

Draft Order in Council laid before Parliament under section 85 of the Northern Ireland Act 1998, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2009 No. [] (N.I. [])

NORTHERN IRELAND

**The Criminal Damage (Compensation)
(Amendment) (Northern Ireland) Order 2009**

Made - - - - []
Coming into operation in accordance with Article 1(2)
and (3)

At the Court at Buckingham Palace, the [] day of [] 2009

Present,

The Queen's Most Excellent Majesty in Council

Whereas—

- (a) the Secretary of State, in accordance with subsection (4)(a) of section 85 of the Northern Ireland Act 1998 (c.47), laid before Parliament a document which contained a draft of this proposed Order;
- (b) the Secretary of State referred the document to the Northern Ireland Assembly for its consideration;
- (c) the period referred to in subsection (4)(c) of that section has ended; and
- (d) a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 85 of the Northern Ireland Act 1998 (c.47) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

Title and commencement

1.—(1) This Order may be cited as the Criminal Damage (Compensation) (Amendment) (Northern Ireland) Order 2009.

(2) This Article and Article 2 come into operation one week after the day on which this Order is made.

(3) Article 3 comes into operation on such day as the Secretary of State may by order appoint.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 (c.33) shall apply to this Order as it applies to an Act of the Assembly.

Amendment to Criminal Damage (Compensation)(Northern Ireland) Order 1977

3. After Article 4 (compensation for damage to agricultural buildings and property) of the Criminal Damage (Compensation)(Northern Ireland) Order 1977 (NI 14) there shall be inserted the following Article—

“Compensation for damage to certain buildings used or made available for use for charitable purposes

4A.—(1) Where damage has been unlawfully, maliciously or wantonly caused to any building to which this Article applies, the Secretary of State shall, subject to the provisions of this Order, pay compensation to any person having an estate or interest in that building who suffers loss from that damage.

(2) This Article applies only in respect of damage caused as a result of an act committed after the date on which Article 3 of the Criminal Damage (Compensation) (Amendment) (Northern Ireland) Order 2009 comes into operation.

(3) This Article applies to any building constituting or forming part of a hereditament which is distinguished in a valuation list maintained under Article 40(1) of the Rates (Northern Ireland) Order 1977 (NI 28) as exempt to any extent by virtue of Article 41(2)(e) of that Order, or as exempt by virtue of Article 41A of that Order, and which either—

- (a) is shown in the list as being so distinguished at the time when the act causing the damage is committed, and does not cease to be so distinguished by alteration of the list in consequence of an application pursuant to Article 49(1) of that Order served on the district valuer before that time; or
- (b) is shown in the list as being so distinguished by subsequent alteration of the list in consequence of such an application served on the district valuer before that time.”.

Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

The Order amends the Criminal Damage (Compensation)(Northern Ireland) Order 1977 (NI 14). It provides an additional basis for compensation for damage caused to certain buildings which are used wholly or mainly for purposes declared to be charitable by the Recreational Charities Act (Northern Ireland) 1958 (c.16), or which are occupied by certain bodies and are used or made available for use for charitable purposes.