1978 No. 72

CRIMINAL DAMAGE

Criminal Damage (Compensation) (Northern Ireland) Regulations 1978

Made . . . . . 14*th March* 1978

Coming into operation . . . 1*st April* 1978

To be laid before Parliament

The Secretary of State, in pursuance of articles 7 and 21(2) and (3) of the Criminal Damage (Compensation) (Northern Ireland) Order 1977(a), hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Criminal Damage (Compensation) (Northern Ireland) Regulations 1978 and shall come into operation on 1st April 1978.

Interpretation

2. In these regulations "the Order" means the Criminal Damage (Compensation) (Northern Ireland) Order 1977.

Preliminary notice of intention to apply for compensation

3.—(1) For the purposes of article 7(1)(*c*) of the Order, every person, other than the applicant or other person (if any) serving or causing the notice to be served, who has a mortgage, lien, charge or other legal interest in the property in question, shall be a prescribed person:

Provided that, where the property in question is held by the applicant under a lease or fee farm grant, for the purposes of the applicant's claim—

(*a*) no lessor or grantor, other than the applicant's immediate lessor or grantor; or

(*b*) no mortgagee of the reversion,

shall be a prescribed person.

(2) Such preliminary notice shall be in Form 1 in the Schedule.

Application for compensation

4.—(1) An application for compensation shall be in Form 2 in the Schedule.

(2) Where an application relates to damage to property which is subject to a mortgage to a building society, the applicant shall attach to his application a certificate by that society stating—

(*a*) the address of the property;

(*b*) the nature of the applicant's estate or interest;

(*c*) the name and address of the society; and

(a) S.I. 1977/1247 (N.I. 14)

(*d*) that the society's solicitor has investigated the title to the property and, on a date specified in the certificate, considered that the title of the applicant was good and sufficient for the purposes of the society.

(3) In this regulation "building society" means a building society within the meaning of the Building Societies Act (Northern Ireland) 1967(**b**) or the Building Societies Act 1962(**c**).

Proof of service of preliminary notice

5.—(1) The person who, in accordance with article 7(1) of the Order, has served or caused to be served a preliminary notice of intention to apply for compensation shall furnish the Secretary of State with proof of such service (other than service on the Secretary of State) within fourteen days thereof.

(2) Where the notice was served other than by post, the service shall be verified by affidavit, or if it was served by registered post or by the recorded delivery service in accordance with section 24 of the Interpretation Act (Northern Ireland) 1954(**d**) by the original certificate of posting.

Reports and information from the Chief Constable

6. The Chief Constable shall furnish to the Secretary of State such reports and information as the Secretary of State may require regarding any damage or loss in respect of which a preliminary notice has been served under the Order or in respect of which an application for compensation has been made or as may otherwise appear to the Secretary of State to be necessary for the purposes of the due execution of the Order.

Roy Mason
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
14th March 1978

(**b**) 1967 c. 31 (N.I.)
(**c**) 10 & 11 Eliz. 2 c. 37
(**d**) 1954 c. 33 (N.I.)

SCHEDULE Articles 3 and 4

FORMS

Form No. 1

CRIMINAL DAMAGE (COMPENSATION) (NORTHERN IRELAND) ORDER 1977

To: (1) The Secretary of State at the Northern Ireland Office
(*address of Department*)

(2) The Divisional Commander ..... Division, Royal Ulster Constabulary (see Note (1))

(3) Other interested parties, if applicable (see Note (2))

PRELIMINARY NOTICE OF INTENTION TO APPLY FOR COMPENSATION

1. *I/We .....

of (*address*) .....

hereby declare that at (*time*) ..... a.m./p.m. (*date*)..... 19....

at (*place—exact address*) .....

.....

(1) damage exceeding £100 in aggregate was unlawfully, wantonly or maliciously caused to *agricultural/property at (*place—exact address*) .....
.....
in which *I/we have an interest (if agricultural property—see Note (3))

*(*a*) by three or more persons unlawfully, riotously or tumultuously assembled together;

*(*b*) as a result of an act, namely *.....*, committed maliciously by a person acting on behalf of or in connection with an unlawful association;

or †(2) three or more persons tumultuously and riotously assembled together unlawfully, maliciously or wantonly caused damage, the aggregate value of which exceeded £100, to a building or property within the curtilage of a building and that in the course of the riot a person unlawfully removed from such building property in which *I/we have an interest and that *I/we suffered loss as a result of this unlawful removal.

2. The property damaged was as follows:—
(See Note (4).)

†3. The property unlawfully removed was as follows:—
(See Note (4).)

4. Owner/Lessor/Mortgagee/Tenant/Lessee/Mortgagor of property

(*a*) My interest is that of *owner/lessor/mortgagee/tenant/lessee/mortgagor

(*b*)(i) If interest is that of *tenant/lessee/mortgagor state name of *owner/lessor/mortgagee

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*Delete as appropriate.
**Here specify the act as a result of which you claim that criminal injury was sustained, e.g. explosion, gunfire, fire, etc.; or
†Delete if inapplicable.