
STATUTORY INSTRUMENTS

1982 No. 1833 (N.I. 22)

NORTHERN IRELAND

**The Criminal Injuries (Compensation) Amendment
(Northern Ireland) Order 1982**

Laid before Parliament in draft

Made 22nd December

Coming into operation in accordance with Article 1

ARRANGEMENT OF ORDER

Introductory

Article

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At the Court at Buckingham Palace, the 22nd day of December 1982

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) 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:—

(a) 1974 c. 28.

Introductory

Title and commencement

1.—(1) This Order may be cited as the Criminal Injuries (Compensation) Amendment (Northern Ireland) Order 1982.

(2) Article 3 shall be deemed to have come into operation on 10th December 1981 and the remaining provisions of this Order shall come into operation on the expiration of the period of two months from the date on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 **(a)** shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “the principal Order” means the Criminal Injuries (Compensation) (Northern Ireland) Order 1977 **(b)**.

Discretionary payments

Increase of discretionary payments

3.—(1) In Article 8 of the principal Order (discretionary payments) for paragraph (1) there shall be substituted the following paragraph—

“(1) Where the aggregate of the compensation (if any) payable by virtue of Article 5 (1) (c) to or for the benefit of the widow and child (if any) of a victim who has died as a result of a criminal injury is—

(a) less than the discretionary payments limit because of a deduction made by virtue of Article 5 (3) (b), or

(b) less than the discretionary payments limit and a deduction is made by virtue of Article 5 (3) (b),

the Secretary of State may pay to the widow or, if she is dead, for the benefit of the child such sum as when added to the compensation payable to or for the benefit of the widow and child equals—

(i) where sub-paragraph (a) applies, the discretionary payments limit, or

(ii) where sub-paragraph (b) applies, the amount of the compensation before any deduction by virtue of Article 5 (3) (b).”.

(2) For paragraph (5) of that Article there shall be substituted the following paragraph—

“(5) In this Article ‘the discretionary payments limit’ means the aggregate of £10,000 (in respect of the widow) and £1,000 (in respect of each child).”.

Power to vary discretionary payments limit

4. In Article 22 (1) of the principal Order (which enables the Secretary of State to substitute by order different amounts for those for the time being specified in Article 6) after the words “Article 6” there shall be added the words “or 8”.

(a) 1954 c. 33 (N.I.).

(b) S.I. 1977/1248 (N.I. 15).

Miscellaneous

Compensation for actual and future loss of earnings

5. In Article 3 (1) (c) (iii) of the principal Order (compensation payable to any relative of the victim in respect of any reasonable expenses necessarily incurred or to be so incurred by him as a result of the victim's death) after the words "in respect of" there shall be inserted the words "pecuniary loss which has been or may be suffered by him as a result of the victim's death or in respect of".

Minor amendments

6.—(1) In Article 5 (7) of the principal Order, in the definition of "social security benefit" for the words "Supplementary Benefits &c. Act (Northern Ireland) 1966" there shall be substituted the words "Supplementary Benefits (Northern Ireland) Order 1977".

(2) In Article 7 (2) (b) of the principal Order, for the words "Fatal Accidents Acts (Northern Ireland) 1846 to 1959" there shall be substituted the words "Fatal Accidents (Northern Ireland) Order 1977".

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Criminal Injuries (Compensation) (Northern Ireland) Order 1977.

Article 3 increases with effect from 10th December 1981 the maximum amounts for discretionary awards to widows and children from £5,000 and £500 to £10,000 and £1,000 respectively and Article 4 enables the Secretary of State to vary these amounts by order. Article 3 also removes the requirement for the separate determination of the gross award paid to widows and their children before deduction of benefits.

Article 5 allows compensation for actual and future loss of earnings to any relative (whether a dependant or not) of the victim where the victim has died as a result of the injury.

Article 6 brings up to date two statutory references.

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