this 31st day of May 1973.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

SCHEDULE 1 Rule 3(2)

REVOCATION OR AMENDMENT OF RULES OF 1969 IN RELATION TO APPLICATION FOR COMPENSATION RESULTING FROM ACT CAUSING DAMAGE COMMITTED ON OR AFTER 1ST APRIL 1973 OR FOR UNLAWFUL REMOVAL OF PROPERTY ON OR AFTER THAT DATE.*

Provision amended or revoked	*Amendment or revocation*
General	For the references throughout the Rules to "the Criminal Injuries Acts" there shall be substituted a reference to the Act of 1968.
Rule 4	For Rule 4 there shall be substituted the following Rule:— "*Interpretation* **4.** In these Rules the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 is referred to as 'the Act of 1968'."
Rule 5	In Rule 5 the words "the damage or" and "the greater part of the damage, occurred or" and "as the case may be" shall be omitted.
Rule 9	In Rule 9 the words "as they apply to applications under the Criminal Injuries Acts (Northern Ireland) 1956 to 1964" shall be omitted.
Rule 10	In Rule 10(2)— in paragraph (*a*) the words "the secretary or clerk to a local authority"; and in paragraph (*b*) the words "damage or loss", shall be omitted.
Rule 11	In Rule 11 the reference to Rule 14(1) and (3) shall be omitted.
Part II	Part II is revoked.
Schedules 1 and 2	Schedules 1 and 2 are revoked.

* See the Rules as amended by S.R. & O. (N.I.) 1971, No. 363.

SCHEDULE 2

Rule 3(4)

PARTY AND PARTY COSTS IN APPEALS UNDER SECTION 8 OF THE CRIMINAL INJURIES TO PROPERTY (COMPENSATION) ACT (NORTHERN IRELAND) 1971

A. *Appellant's costs*

Where amount awarded in excess of the determination of the Ministry— (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 counsels' fees and solicitor's costs in such sum as he considers appropriate.

3. Where the amount awarded exceeds £10,000 the Judge shall, unless the parties otherwise agree, certify the amount for solicitor's costs and the amount allowed for counsels' fees.

4. Where the appeal is against the terms of an order under section 7 of the Act the costs shall be in the discretion of the Judge both as to incidence and amount.

5. Nothing in this Schedule shall derogate from the provisions of Rule 8 or section 8(4) of the Act.

B. *Respondent's costs*

1. Where an appeal is dismissed, the Judge may order the appellant to pay to the Ministry an amount for its solicitor's costs or counsels' 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 Ministry in resisting the appeal.

LIST OF FORMS IN SCHEDULE 3

Form 1	Notice of application to county court under section 5(3) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971.
Form 2	Order dismissing application under section 5(3) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971.
Form 3	Notice of payment into court by Ministry of Home Affairs under section 6(3) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971.
Form 4	Notice of payment into court by Ministry of Home Affairs under section 7(1)(ii) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971.
Form 5	Certificate of clerk of the Crown and peace of payment into court under section [6(3)] [7(1)(ii)] of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971.
Form 6	Notice of appeal (by applicant) to the county court under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971.
Form 7	Notice of appeal (by person other than applicant) to the county court under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971.
Form 8	Certificate of Order by county court allowing appeal (by applicant) under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971.
Form 9	Certificate of Order allowing appeal (by person other than applicant) under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971.
Form 10	Order by county court dismissing an appeal under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971.
Form 11	Notice of payment into court (appeals).
Form 12	Notice of acceptance of sum lodged in court (appeals).
Form 13	Order approving acceptance by minor, in satisfaction, of funds lodged by Ministry.
Form 14	Order for payment out of sum not greater than Ministry's lodgment (with directions as to application of funds in court).
Form 15	Order where appellant does not obtain on appeal sum greater than amount lodged and is a minor.
Form 16	Certificate of order allowing appeal and ordering payment to credit of minor, in part satisfaction, of sum lodged by Ministry.

