1969. No. 18 **[C]**

COUNTY COURT RULES

Compensation for Criminal Injuries

RULES, DATED 30TH JANUARY 1969, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, the Right Honourable William Joseph Long, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a), section 7 of the Criminal Injuries Act (Northern Ireland) 1956(b), sections 1, 2 and 10 of the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968(c) and all other powers thereunto enabling, 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.

Dated this 30th day of January 1969.

W. J. Long,
Minister of Home Affairs
for Northern Ireland.

(a) 1959. c. 25. (b) 1956. c. 19. (c) 1968. c. 9 (N.I.).

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PART I

Proceedings under the Criminal Injuries Acts

GENERAL

Citation

1. These Rules shall be cited as the County Court (Criminal Injuries) Rules (Northern Ireland) 1969.

Commencement

2. These Rules shall come into operation on the 1st day of March 1969.

Revocation

3. The Criminal Injuries (Ireland) Rules 1920(**d**) and the Criminal Injuries (Ireland) Rules 1921(**e**) are hereby revoked.

Interpretation

4. In these Rules the Criminal Injuries Act (Northern Ireland) 1956, the Criminal Injuries Act (Northern Ireland) 1957(**f**), the Criminal Injuries (Amendment) Act (Northern Ireland) 1958(**g**) and the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 are referred to respectively as "the Act of 1956", "the Act of 1957", "the Act of 1958" and "the Act of 1968" and those Acts, the Criminal Injuries (Amendment) Act (Northern Ireland) 1964(**h**), section 515 of the Merchant Shipping Act 1894(**i**) and section 23 of the Northern Ireland Act 1962(**j**), are referred to collectively as "the Criminal Injuries Acts".

Applications to be made in Division in which damage occurred or injury was sustained

5. Subject to any order of the judge under section 6(4) or section 36 of the County Courts Act (Northern Ireland) 1959, any application for compensation under the Criminal Injuries Acts shall be made in the Division in which the damage or it appears that the greater part of the damage, occurred or the personal injury was sustained, as the case may be.

When applications to be heard

6. Subject to any order of the Minister of Home Affairs under section 2(2)(*c*) of the said Act of 1959, any application for compensation under the Criminal Injuries Acts shall be heard at the ordinary sittings of the County Court at such times as the judge for the 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.

Criminal Injuries Book

7. The clerk of the Crown and peace shall keep a book (to be called "the Criminal Injuries Book") in which he shall enter each application under the

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(d) Provisional Rules dated 19th July 1920 made by the Lord Chancellor of Ireland under section 5 of the Local Government (Ireland) Act 1898 by virtue of section 1(5) of the Criminal Injuries (Ireland) Act 1919 (9 Geo. 5. c. 14).

(e) Provisional Rules dated 25th February 1921 made by the Lord Chancellor of Ireland under section 5 of the Local Government (Ireland) Act 1898 by virtue of section 1(5) of the Criminal Injuries (Ireland) Act 1919 as extended by section 7(*c*) of the Criminal Injuries (Ireland) Act 1920 (10 & 11 Geo. 5. c. 66).

(f) 1957. c. 8.
(g) 1958. c. 11.
(h) 1964. c. 7 (N.I.).
(i) 57 & 58 Vict. c. 60.
(j) 10 & 11 Eliz. 2. c. 30.

Criminal Injuries Acts in the order in which the applications are received and shall enter full particulars of each application, the names of the witnesses examined at the hearing of applications and the ruling of the judge in each case and such other particulars as the Ministry of Home Affairs may direct.

Hearing of proceedings under the Criminal Injuries Acts together with other such proceedings

8. Without prejudice to Order 13 of the County Court Rules (Northern Ireland) 1965(k) or any other statutory provision, the Court may either of its own motion or upon the application of any party to proceedings under the Criminal Injuries Acts arising from the same facts, order that such proceedings be heard together with any other such proceedings.

Costs

9.—(1) No court fees shall be payable in any proceedings under the Criminal Injuries Acts.

