
STATUTORY INSTRUMENTS

1977 No. 1247

**Criminal Damage (Compensation)
(Northern Ireland) Order 1977**

Repair or reinstatement of buildings

11.—(1) Where the amount of compensation payable in respect of any loss resulting from damage to a building (whether the application relates wholly or in part to that building) exceeds the diminution in the market value of that building immediately consequent on its damage, the Secretary of State may impose conditions as to the payment of so much of that compensation as exceeds that diminution in the market value, including the withholding of all or any part of it until the applicant has carried out works of repair or reinstatement of the building.

(2) Where the Secretary of State imposes conditions under paragraph (1), he shall serve upon the applicant a notice of decision specifying—

- (a) the amount of compensation payable in respect of the building;
- (b) the amount of the diminution in the market value of the building; and
- (c) the conditions to be fulfilled before payment of the balance of the compensation.

(3) Upon a request in writing being submitted to him by the applicant the Secretary of State may vary any condition imposed under paragraph (2)(c).

(4) Where—

- (a) a tenant of premises is bound by a repairing covenant, and
- (b) the premises are damaged in such circumstances that compensation for loss resulting from their damage is payable under this Order, and
- (c) any repairs necessary to comply with the covenant have not been carried out at the expense of the tenant,

any assessment of damages for breach of the covenant shall not include in respect of the cost of those repairs any sum greater than the diminution in the market value of the landlord's reversion.

(5) In this Article—

“lease” means any contract of tenancy whether or not contained in an instrument in writing and includes a sub-lease;

“market value”, in relation to a building, means the consideration which the landlord's or, as the case may be, the tenant's interest in that building might reasonably be expected to fetch on a sale in the open market;

“repairing covenant” means a covenant, agreement or condition contained or implied in a lease to put or keep the premises in repair during the currency of the lease, or to leave or put the premises in repair at the termination of the lease.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Damage (Compensation) (Northern Ireland) Order 1977, Section 11.