1990 No. 441

EMERGENCY PROVISIONS

Emergency Provisions (Compensation) (Amendment No. 2) Rules (Northern Ireland) 1990

Made . . . . . 11th December 1990

Coming into operation . . 1st March 1991

The Lord Chief Justice in exercise of the powers conferred on him by section 28A(1) of the Northern Ireland (Emergency Provisions) Act 1978(**a**) after consultation with the Secretary of State, hereby makes the following rules:—

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Emergency Provisions (Compensation) (Amendment No. 2) Rules (Northern Ireland) 1990 and shall come into operation on 1st March 1991.

(2) In these rules "the principal rules" means the Emergency Provisions (Compensation) Rules (Northern Ireland) 1988(**b**), and a reference to a Form by number is a reference to the Form so numbered in Schedule 1 to the principal rules.

Revocation

2. The Emergency Provisions (Compensation) (Amendment) Rules (Northern Ireland) 1990(**c**) are hereby revoked.

Lodging of appeals to the County Court

3. In rule 3 of the principal rules—

(*a*) paragraph (2) shall be omitted;

(*b*) in paragraph (3) the words "and shall state the sitting at which the appeal is to be heard in accordance with paragraph (2)" shall be omitted;

(*c*) in paragraph (4) the words "and the chief clerk shall forthwith upon receipt of the notice enter the appeal for hearing at the sitting specified in paragraph (2)" shall be omitted;

(*d*) the following new paragraphs shall be inserted after paragraph (6)—

"(6A) 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 18 and the appellant shall serve a copy

(a) 1978 c. 5 as substituted by section 12 of 1987 c. 30
(b) S.R. 1988 No. 221
(c) S.R. 1990 No..61

on the Secretary of State at the address of the department dealing with claims for compensation under the Act.

(6B) 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.

(6C) Without prejudice to paragraph (6B) the chief clerk may enter an appeal for hearing and shall cause notice of such hearing to be given to the parties notwithstanding that a certificate of readiness has not been delivered by the appellant.''.

Payment into court by respondent, acceptance etc.

4.—(1) In rule 4 of the principal rules for paragraphs (1) and (4) there shall be substituted the following paragraphs—

''(1) The respondent may at any time within 21 days from service of the copy of the notice of appeal upon him make a payment into court by lodging in court—

(*a*) such sum of money as the respondent thinks sufficient to satisfy the appellant's claim to compensation under section 28 of the Act or so much of it as is 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 respondent served on him notice of his decision under section 28(5)(*a*) or (*b*) of the Act and the date of the lodgment.

(4) 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 10 or before the commencement of the sittings in which the appeal is to be heard, whichever first occurs, or subsequently with the consent of the respondent, sign and serve on the respondent and lodge with the chief clerk a notice in Form 11 accepting the amount in satisfaction of his claim.''.

(2) For Forms 1-3 there shall be substituted the Forms 1-3 in Schedule 1 to these rules.

(3) After Form 17 there shall be inserted the Form 18 in Schedule 1 to these rules.

Increase in party and party costs

5. For Schedule 2 to the principal rules there shall be substituted the new Schedule set out in Schedule 2 to these rules.

Dated 11th December 1990.

Brian Hutton
Lord Chief Justice
of Northern Ireland

SCHEDULE 1 Rule 3(2) and (3)

NEW FORM 1 TO BE INSERTED IN PRINCIPAL RULES

FORM NO. 1 Rule 3(3)

Notice of appeal to county court under section 28(4) of the Northern Ireland (Emergency Provisions) Act 1978 to extend the time to apply for compensation

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

IN THE MATTER OF an appeal under section 28(4) of the Northern Ireland (Emergency Provisions) Act 1978.

Between

Appellant

of

and

The Secretary of State
Respondent

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division sitting at on a date to be notified to the parties by the chief clerk against the refusal of a request made to the respondent by the appellant in writing on the day of to allow the appellant to extend the period during which an application for compensation under section 28(2) of the Northern Ireland (Emergency Provisions) Act 1978 may be made to him.

The grounds of appeal are as follows—
(Here state grounds of appeal)

Dated this day of

Signature of Appellant/
Solicitor for Appellant
Name and address of
Agent/Solicitor

To:—

(*a*) The Chief Clerk at
(address of courthouse)

(*b*) The Secretary of State at
(address of Department)

(*c*) The following person(s)
(name(s) and address(es)) having an estate or interest in the property in respect of which an application for compensation has been made.

Note:

Attached to this notice served on the chief clerk must be—

(*a*) any certificate of posting;

(*b*) a copy of the notice served on the appellant by the Secretary of State under section 28(4) of the Act endorsed with a certificate as to the date of service of the notice on the appellant;

(*c*) a copy of the application made to the Secretary of state under section 28(2) of the Act.

NEW FORM 2 TO BE INSERTED IN PRINCIPAL RULES

FORM No. 2 Rule 3(3)

Notice of appeal to county court under section 28(5) of the Northern Ireland (Emergency Provisions) Act 1978 against the amount of compensation awarded by the Secretary of State

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

IN THE MATTER OF an appeal under section 28(5) of the Northern Ireland (Emergency Provisions) Act 1978.

Between

Appellant

of

and

The Secretary of State
Respondent

Application No.

TAKE NOTICE that the appellant hereby appeals to the County Court/Recorder's Court for the above-named Division sitting at on a date to be notified to the parties by the chief clerk against the decision of the Secretary of State under the above section served on [the appellant] on the day of awarding [the appellant] the sum of £ as compensation.

The appeal is made on the following grounds:—

(Here state the precise grounds on which appeal is based and, where the appeal is against so much of the award as relates to specified items which are the subject of compensation, set out those items in numerical order giving the ground for appealing against the amount of the award relating to each item.)

Dated this day of .

Signature of Appellant/
Solicitor for Appellant
Name and address of
Agent/Solicitor

To:—

(*a*) The Chief Clerk at
(address of courthouse)

(*b*) The Secretary of State at
(address of Department)

(*c*) The following person(s)
(Name(s) and address(es)) having an estate or interest in the property in respect of which an application for compensation has been made.