1971 No. 363 **[C]**

COUNTY COURT RULES

Criminal Injury Claims

RULES, DATED 6TH DECEMBER 1971, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, THE RIGHT HONOURABLE BRIAN FAULKNER, D.L., 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(1) of the Criminal Injuries Act (Northern Ireland) 1956(**b**), 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 6th day of December 1971.

Brian Faulkner,
Minister of Home Affairs
for Northern Ireland

Citation and commencement

1. These Rules may be cited as the County Court (Criminal Injuries) (Amendment) Rules (Northern Ireland) 1971 and shall come into operation on 20th December 1971.

Amendments to the Rules of 1969

2. The provisions of the County Court (Criminal Injuries) Rules (Northern Ireland) 1969(**c**) referred to in column 1 of the Schedule shall have effect subject to the amendments specified in column 2 thereof.

(**a**) 1959. c. 25.
(**b**) 1956. c. 19.
(**c**) S.R. & O. (N.I.) 1969, No. 18.

SCHEDULE

Amendments to the County Court (Criminal Inujries) Rules (Northern Ireland) 1969

Provision amended	Amendments
Rule 4	In Rule 4— the word "and" where it firstly and secondly occurs shall be omitted; after "1968" where it first occurs there shall be inserted the words "and the Criminal Injuries (Amendment) Act (Northern Ireland) 1970"; after the words "the Act of 1968" there shall be inserted the words "and the Act of 1970".
Rule 10	For paragraph (2) of Rule 10 there shall be substituted the following paragraph:— "(2) Such service may be effected by posting the document or copy 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 or Chief Crown Solicitor, to him at the official address of his office, or (*b*) where it is to be served on the divisional commander of the Royal Ulster Constabulary, to him at the constabulary station nearest to the place where the act causing the criminal injury, damage or loss was committed."
Rule 11	At the end of Rule 11 there shall be added the following words— "; but the date of sitting of the appropriate court to be stated in every such application notice as is referred to in Rules 14(1) and 18(1) must conform with the date determined in accordance with paragraph (3) of each of the said Rules."
Heading to Part II	In the heading to Part II of the Rules after the words **"damage to"** there shall be inserted the words **"or loss resulting from the unlawful removal of".**
Rule 13	For paragraph (1) of Rule 13 there shall be substituted the following paragraph— "(1) The person who suffered the damage or loss (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 the proceedings on behalf of that person or his estate) shall cause a preliminary notice, as the case may be, in Form 1, Form 2, Form 2A or Form 3 in Schedule 1 of his intention to apply to the County Court for compensation under the Criminal Injuries Acts for the damage or loss 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 loss or the greater part thereof occurred; or

Provision amended	Amendments
Rule 13 —*contd.*	(*b*) the clerk of the county borough council in whose area the damage or loss or greater part thereof occurred; (*c*) in every case, the divisional commander of the constabulary division in which the damage or loss or the greater part thereof occurred; and (*d*) where any person other than the applicant has a mortgage lien, charge or any other legal interest in the property damaged or unlawfully removed, such person". In paragraph (2) of Rule 13 after the words "was committed" there shall be inserted the words "or, as the case may be, the property was unlawfully removed". In paragraph (3)(*a*) of Rule 13 after the word "committed" there shall be inserted the words "or at which the property was unlawfully removed". In paragraph 3(*b*) of Rule 13 for the words "damaged; and" there shall be substituted the words "damaged or unlawfully removed;". After paragraph (3)(*c*) of Rule 13 there shall be added the following words:— "and (*d*) the quantity or number of any items unlawfully removed".
Rule 14	In Rule 14(1)— after the word "damage" there shall be inserted the words "or loss"; after the expression "Form 5" there shall be inserted the expression "Form 5A"; and at the end there shall be added the words "and also upon any person having a mortgage, lien, charge or any other legal interest in the property damaged or unlawfully removed". After paragraph (1) of Rule 14 there shall be inserted the following paragraph:— "(1A) Where a mortgagee served with the application under paragraph (1) is a building society, as defined by the Building Societies Act (Northern Ireland) 1967, the applicant shall where practicable attach to the application served on the officer or officers of the council and to the copy served on the Clerk of the Crown and peace a certificate by the society in Form 6A in Schedule 1 or, where the person served under paragraph (1) is any other mortgagee or is the holder of any lien, charge or other interest in movable or immovable property, a certificate in Form 6B signed by that person as to the nature of that person's interest".
Rule 14A	After Rule 14 there shall be added the following Rule:— *"Notice by mortgagees of intention to appear and be heard under section 3(3) of the Criminal Injuries (Amendment) Act (Northern Ireland) 1970* **14A.** A mortgagee wishing to appear and be heard on application under the Act of 1956 or the Act of 1957 for compensa-