SCHEDULE 3

FORMS FOR PURPOSE OF PROCEEDINGS IN THE COUNTY COURT UNDER THE CRIMINAL INJURIES TO PROPERTY (COMPENSATION) ACT (NORTHERN IRELAND) 1971

FORM 1 Rule 4(2)

Notice of Application to County Court under Section 5(3) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971

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

IN THE MATTER OF an application under section 5(3) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971.

BETWEEN
of

Appellant

AND the Ministry of Home Affairs

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 preliminary notice or of the application for compensation, as the case may be.*)

Dated this day of 19 .

Applicant/or
Solicitor for Applicant

TO THE CLERK OF THE CROWN AND PEACE at
and to the Solicitor acting for the Ministry of Home Affairs
(address)
and to* (name)
of
(address)

(**a person having an estate or interest in the property, the subject matter of the application*)

Decision of Court:

Time extended:

Court Court Judge/Recorder/
Clerk of Crown and Peace

Date

Copies of this Form must be sent to every person having an estate or interest in the property, the subject matter of the application, who has or may have suffered loss from the damage to or from the unlawful removal of the property.

FORM 2 Rule 4(4)

Order dismissing application under section 5(3) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971

[*Title as in Form 1 with any necessary modification*]

UPON AN APPLICATION made by the applicant on the day of 19 under section 5(3) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971;

AND UPON READING the notice of such application, due service of notice thereof upon the respondent [and any other person having an estate or interest in the property] 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 application the sum of £ for costs.

Dated at this day of 19

Clerk of the Crown and peace

Solicitor for Respondent

FORM 3 Rule 5(*b*)

Notice of payment into Court by Ministry of Home Affairs under section 6(3) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971

ORDER 26, RULE 1(5).

IN THE COUNTY COURT/RECORDER'S COURT for the Division of
No.

IN THE MATTER OF the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971;

AND IN THE MATTER OF payment into Court as provided by section 6(3) of that Act.

WHEREAS, in pursuance of an affidavit filed in the Court on the day of 19 (a copy of which is attached hereto) the Ministry on the day of 19 did pay the sum of £ being the compensation to which the applicant named in the said affidavit is entitled under section 2 [*or* 3] of the said Act, into the County Court/Recorder's Court for the above-named Division in accordance with section 6(3) thereof, there 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 as having estate or interest in the property damaged or unlawfully removed*)

of

(*address*)

FORM 4 *Rule 5(b)*

Notice of Payment into Court by Ministry of Home Affairs under section 7(1)(ii) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971

ORDER 26, RULE 1(5)

IN THE COUNTY COURT/RECORDER'S COURT for the Division of
No.

IN THE MATTER OF the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971;

AND IN THE MATTER OF payment into court as provided by section 7(1)(ii) of that Act.

WHEREAS, as stated in the affidavit of sworn on the day of 19 , (a copy of which is attached hereto) the Ministry on the day of 19 did pay the sum of £ as compensation to which the applicant and the other persons named in the said affidavit or some of them, appear to be entitled under section 2 [*or* 3] of the said Act, into the County Court/Recorder's Court for the above-named Division in accordance with section 7(1)(ii) thereof, there 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 on the income thereof.

Dated this day of 19 .

Clerk of the Crown and peace

To

(full names of person appearing to have right to receive compensation as having estate or interest in the property damaged or unlawfully removed)

of

(address)

FORM 5 Rule 5(*c*)

Certificate of clerk of the Crown and peace of payment into Court under section [6(3)] [7(1)(ii)] of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971

ORDER 26, RULE 1(6)

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

IN THE MATTER OF the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971;

AND IN THE MATTER OF payment into court as provided by section [6(3)] [7(1)(ii)] of that Act.

No.

Applicant

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 Ministry of Home Affairs of £ which sum was duly paid into the County Court Account of the County Court Bank under the provisions of section [6(3)] [7(1)(ii)] of the above Act of 1971 on the day of 19 .

Dated this day of 19 .