(2) The provisions of Order 44 of, and Appendix ZL to the County Court Rules (Northern Ireland) 1965 as they apply to applications under the Criminal Injuries Acts (Northern Ireland) 1956 to 1964 shall apply to applications under the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 so, however, that any limitation in the said Order on the Judge's discretion as to the total sum payable to or in respect of any one witness on the hearing of any application under the Criminal Injuries Acts shall be of no effect.

Service of documents required under these Rules

10.—(1) Without prejudice to any enactment governing the service of notices in or in connection with proceedings in the County Court, any notice or other document or copy thereof required to be served under these Rules may be served by registered post or by the recorded delivery service and the certificate of posting shall be evidence of such service if affixed to the document in question.

(2) Any such notice or other document shall be posted in an envelope addressed—

(*a*) where it is to be served on the secretary or clerk to a local authority, the clerk of the Crown and peace, the Chief Crown Solicitor or the Commissioner of Police for the City of Belfast, to him at the official address of his office, or

(*b*) where it is to be served on a district inspector of the Royal Ulster Constabulary for a constabulary district, to him at the constabulary station nearest to the place where the criminal injury was committed.

Applications to be made within 3 months from injury

11. The written application for compensation under the Criminal Injuries Acts required by these Rules shall be made to the Court within three months from the commission of the criminal injury.

Non-compliance with Rules

12.—(1) Non-compliance with these Rules shall not render any proceeding void unless the Court so directs.

(2) Nothing in this Rule shall prejudice section 7(4) of the Act of 1956 (including its application to proceedings under the Act of 1957 or the Act of 1958) or section 10(2) of the Act of 1968.

(k) S.R. & O. (N.I.) 1965, No. 261.

PART II

Proceedings under the Criminal Injuries Acts for the award of compensation for malicious damage to property

Notice of intention to apply for compensation for damage

13.—(1) The person who suffered the damage or, if for any reason he is under a legal disability or otherwise unable to act, any person who is lawfully entitled to take or conduct proceedings under the Criminal Injuries Acts (Northern Ireland) 1956 to 1964 on behalf of that person or his estate shall cause a preliminary notice, as the case may be, in Form 1, Form 2 or Form 3, in Schedule 1 of his intention to apply to the County Court for compensation under those Acts for damage to be paid by a county or county borough council to be served on—

(*a*) the secretary of the county council and, in addition, on the clerk of the rural or urban district council or borough council in whose area the damage or greater part of the damage occurred; or

(*b*) the clerk of the county borough council in whose area the damage or greater part of the damage occurred; and

(*c*) in every case, the Commissioner of Police for the City of Belfast, where the damage or greater part of the damage occurred in that City, or, where it occurred elsewhere, the District Inspector of the Royal Ulster Constabulary for the constabulary district in which the damage or greater part of the damage occurred.

(2) The notice of intention to apply referred to in paragraph (1) shall be served within ten days commencing on the day after the day on which the act which caused the damage was committed.

(3) Such notice of intention to apply shall fully and truthfully disclose the following facts, in so far as they are within the knowledge and belief of the person by or on behalf of whom the notice is served, that is to say—

(*a*) the place, date and time at which the act which caused the damage was committed;

(*b*) the nature of the property damaged; and

(*c*) the extent of the damage.

Service and entry of applications

14.—(1) Every application for compensation for damage to be paid by a county or county borough council shall, as the case may require, be by notice in Form 4, Form 5 or Form 6, in Schedule 1 and shall be served on the officer or, where applicable, the officers of the councils upon whom the notice of intention to make such application was served under Rule 13 and at the same time a copy of the notice shall be served upon the clerk of the Crown and peace for the entry of the application for hearing.

(2) The copy of the application to be served on the clerk of the Crown and peace shall be accompanied by a copy of the notice of intention to make the application served in accordance with Rule 13 and if the said notices were served other than by post, accompanied by an affidavit verifying such service, or, if they were served by registered post or by the recorded delivery service, accompanied by the original certificate of posting.

(3) Upon receipt of the documents referred to in paragraph (2) the clerk of the Crown and peace shall enter the application for hearing on the day appointed for the next sitting of the Court for the hearing of applications under the