Provision amended	Amendments
Rule 14A —*contd.*	tion for damage to property shall within seven days of receipt of a copy of the application serve notice in Form 6C in Schedule 1 of his intention to do so upon the applicant and copies thereof on the officer or officers of the councils named in the application and the clerk of the Crown and peace."
Rule 15	In paragraph (1) of Rule 15 after the words "damage to" there shall be inserted the words "or loss resulting from the unlawful removal of".
	In paragraph (2) of Rule 15 after the words "A decree shall" there shall be inserted the words, "subject to paragraph (3)," and after the reference to Form 8 there shall be inserted a reference to Forms 8A and 8C.
	After paragraph (2) of Rule 15 there shall be added the following paragraph:—
	"(3) Where the court under section 3(4) of the Act of 1970 in a decree requires a county council to pay to the mortgagee of property part of the compensation decreed, the decree shall be in form 7A, 8B or 9A, as the case may be".
Rule 16	In Rule 16(1) for paragraph (*c*) there shall be substituted the following paragraph:—
	"(*c*) Rule 13(1) shall apply as though any reference to the area or division in which the damage or loss occurred included a reference to the area or division nearest to the place where it occurred".
Rule 17	In Rule 17 for paragraph (2)(*b*) there shall be substituted the following paragraph:—
	"(*b*) the divisional commander of the constabulary division in which the injury was sustained".
Schedules General	Throughout the Forms in the Schedules to the Rules of 1969 for references to a District Inspector or to the Commissioner of Police for the City of Belfast there shall be substituted a reference to the Divisional Commander of the appropriate Constabulary Division.
Schedule 1	In Forms 1, 2 and 3 at the end of italicised directions commencing *"specify in detail type of property damaged"* and in Forms 4, 5 and 6 at the end of the italicised directions commencing *"give full particulars"* there shall be added the words *"and state full particulars of nature of applicant's interest, as absolute owner, mortgagee, lessee, purchaser under hire-purchase or credit-sale agreement and name and address of any person (ie Building Society, Finance Co. etc) having a mortgage, lien, charge or other legal interest in the property"*.

Provision amended	Amendments
Form 2A	After Form 2 there shall be inserted the following Form:—

"Form 2A

Notice of intention to apply under section 3 of the Criminal Injuries Act (Northern Ireland) 1956 for compensation for damage to building [and/or property and/or unlawful removal of property therefrom]

To the Secretary of the County Council and Clerk of the [District] [Borough] Council *or* Clerk of the [Belfast] [Londonderry] County Borough Council].

The Divisional Commander of the Constabulary Division.

TAKE NOTICE that on the day of 19 at a.m./p.m. damage, the aggregate amount of which exceeds £20, was unlawfully, wantonly or maliciously caused by three or more persons tumultuously and riotously [*or* (if claim for *damage* only) unlawfully, riotously *or* tumultuously] assembled together to the building known as (*address*) or to property hereinafter specified [within the curtilage of the said building and in the course of the riot property was unlawfully removed from such building]

(i) the damage to the said building and/or property was as follows:—

(*specify in detail the damage to the building and the items of property damaged*)

[(ii) the property unlawfully removed consisted of the following:—

(*specify in detail the items of property, quantity, number, etc.*)]

[(iii) the building was/or was not the subject of a mortgage or charge or other legal interest [and the name and address of the mortgagee/chargee/co-owner is:—