Clerk of the Crown and peace

To

FORM 6 Rule 6(3)

Notice of Appeal (by applicant) to County Court under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971

Application No.:

Name and address of Applicant:

TAKE NOTICE that the Applicant hereby appeals to the County Court against the decision/determination/order of the Ministry of Home Affairs dated day of 19 in respect of the above-numbered application 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/order on the grounds set out below] [*or* so much of the decision/determination/order as relates to the items set out below in numerical order on the grounds specified against each item]—

[*add* (*if applicable*) The applicant has already accepted [and been paid] the sum of £ on account of compensation within the meaning of section 8 of the Act, without prejudice to this appeal.]

Dated this day of 19

Signature of Appellant:

Name and address of Agent/: Solicitor:

To:

(*a*) The clerk of the Crown and peace for the County of

(*b*) The Secretary, Ministry of Home Affairs

[(*c*)

(a person appearing to the appellant to be likely to be affected by the decision, determination or order made on appeal as having an estate in the property the subject matter of the application for compensation).]

NOTE:

1. A copy of—
   (*a*) the form of application to the Ministry; and
   (*b*) the Ministry's decision/determination/order,

must be delivered to the clerk of the Crown and peace with this notice of appeal.

2. Copies of this Form must be served upon all the persons to whom the Ministry sent copies of its decision/determination/order, i.e., persons likely to be affected thereby (including a mortgagee, immediate lessor, co-owner, etc.) See section 8(1) of the Act and Rule 6(3) and (8) of the Rules.

FORM 7 Rule 6(3)

Notice of Appeal (by person other than Applicant) to County Court under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971

Application No.:

Name and address of Applicant:

TAKE NOTICE that I of being a person affected by the decision/determination/order of the Ministry of Home Affairs in respect of the above-numbered application do hereby appeal to the County Court against such decision/determination/order and the appeal will be heard at the sitting of the Court for the Division sitting at on the day of 19 at a.m./p.m.

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

Dated this day of 19 .

Signature of Appellant:

Name and address of Agent/: Solicitor:

To:

(*a*) The clerk of the Crown and peace for the County of

(*b*) The Secretary Ministry of Home Affairs

[(*c*)

(*a person appearing to the appellant to be likely to be affected by the decision, determination or order made on appeal as having an estate or interest in the property the subject matter of the application for compensation*).]

NOTE:

1. A copy of the Notice of the decision/determination/order must be delivered to the clerk of the Crown and peace with this Notice of Appeal.
2. Copies of this Form must be served upon all persons to whom the Ministry sent copies of its decision/determination/order, i.e. persons likely to be affected thereby (including a mortgagee, immediate lessor, co-owner, etc.). See section 8(1) of the Act and Rule 6(3) and (8) of the Rules.

FORM 8 Rule 6(11)

Certificate of Order by County Court allowing appeal (by Applicant) under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971

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

IN THE MATTER OF the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971;

AND IN THE MATTER OF an appeal under section 8 of the Act against a decision/determination/order of the Ministry of Home Affairs in respect of Application No. for compensation under that Act.

BETWEEN
of

Appellant

AND
the Ministry of Home Affairs

Respondent

UPON AN APPEAL made by the appellant on the day of 19 under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 heard at the sittings;

AND WHEREAS the appellant under the decision/determination/order of the Ministry dated and served on the appellant [is entitled to receive] [*or* has received] the sum of £ specified as due to the appellant in that decision/determination/order by way of compensation [together with the sum of £ payable under section 6(2) of the Act] and the appellant has appealed against [the entire decision/determination/order of the Ministry] [*or* so much of the decision/determination/order as relates to the items specified in the notice of appeal] on the grounds specified in the notice of appeal;

AND THE COURT HAVING EXAMINED into the matter of such appeal and having found that the sum of £ is payable by the respondent Ministry to the appellant as compensation for the loss suffered by the appellant [together with the sum of £ payable by the Ministry under section 6(2) of the Act.]

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

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

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

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

Dated at this day of 19 .

