
STATUTORY INSTRUMENTS

1988 No. 793

**Criminal Injuries (Compensation)
(Northern Ireland) Order 1988**

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 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—

“applicant” means a person who has made an application for compensation;

“compensation” means compensation under this Order;

“criminal injury” means an injury (including an injury which results in death) directly attributable to—

- (a) a violent offence;
- (b) the lawful arrest or attempted arrest of an offender or suspected offender, or the prevention or attempted prevention of an offence, or the giving of help to any constable, member of Her Majesty’s forces or prison officer who is engaged in arresting or attempting to arrest an offender or suspected offender or in preventing or attempting to prevent an offence;

“injury” includes any disease, any impairment of a person’s physical or mental condition and pregnancy;

“prescribed” means prescribed by regulations made by the Secretary of State;

“relative”, in respect of a victim, means—

- (a) the spouse or former spouse of the victim;
- (b) any person who—
 - (i) was living with the victim in the same household immediately before the date on which the criminal injury was sustained; and
 - (ii) had been living with the victim in the same household for at least 2 years before that date; and
 - (iii) was living during the whole of that period as the spouse of the victim;
- (c) any parent or other ascendant of the victim;
- (d) any person who was treated by the victim as his parent;
- (e) a child or other descendant of the victim;
- (f) any person (not being a child of the victim) who, in the case of any marriage to which the victim was at any time a party, was treated by the victim as a child of the family in relation to that marriage;
- (g) any person who is, or is the issue of, a brother, sister, uncle or aunt of the victim;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“terrorism” means the use of violence for political ends and includes any use of violence for the purpose of putting the public or any section of the public in fear;

“traffic offence” means an offence arising from the driving or use of a motor vehicle (within the meaning of the Road Traffic (Northern Ireland) Order 1981) unless the vehicle was, at the time of the commission of the offence, being primarily used for the purpose of—

- (a) causing injury; or
- (b) committing, or facilitating the commission of, a violent offence; or
- (c) avoiding arrest, or escaping detection, in connection with a violent offence;

“unlawful association” means any organisation which is engaged in terrorism and includes an organisation which at any relevant time is a proscribed organisation within the meaning of the Northern Ireland (Emergency Provisions) Act 1978;

“victim” means a person (including a unborn child) who has sustained a criminal injury in Northern Ireland;

“violent offence” means—

- (a) any offence which was intended to cause death, personal injury or damage to property;
- (b) any offence committed by causing the death or injury of any person, or damage to property, where the state of mind of the person committing the offence consisted of recklessness as to whether he caused death, personal injury or damage to property;
- (c) any offence under the Explosive Substances Act 1883;
- (d) any offence under the Firearms (Northern Ireland) Order 1981;
- (e) riot, rout or unlawful assembly;
- (f) kidnapping or false imprisonment;
- (g) rape; or
- (h) aiding, abetting, counselling, procuring or inciting the commission of, or attempting to commit, any offence mentioned in sub-paragraphs (a) to (g),

but does not include a traffic offence.

(3) For the purposes of this Order, an act shall be deemed to be a violent offence notwithstanding that the person performing it cannot be convicted of an offence arising out of the act because of his age or incapacity.

(4) In deducing any relationship for the purposes of this Order—

- (a) an adopted person shall be treated as the child of the person or persons by whom he was adopted and not as the child of any other person; and subject thereto,
- (b) any relationship by affinity shall be treated as a relationship by consanguinity, any relationship of the half blood as a relationship of the whole blood, and the stepchild of any person as his child; and
- (c) an illegitimate person shall be treated as the legitimate child of his mother and reputed father.

(5) In paragraph (4) “adopted” means adopted in pursuance of a court order made in any part of the United Kingdom, the Isle of Man or any of the Channel Islands or by a foreign adoption within the meaning of the Adoption (Hague Convention) Act (Northern Ireland) 1969.

(6) The reference to the former spouse of the victim in the definition of “relative” in paragraph (2) includes a reference to a person whose marriage to the victim has been annulled or declared void as well as a person whose marriage to the victim has been dissolved.

(7) For the purposes of this Order a person is under a disability while—

- (a) he is a minor; or
 - (b) he is incapable, by reason of mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986, of managing and administering his property and affairs.
- (8) A reference in this Order to the payment of compensation or any other sum to a person includes a reference to the payment of compensation or such sum for the benefit of that person.