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[(iv) the following items of property were the subject of hire purchase or credit sale agreement etc. and the name and address of the respective owners or vendors are set opposite each item:—

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Provision amended	Amendments
Form 2A —*contd.*	It is the intention of (*name and address*) a person who has suffered the said damage and/or loss as a result of such unlawful removal to apply to the County Court/Recorder's Court for compensation to be paid by the County [*or* County Borough] Council and to be levied in the manner authorised by section 5 of the Criminal Injuries Act (Northern Ireland) 1956. Dated this day of 19 . Applicant/Solicitor for Applicant"
Form 5A	After Form 5 there shall be inserted the following Form:— "FORM 5A **Application under section 3 of the Criminal Injuries Act (Northern Ireland) 1956 for compensation for damage to building [and/or property and/or unlawful removal of property therefrom]** In the County Court/Recorder's Court for the Division of Whereas on the day of 19 at a.m./p.m. damage the aggregate amount of which exceeded £20 was unlawfully, wantonly or maliciously caused by three or more persons tumultuously and riotously [*or* (if claim for *damage* only) unlawfully, riotously *or* tumultuously] assembled together to the building known as or to property hereinafter specified [within the curtilage of the said building (*address*) and in the course of the riot property was unlawfully removed from such building] (i) the damage to the said building and/or property was as follows:— (*specify in detail the damage to the building and the items of property damaged*); [(ii) the property unlawfully removed consisted of the following:— (*specify in detail the items of property, quantity, number, etc.*);]

Provision amended	Amendments
Form 5A —*contd.*	[(iii) the building [was] [was not] the subject of a mortgage or charge or other legal interest [and the name and address of the mortgagee/chargee/co-owner etc is:—]] [(iv) the following items of property were the subject of hire-purchase, credit sale agreement, etc, and the name and address of the respective owners or vendors are set out against each item:—] Application is hereby made by or on behalf of the Applicant to the County Court/Recorder's Court for the above Division which will be entered for hearing at the sitting to be held on the day of 19 at the hour of at the Courthouse for compensation of £ , being the aggregate amount of the said damage and/or the loss suffered by the Applicant as a result of unlawful removal of the said property to be paid by the County [*or* County Borough] Council and to be decreed and levied in the manner authorised by section 5 of the Criminal Injuries Act (Northern Ireland) 1956. Dated this day of 19 . Applicant/Solicitor for Applicant"
Form 6A	After Form 6 there shall be inserted the following Forms:— "FORM 6A **Building Society Certificate** *Criminal Injuries (Amendment) Act (Northern Ireland)* 1970 (*Section* 3(3) *and Rule* 14(1A) *of the County Court (Criminal Injuries) Rules (Northern Ireland)* 1969) The property at (*address*) was mortgaged to the Building Society as a freehold [*or* fee farm grant] [*or* leasehold for the residue of a term of years from day of subject to a rent of per annum] as security for an advance to the Applicant (*name*) of (*address*).

Provision amended	Amendments
Form 6A —*contd.*	The title to the said property was investigated by the said Society's solicitors, who reported on the day of in writing that they considered the title of the Applicant to the said property good and sufficient for the purposes of the Society. Dated this day of 19 . (*name of officer*) on behalf of the above-named Building Society.
Form 6B	FORM 6B **Certificate of Mortgage (other than Building Society) [or of Holder of Lien, Charge, etc]; Criminal Injuries (Amendment) Act (Northern Ireland) 1970** (*Section* 3(3) *and Rule* 14(1A) *of the County Court (Criminal Injuries) Rules (Northern Ireland)* 1969) The property at (*address*) was mortgaged to [*or* is subject to a lien [*or* charge] in favour of]:— (*full name*) as follows:— The mortgage [*or* lien] [*or* charge] is secured on the property in the following manner or is evidenced by the following documents:— (*state whether a mortgage is by deposit of title deeds or in case of a lien or charge on real or personal property give particulars*) and I am satisfied that the title of the applicant is as stated in the copy of the application for compensation served on me. Dated this day of 19 . Mortgagee/Holder of Charge (*or state nature of interest*)