Clerk of the Crown and peace

(*Seal*)

Solicitor for Appellant

FORM 9 Rule 6(11)

Certificate of Order by County Court allowing appeal (by person other than Applicant) under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971

[Title as in Form 8]

UPON AN APPEAL made by the appellant on the day of 19 under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 heard at the sittings;

IT APPEARING that on the day of 19 the respondent served on the appellant a copy of its decision/determination/order made on an application for compensation under the Act by

(*full names*)

of

(*full address*)

to the following effect, namely:—

(*state terms of decision/determination/order*);

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

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

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

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

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

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

Dated at this day of 19 .

Clerk of the Crown and peace

(*Seal*)

Solicitor for Appellant

FORM 10 Rule 6(11)

Order by County Court dismissing an appeal under section 8 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971

[*Title as in Form 8*]

IT APPEARING to the Court that on the day of 19 the appellant served notice of appeal under section 8 of the Act against the decision/determination/order of the respondent to the following effect:— (*state briefly relevant terms of decision/determination/order as the case may be*);

AND IT FURTHER APPEARING that the appellant has failed to prove that the sum of £ claimed as compensation under the Act [and/or the sum of £ claimed under section 6(2) of the Act] 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 to 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 11 Rule 7(2)

Notice of payment into Court (Appeals)

[*Title as in Form 8*]

TAKE NOTICE that the respondent Ministry has paid into Court the sum of £ being £ in satisfaction of so much of the appellant's claim for compensation under the Act [and £ payable by the Ministry under section 6(2) of the Act] as is the subject of the appeal.

Signed

(*rank*) on behalf of the Ministry of Home Affairs/ Solicitor for the Ministry

(Date)

To the appellant

FORM 12 Rule 7(5)

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

[*Title as in Form 8*]

TAKE NOTICE that the appellant accepts the sum of £ paid into Court by the respondent Ministry being £ in satisfaction of so much of his claim for compensation under the Act [and £ for such sum as is payable by the Ministry under section 6(2) of the Act] as is the subject of the appeal.

Signed

Appellant/Solicitor for the Appellant

(Date)

To the respondent Ministry and to the clerk of the Crown and peace.

FORM 13 Rule 7(10)

Order approving acceptance by minor, in satisfaction, of funds lodged by Ministry

[*Title as in Form 8*]

IT APPEARING TO THE COURT that notice of appeal under section 8 of the Act was duly served on the respondent Ministry for hearing at the present sittings and that the [additional] sum of £ is payable by the Ministry to the appellant as compensation under the Act [together with the sum of £ for such sum as is payable by the Ministry under section 6(2) of the Act, making a 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 Ministry in satisfaction of this claim from the Criminal Injuries Account to the Separate Credit of , a Minor.

AND IT IS FURTHER ORDERED that the said 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 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 14 Rule 10

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

[*Title as in Form 8*]

IT APPEARING TO THE COURT that notice of appeal under section 8 of the Act was duly served on the respondent Ministry for hearing at the present sittings and that the sum of £ is payable by the Ministry to the appellant as compensation under the Act [together with the sum of £ for such sum as is payable by the Ministry under section 6(2) of the Act, making a total amount payable of £];

AND IT FURTHER APPEARING TO THE COURT that the respondent Ministry did on the day of 19 pay into Court the sum of £ in satisfaction of so much of the appellant's claim as is the subject of the appeal, which said sum so lodged is not less than the total amount payable as recited above;

IT IS THEREFORE ORDERED by the Court that there be paid out of the sum so lodged in Court as aforesaid (1) to the Ministry the sum of £ being the costs for the payment of which the appellant is liable under Rule 8 of the County Court (Criminal Injuries to Property) (Compensation) Rules (Northern Ireland) 1973 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 Ministry under section 6(2) of the Act].

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

Dated at this day of 19 .

Signed

Clerk of the Crown and peace

Signed

(*Seal*)

Solicitor for the Appellant

*Amount awarded for compensation under the Act together with any sum payable under section 6(2) less the Ministry's costs of the appeal.

