1990 No. 279

COUNTY COURTS

County Court (Criminal Damage Compensation) (Amendment) Rules (Northern Ireland) 1990

Made . . . . . *25th July 1990*

Coming into operation . . *3rd September 1990*

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 Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977(**b**), hereby make the following rules:

Citation and interpretation

1.—(1) These rules may be cited as the County Court (Criminal Damage Compensation) (Amendment) Rules (Northern Ireland) 1990.

(2) In these rules "the principal rules" means the County Court (Criminal Damage Compensation) Rules (Northern Ireland) 1983(**c**), 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 County Court (Criminal Damage Compensation) (Amendment) Rules (Northern Ireland) 1989(**d**) are hereby revoked.

Lodging of appeals to the County Court

3.—(1) 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 (8)—

"(8A) The appellant shall request the chief clerk to enter the appeal for hearing by delivering to the chief clerk at his office a

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(**a**) S.I. 1980/397 (N.I. 3)
(**b**) S.I. 1977/1247 (N.I. 14)
(**c**) S.R. 1983 No. 434; to which the most recent relevant amendment was made by S.R. 1989 No. 298
(**d**) S.R. 1989 No. 298

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.

(8B) 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.

(8C) Without prejudice to paragraph (8B), 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.''.

(2) For Forms 1 to 4 there shall be substituted the Forms 1 to 4 in Schedule 1 to these rules.

(3) After Form 23 there shall be inserted the Form 24 in Schedule 1 to these rules.

Increase in party and party costs

4. For Schedule 2 to the principal rules there shall be substituted the new Schedule set out in Schedule 2 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
Brian F. Walker
Barry Valentine
Ken Nixon
S. D. Massey

Dated 5th July 1990.

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 3rd September 1990.

Dated 25th July 1990 *Mackay of Clashfern,* C.

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 (by applicant) to County Court under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

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

IN THE MATTER OF an appeal under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977.

Between

of

Appellant

and

the Secretary of State

Respondent

Application No.

TAKE NOTICE that the Appellant hereby appeals to the County Court against the decision/determination/order of the Secretary of State dated the 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 decision/determination/order was delivered to applicant or his solicitor) and the appeal will be heard at the sitting of the Court for the above-named Division to be held at on a date to be notified to the parties by the chief clerk.

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 been paid the sum of £ on account of compensation under Article 12(1) of the said Order of 1977.]

Dated this day of 19 .

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*)

(name(s) of person(s) upon whom notice has been served by the Secretary of State under Article 15(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977).]

NOTE:

A copy of—

(*a*) the decision/determination/order of the Secretary of State served on the appellant under Article 15 of the Order endorsed with a certificate as to the date of service of the notice on the appellant;

(*b*) a copy of any written form of application for compensation served on the Secretary of State under Article 8 of the Order;

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

NEW FORM 2 TO BE INSERTED IN PRINCIPAL RULES

FORM No. 2 Rule 3(3)

Notice of Appeal (by person other than applicant) to County Court under Article 15 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977

[*Title as in Form No. 1*]

Application No.

TAKE NOTICE that I of being a person affected by the decision/determination/order of the Secretary of State in respect of the above-numbered application served on me on the day of 19 (in the case of postal service state date on which notice of decision/determination/order was delivered to applicant or his solicitor) 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 above-named Division to be held at on a date to be notified to the parties by the chief clerk.

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/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*)
(name(s) of person(s) upon whom notice has been served by the Secretary of State under Article 15(1) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977).]

NOTE:

A copy of the decision/determination/order of the Secretary of State served on the appellant under Article 15 of the Order endorsed with a certificate as to the date of service of the notice on the appellant must be delivered to the chief clerk with this notice of appeal.