Provision amended	Amendments
Form 6C	FORM 6C **Notice by Mortgagee of intention to appear and be heard under section 3(3) of the Criminal Injuries (Amendment) Act (Northern Ireland) 1970 on an application for compensation for damage.** In the County Court/Recorder's Court for the Division of To of the Applicant for compensation; and to the Secretary of the County Council and the Clerk of the [District] [Borough] Council [*or* Clerk of the [Belfast] [Londonderry] County Borough Council]; and to the Clerk of the Crown and peace for the said Division. TAKE NOTICE that it is the intention of (*name*) of (*address*) to appear and be heard at the sittings of the court for the above-named Division on the hearing of the application under section [2] [3] of the Criminal Injuries Act (Northern Ireland) 1956 [*or* section 2 of the Criminal Injuries Act (Northern Ireland) 1957] in respect of damage to the Applicant's property at of which I/we the undersigned (*name of mortgagee or holder of charge*) are the holder(s) of a mortgage [*or* charge] executed on the day of 19 . A copy of the application for compensation was served on me/us on the day of 19 . Dated this day of 19 . Mortgagee/Solicitor for Mortgagee"
Form 7	In the body of the Form in the first paragraph after the word "sittings" there shall be added the following:— "for the aggregate sum of £ as compensation for damage as is specified therein to the building/and/or property at (*address*) on the day of 19 :"

Provision amended	Amendments
Form 7A	After Form 7 there shall be inserted the following Form:—

"FORM 7A

Decree for compensation under section 2 of the Criminal Injuries Act (Northern Ireland) 1956 for damage to agricultural property (where part of compensation required under section 3(4) of the Criminal Injuries Act (Northern Ireland) 1970 to be paid to mortgagee)

By the County Court Judge/Recorder

In the County Court/Recorder's Court for the Division of

In the matter of an application under section 2 of the Criminal Injuries Act (Northern Ireland) 1956.

Between

AB of in the County [Borough] of

Applicant

and the Council of the County [Borough] of

Respondent

It appearing to the Court that an application under section 2 of the Criminal Injuries Act (Northern Ireland) 1956 was made to the Court for hearing at the sittings for the aggregate sum of £ as compensation for damage as is specified therein to the building/and/or property at (*address*) on the day of 19 .

And it further appearing that such application was duly served on the Respondent and on of a mortgagee of the property of the applicant consisting of situated at

(being [part of] the property the subject-matter of a mortgage executed by on the day of 19) and upon the Court and that notice of intention to make such application had been duly served on the said mortgagee and also on the Respondent [and that the Respondent under section 5(2) of the said Act of 1956 notified the [County] [*or* Counties of [and] [County Borough(s) of] that the Respondent intended to request the Court to direct that the area off which any compensation decreed on the application should be levied should include any area of such [County] [*or* Counties] [and] [County Borough(s)] so notified]:

Provision amended	Amendments
Form 7A —*contd.*	And the Court having examined into the matter of such application and having found that the Applicant is entitled, subject to the following requirements as to payment, to the sum of £ as compensation for the damage complained of, the Court required the sum of £ to be paid to the Applicant and the sum of £ to be paid to the said mortgagee; and the latter payment to the mortgagee shall operate as a discharge of the Applicant's debt to the mortgagee under the said mortgage to the following extent:— And having further found that the said sum for compensation should be [raised off] [apportioned between the [several] Council(s)] in the following manner:— IT IS THEREFORE ORDERED AND DECREED by the Court that the Applicant be paid by the said Council(s) the following sums, namely £ for compensation payable to the Applicant together with £ for costs and £ for witnesses' fees and expenses and the said mortgagee shall be paid by the said Council(s) the sum of £ , being part of the compensation required by the Court to be so paid under section 3(4) of the Criminal Injuries (Amendment) Act (Northern Ireland) 1970 making £ in the aggregate (*here set out total of each sum to be paid and, if any Council(s) other than the Respondent be ordered to pay the compensation, costs, witnesses' fees and expenses then the exact amount to be paid by each Council should be set out precisely*) and that the amount be levied off the [County at large] [Counties at large] [County Borough(s)] [the following [electoral division(s)] [ward(s)] [townland(s)]] together with interest at the statutory rate. Dated at this day of 19 . Signed Clerk of the Crown and Peace (Seal) Signed Applicant/Solicitor for Applicant"
Form 8	In the body of the Form in the first paragraph after the word "sittings" there shall be added the following— "for the aggregate sum of £ as compensation for damage as is specified therein to the movable/and/or/immovable property at (*address*) on the day of 19 ".

