1973. No. 185 **[NC]**

CRIMINAL INJURIES TO PROPERTY

Compensation

REGULATIONS, DATED 30TH MARCH 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 10 OF THE CRIMINAL INJURIES TO PROPERTY (COMPENSATION) ACT (NORTHERN IRELAND) 1971.

The Ministry of Home Affairs for Northern Ireland (hereinafter referred to as "the Ministry") with the approval of the Ministry of Finance, on behalf of the Secretary of State, in exercise of the powers conferred on it by section 10 of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971(a) (hereinafter referred to as "the Act") and all other powers enabling it in that behalf hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Criminal Injuries to Property (Compensation) Regulations (Northern Ireland) 1973 and shall come into operation on 1st April 1973.

Preliminary Notice of Intention to apply for compensation

2.—(1) The applicant shall serve or cause to be served a preliminary notice of intention on every person, other than the applicant, who has a mortgage, lien, charge or any other legal interest in the property damaged or unlawfully removed.

(2) Every preliminary notice shall be in writing on a form approved by the Ministry.

(3) Where the property damaged is let to the applicant or is held under a fee farm grant, unless the Ministry otherwise directs, paragraph (1) shall not operate so as to require service of the notice referred to in that paragraph on a lessor other than the applicant's immediate lessor or grantor.

Application for compensation

3.—(1) Every application shall be made on a form approved by the Ministry.

(2) Where the property damaged is subject to a mortgage to a building society the applicant shall attach to his application a certificate of title giving the address of the property, the nature of the applicant's estate, the name and address of the society and a statement that the property was investigated by the society's solicitor and that the solicitor on a specified date reported in writing that he considered the title of the applicant good and sufficient for the purposes of the society.

Supply of forms

4. The form of preliminary notice of intention to apply for compensation and the form of application for compensation shall be supplied without charge by the Ministry or by such persons as the Ministry may appoint or authorise for that purpose.

(a) 1971. c. 38 (N.I.).

Proof of service of preliminary Notice

5.—(1) The person who has served or caused to be served a preliminary notice of intention in accordance with section 5(1) of the Act shall furnish the Ministry with proof of such service (other than service on the Ministry) within fourteen days thereof.

(2) If 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, by the original certificate of posting.

Reports and information from the Chief Constable

6.—(1) Without prejudice to section 3(5) of the Act and in so far as such information and reports are available, the Chief Constable shall furnish to the Ministry the information and reports hereunder regarding any criminal injury in respect of which a preliminary notice of intention to apply for compensation has been served in accordance with section 5(1) of the Act or as the Ministry may otherwise deem necessary:—

(*a*) particulars of the damage and loss alleged by the applicant;

(*b*) (1) the name(s) and address(es) of the person(s), other than a child or young person, alleged to have been responsible for the damage and loss or, if not available, the number of persons involved in and the nature of the act giving rise to the claim for compensation; and

(2) where children or young persons are involved, their ages or apparent ages;

(*c*) reports, statements and recommendations of any member of the Royal Ulster Constabulary in relation to the alleged damage or loss;

(*d*) particulars of proceedings brought against any person(s) in respect of the alleged damage and loss and the result of such proceedings; and

(*e*) a copy of a statement made to any member of the Royal Ulster Constabulary by any witness to the act giving rise to the claim for compensation;

provided that where the Chief Constable indicates that criminal prosecution proceedings are pending, or otherwise that it is undesirable to disclose information provided under this regulation, the Ministry shall not disclose that information in any court proceedings or otherwise without the consent of the Chief Constable or the Director of Public Prosecutions.

(2) References in this regulation to the Royal Ulster Constabulary include a reference to the Royal Ulster Constabulary Reserve.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 30th day of March 1973.

(L.S.) *W. G. Robinson,*
Assistant Secretary.

The Ministry of Finance hereby concurs in the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 30th day of March 1973.

(L.S.) *C. F. Darling,*
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations amplify the procedure set out in section 5 of the Act for obtaining compensation and they provide for the Chief Constable to furnish certain information and reports to the Ministry to assist it in considering applications for compensation.