1973. No. 57 **[C]**

COUNTY COURT RULES

Criminal Injuries to Property (Compensation)

RULES, DATED 6TH MARCH 1973, MADE BY THE SECRETARY OF STATE UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a), section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(b) and all other powers enabling me in that behalf, 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:—

Citation

1. These Rules may be cited as the County Court (Criminal Injuries) (Amendment) Rules (Northern Ireland) 1973.

Interpretation

2. Any reference in these Rules to a Rule is a reference to the Rule as numbered in the County Court (Criminal Injuries) Rules (Northern Ireland) 1969(c) and any reference to a Form by number is to the Form as numbered in Schedule 1 to those Rules.

Amendment of 1969 Rules

3.—(1) In Rule 13(1)(*d*) after the words "charge or" there shall be inserted the words "subject to Rule 14(1B)".

(2) In Rule 14(1) after the words "charge or" there shall be inserted the words "subject to paragraph (1B)".

(3) In Rule 14(1A) after the words "as defined by the Building Societies Act (Northern Ireland) 1967" there shall be inserted the words "or the Building Societies Act 1962".

(4) After Rule 14(1A) there shall be inserted the following paragraph—

"(1B) Where the property damaged is let to the applicant or is held under a fee farm grant, Rule 13(1)(*d*) and paragraph (1) of this Rule shall not operate so as to require service of the notice referred to in Rule 13(1) or paragraph (1) of this Rule on a lessor other than the applicant's immediate lessor or a recipient from the applicant of the fee farm rent."

(5) In Forms 1, 2 and 3 at the end of the italicised directions commencing "specify in detail type of property damaged" there shall be added the following sentences—

"Where the property damaged is let to the applicant the applicant's immediate lessor alone of superior lessors need be served with a copy of this notice under Rule 13 and the name and address of such lessor and the length of tenancy must be stated. Where the property is held under a fee farm grant the recipient from the applicant of the fee farm rent

(a) 1959. c. 25. (b) 1972. c. 22.
(c) S.R. & O. (N.I.) 1969, No. 18 as amended by S.R. & O. (N.I.) 1971, No. 363.

alone of superior fee farm grantors need be served and his name and address must be stated."

and in Form 2A those sentences shall be added as a footnote.

(6) In Forms 4, 5 and 6 at the end of the italicised directions commencing "give full particulars" there shall be added the following sentences—

"Where the property damaged is let to the applicant the applicant's immediate lessor alone of superior lessors need be served with a copy of this notice under Rule 14 and the name and address of such lessor and the length of tenancy must be stated. Where the property damaged is held under a fee farm grant the recipient from the applicant of the fee farm rent alone of superior grantors need be served and his name and address must be stated. Where the property is mortgaged the mortagee should be served with a copy of this notice and the building society's or other mortagee's certificate of title should be attached to this application under Rule 14(1A). See Forms 6A and 6B."

and in Form 5A those sentences shall be added as a footnote.

Dated this 6th day of March 1973.

W. S. I. Whitelaw,
One of Her Majesty's
Principal Secretaries of State.

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 (as amended by the County Court (Criminal Injuries) (Amendment) Rules (Northern Ireland) 1971).

Rule 13(1) of those Rules required the applicant to serve a copy of the preliminary notice of intention to apply for compensation upon any person having a legal interest in the property damaged or unlawfully removed. Rule 14(1) imposed a similar duty when the application notice was served.

The present rules provide that where property has been the subject of one or more than one lease or fee farm grant superior to the tenancy or to the grant held by the applicant, only the applicant's immediate lessor or grantor need be served with the preliminary notice or application.