Provision amended	Amendments
Form 8A	After Form 8 there shall be added the following Forms:—

"FORM 8A

Decree for compensation under section 3 of the Criminal Injuries Act (Northern Ireland) 1956 for damage to property caused by a tumultuous and riotous assembly and for loss resulting from unlawful removal of property

By the County Court Judge/Recorder

In the County Court/Recorder's Court for the Division of

In the Matter of an application under section 3 of the Criminal Injuries Act (Northern Ireland) 1956.

Between

AB of in the County [Borough] of

Applicant

and the Council of the County [Borough] of

Respondent

It appearing to the Court that an application under section 3 of the Criminal Injuries Act (Northern Ireland) 1956 was made to the Court for hearing at the sittings for the aggregate sum of £ as compensation for damage as is specified therein to the building/and/or property at (*address*) on the day of 19 . and for loss resulting from the unlawful removal of property therefrom:

And it further appearing that such application was duly served on the Respondent and the Court and a notice of intention to make such application had been duly served on the Respondent [and that the Respondent under section 5(2) of the said Act of 1956 notified the Council of the [County] [*or* Counties of] and [County Borough(s) of] that the Respondent intended to request the Court to direct that the area off which any compensation decreed on the application should be levied should include any area of such [County] [*or* Counties] [and] [County Borough(s)] so notified]:

And the Court having examined into the matter of such application and having found that the Applicant is entitled to the sum of £ as compensation for the damage complained of:

Provision amended	Amendments
Form 8A —*contd.*	And the Court having further examined into the matter of such application and having found that the Applicant is entitled to the sum of £ as compensation for the unlawful removal of property in which he had the absolute ownership [*or* an interest as follows:— (*here state nature of Applicant's interest*)] And having further found that the said sum for compensation should be raised off [*or* apportioned between the [several] Council(s)] in the following manner:— IT IS THEREFORE ORDERED AND DECREED by the Court that the Applicant be paid by the said Council(s) the following sums, namely £ for compensation, together with £ for costs and £ for witnesses' fees and expenses, making £ in the aggregate (*here set out total of each sum to be paid and, if any council(s) other than the Respondent be ordered to pay the compensation, costs, witnesses' fees and expenses then the exact amount to be paid by each Council should be set out precisely*) and that the amount be levied off the [County at large] [Counties at large] [County Borough(s)] [the following [electoral division(s)] [ward(s)] [townland(s)]]together with interest at the statutory rate. Dated at this day of 19 . Signed Clerk of the Crown and Peace (Seal) Signed Applicant/Solicitor for Applicant
Form 8B	FORM 8B **Decree for compensation under section 3(1) of the Criminal Injuries Act (Northern Ireland) 1956 for damage to property caused by an unlawful assembly (where part of compensation required under section 3(4) of the Criminal Injuries Act (Northern Ireland) 1970 to be paid to a mortgagee)** *By the County Court Judge/Recorder* In the County Court/Recorder's Court for the Division of *In the matter of* an application under section 3(1) of the Criminal Injuries Act (Northern Ireland) 1956.