FORM 15 Rule 10

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

[*Title as in Form 8*]

IT APPEARING TO THE COURT that notice of appeal under section 8 of the Act was duly served on the respondent Ministry for hearing at the present sittings and that the [additional] sum of £ is payable by the Ministry to the appellant as compensation under the Act [and £ for such sum as is payable by the Ministry under section 6(2) thereof] and that the Ministry had 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 Ministry's decision/determination/order];

IT IS THEREFORE ORDERED BY THE COURT that the appellant , a Minor, by his and next friend, do pay to the Ministry the sum of £ for costs and the sum of £ for witnesses' expenses;

AND IT IS FURTHER ORDERED that the clerk of the Crown and peace do out of the sum lodged in Court by the Ministry on foot of this claim pay thereout the sum of £ to the Ministry, the sum of £ costs and the sum of £ for witnesses' expenses to appellant's solicitor 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 16 Rule 10

Certificate of order allowing appeal and ordering payment to credit of minor, in part satisfaction, of sum lodged by Ministry

[*Title as in Form 8 with any necessary modifications*]

The Form of Certificate is as in Form 8 or 9, as the case may be, 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 Ministry 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 of £ lodged in Court by the Ministry on foot of this claim from the Criminal Injuries Account to the Separate Credit of , a Minor;

AND IT WAS FURTHER ORDERED that the Ministry 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 said 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 aforesaid sum of £ , being the balance of the sum otherwise due to the appellant, is payable into Court by the respondent Ministry.

Dated at this day of 19 .

Signed

Clerk of the Crown and peace

(*Seal*)

Signed

Solicitor for Appellant

SCHEDULE 4

AMENDMENT OF ORDER 41 OF AND APPENDIX ZG TO THE RULES OF 1965

PART I

Amendment of Order 41

The provisions of Order 41 referred to in column 1 of the following Table are amended to the extent specified in column 2 thereof:—

Rule amended (1)	*Amendment* (2)
Rule 1	In paragraph (1) after the words "a Civil Bill Account" there shall be inserted the words "a Criminal Injuries Account". In paragraph (2) after the words "one Civil Bill Account" there shall be inserted the words "one Criminal Injuries Account".
Rule 3	After paragraph (1) there shall be inserted the following paragraph:— "(1A) All moneys to be paid into Court by the Ministry of Home Affairs under section 8(2) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 shall be lodged to the credit of the Criminal Injuries Account in the County Court Bank." In paragraph (2) after the words "not being money paid" there shall be inserted the words "into the Criminal Injuries Account or". In paragraph (5) after the words "Civil Bill Account" there shall be inserted the words "or Criminal Injuries Account".
Rules 5 to 10	Rules 5 to 10 shall not apply to moneys lodged to the credit of the Criminal Injuries Account.

Rule amended (1)	*Amendment* (2)
Rule 11	In paragraph (1) the word "and", where it lastly appears, shall be omitted and at the end there shall be added the words "and a criminal injuries ledger account in Form 5". After paragraph (2) there shall be inserted the following paragraph:— "(2A) All moneys paid into Court by the Ministry of Home Affairs under section 8(2) of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 shall be entered into the criminal injuries ledger account kept under paragraph (1) and such account shall also record any such money paid out or otherwise disposed of." In paragraph (3) after the words "not being money so paid" there shall be inserted the words "into the Criminal Injuries Account or". In paragraph (5) after the words "civil bill ledger account", wherever they appear, there shall be inserted the words "criminal injuries ledger account".

PART II

Amendment of Appendix ZG

In Appendix ZG after Form 4 there shall be added the following Form:

"FORM 5

County Court for the
Division of

Criminal Injuries Ledger Account

ORDER 41, RULE 11(1)

Date	Appellant	County Court Bank		
		Lodged by Ministry	Paid	

"

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 to Property (Compensation) Act (Northern Ireland) 1971.