Provision amended	Amendments
Form 8B —*contd.*	*Between* AB of in the County [Borough] of Applicant *and* the Council of the County [Borough] of Respondent It appearing to the Court that an application under section 3(1) of the Criminal Injuries Act (Northern Ireland) 1956 was made to the Court for hearing at the sittings: And it further appearing that such application was duly served on the Respondent and on of a mortgagee of the property of the applicant consisting of situated at (being [part of] the property the subject-matter of a mortgage executed by on the day of 19) and upon the Court and that notice of intention to make such application had been duly served on the said mortgagee and also on the Respondent [and that the Respondent under section 5(2) of the said Act of 1956 notified the [County] [or Counties of] [and] [County Borough(s) of] that the Respondent intended to request the Court to direct that the area off which any compensation decreed on the application should be levied should include any area of such [County] [*or* Counties] [and] [County Borough(s)] so notified]: And the Court having examined into the matter of such application and having found that the Applicant is entitled, subject to the following requirements as to payment, to the sum of £ as compensation for the damage complained of, the Court required the sum of £ to be paid to the Applicant and the sum of £ to be paid to the said mortgagee; and the latter payment to the mortgagee shall operate as a discharge of the Applicant's debt to the mortgagee under the said mortgage to the following extent:— And having further found that the said sum for compensation should be [raised off] [apportioned between the [several] Council(s)] in the following manner:—

Provision amended	Amendments
Form 8B —*contd.*	IT IS THEREFORE ORDERED AND DECREED by the Court that the Applicant be paid by the said Council(s) the following sums, namely £ for compensation payable to the Applicant together with £ for costs and £ for witnesses' fees and expenses and the said mortgagee shall be paid by the said Council(s) the sum of £ , being part of the compensation required by the Court to be so paid under section 3(4) of the Criminal Injuries (Amendment) Act (Northern Ireland) 1970 making £ in the aggregate (*here set out total of each sum to be paid and, if any Council(s) other than the Respondent be ordered to pay the compensation, costs, witnesses' fees and expenses then the exact amount to be paid by each Council should be set out precisely*) and that the amount be levied off the [County at large] [Counties at large] [County Borough(s)] [the following [electoral division(s)] [ward(s)] [townland(s)]] together with interest at the statutory rate. Dated at this day of 19 . Signed Clerk of the Crown and Peace (Seal) Signed Applicant/Solicitor for Applicant
Form 8C	FORM 8C **Decree for compensation under section 3(2) of the Criminal Injuries Act (Northern Ireland) 1956 for loss resulting from unlawful removal of property** *By the County Court Judge/Recorder* In the County Court/Recorder's Court for the Division of *In the Matter of* an application under section 3(2) of the Criminal Injuries Act (Northern Ireland) 1956. *Between* AB of in the County [Borough] of Applicant *and* the Council of the County [Borough] of Respondent

Provision amended	Amendments
Form 8C —*contd.*	It appearing to the Court that an application under section 3(2) of the Criminal Injuries Act (Northern Ireland) 1956 was made to the Court for hearing at the sittings for the aggregate sum of £ as compensation for loss resulting from the unlawful removal of property from the building at (*address*) on the day of 19 ; And it further appearing that such application was duly served on the Respondent and the Court and a notice of intention to make such application had been duly served on the Respondent [and that the Respondent under section 5(2) of the said Act of 1956 notified the Council of the [County] [*or* Counties of] and [County Borough(s) of] that the Respondent intended to request the Court to direct that the area off which any compensation decreed on the application should be levied should include any area of such [County] [*or* Counties] [and] [County Borough(s)] so notified]: And the Court having examined into the matter of such application and having found that the Applicant is entitled to the sum of £ as compensation for the unlawful removal of property in which he had the absolute ownership [*or* an interest as follows:— (*here state nature of Applicant's interest*)] And having further found that the said sum for compensation should be raised off [*or* apportioned between the [several] Council(s)] in the following manner:— IT IS THEREFORE ORDERED AND DECREED by the Court that the Applicant be paid by the said Council(s) the following sums, namely £ for compensation together with £ for costs and £ for witnesses' fees and expenses, making £ in the aggregate (*here set out total of each sum to be paid and, if any council(s) other than the Respondent be ordered to pay the compensation, costs, witnesses' fees and expenses then the exact amount to be paid by each Council should be set out precisely*) and that the amount be levied off the [County at large] [Counties at large] [County Borough(s)] [the following [electoral division(s)] [ward(s)] [townland(s)]] together with interest at the statutory rate. Dated at this day of 19 . Signed Clerk of the Crown and Peace (Seal) Signed Applicant/Solicitor for Applicant"

Provision amended	Amendments
Form 9	In the body of the Form in the first paragraph after the word "sittings" there shall be added the following:— "for the aggregate sum of £ as compensation for damage as is specified therein to the movable/and/or/immovable property at (*address*) on the day of 19 ".
Form 9A	After Form 9 there shall be added the following Form:— "FORM 9A **Decree for compensation under section 2 of the Criminal Injuries Act (Northern Ireland) 1957 for compensation for damage to property caused by a malicious person acting on behalf of or in connection with an unlawful association (where part of compensation required under section 3(4) of the Criminal Injuries Act (Northern Ireland) 1970 to be paid to a mortgagee)** *By the County Court Judge/Recorder* In the County Court/Recorder's Court for the Division of *In the matter of* an application under section 2 of the Criminal Injuries Act (Northern Ireland) 1957. *In the Matter of* an application under section 3 of the Criminal Injuries Act (Northern Ireland) 1956. *Between* AB of in the County [Borough] of Applicant *and* the Council of the County [Borough] of Respondent It appearing to the Court that an application under section 2 of the Criminal Injuries Act (Northern Ireland) 1957 was made to the Court for hearing at the sittings for the aggregate sum of £ as compensation for damage as is specified therein to the movable/and/or/immovable property at (*address*) on the day of 19 . And it further appearing that such application was duly served on the Respondent and on of a mortgagee of the property of the Applicant consisting of situated at (being [part of] the property the subject-matter of a mortgage executed by on the

Provision amended	Amendments
Form 9A —*contd.*	day of 19) and on the Court and that notice of intention to make such application had been duly served on the said mortgagee and also on the Respondent: And the Court having examined into the matter of such application and having found that the Applicant is, subject to the following requirements as to payment, entitled to the sum of £ as compensation for the damage complained of, the Court required the sum of £ to be paid to the Applicant and the sum of £ to be paid to the said mortgagee; and the latter payment to the mortgagee shall operate as a discharge of the Applicant's debt to the mortgagee under the said mortgage to the following extent:— IT IS THEREFORE ORDERED AND DECREED by the Court that the Applicant be paid by the said Council the following sums, namely £ for compensation payable to the Applicant together with £ for costs and £ for witnesses' fees and expenses and the said mortgagee shall be paid by the said Council(s) the sum of £ , being part of the compensation required by the Court to be so paid under section 3(4) of the Criminal Injuries (Amendment) Act (Northern Ireland) 1970, making £ in the aggregate and that the said amount be paid together with interest at the statutory rate. Dated at this day of 19 . Signed Clerk of the Crown and Peace (Seal) Signed Applicant/Solicitor for Applicant"
Form 10	In the heading to Form 10 after the words **"criminal injury to"** there shall be inserted the words **"or unlawful removal of"**. The words from "and that" to "rate" are revoked.
Schedule 2 Form 4	The words from "and the several under-sheriffs" to "rate" are revoked.
Schedule 3 Form 4	The words "and that the several under-sheriffs" to "rate" are revoked.
Forms 6 and 8	The words "And in default" to "rate" are revoked.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the County Court (Criminal Injuries) Rules (Northern Ireland) 1969 to cover applications to the County Court under section 3(2) of the Criminal Injuries Act (Northern Ireland) 1956 for compensation for loss resulting from unlawful removal of property from damaged buildings where the loss and damage occurred in the course of a riot.

The provisions in section 3(2) of that Act of 1956 were added by the Criminal Injuries (Amendment) Act (Northern Ireland) 1970.

The 1969 Rules have also been amended in certain minor particulars in the existing forms and to take into account legislative changes such as those in the rank structure of the Royal Ulster Constabulary under the Police Act (Northern Ireland) 1970.

1971. No. 364

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.

1971. No. 365

SUPREME COURT, NORTHERN IRELAND

WINTER ASSIZE

The Northern Ireland Winter Assize Order 1971

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GREY OF NAUNTON

This Order in Council was in operation from 13th December 1971 to 31st March 1972 and is not printed at length in this volume.