
STATUTORY INSTRUMENTS

1977 No. 1247

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

Effect of certain agreements where property is maliciously damaged

14.—(1) Where—

- (a) an application is made to the Secretary of State for the payment of compensation in respect of any property which is the subject of separate estates or interests held by different persons; and
- (b) that property is damaged or unlawfully removed so that a person suffering loss from that damage or unlawful removal would obtain compensation therefor if he made an application to the Secretary of State under this Order; and
- (c) the damage significantly affects the value of the estate or interest in the property of a person other than the applicant;

the Secretary of State may, after affording to the applicant and all other persons appearing to have any estate or interest in the property an opportunity of making representations respecting such compensation (and whether or not any such representations have been made)—

- (i) by order make a determination for the payment to the applicant or to that other person of the whole of such compensation and costs related thereto or of such part thereof as appears to be fairly payable to him in all the circumstances; or
- (ii) may, upon notice to the applicant and all persons appearing to him to have any estate or interest in the property, pay the compensation and costs related thereto into the county court and the provisions of Article 12(3) with respect to a payment into court under that paragraph shall also have effect with respect to a payment into court under this paragraph.

(2) An order under paragraph (1) may contain such consequential and other provisions as appear to be necessary, including (but without prejudice to the generality of the foregoing) provisions—

- (a) modifying the terms of, and providing for the future application of, any relevant agreement relating to the property, including providing for the suspending of repayments of capital due or outstanding thereunder or otherwise;
- (b) imposing conditions as to the application of the compensation whether in carrying out works of reinstatement or repair specified in the order or otherwise and requiring security to be given for the due performance of those conditions or requiring the lodgment of compensation in a joint account to be withdrawn therefrom only upon terms specified by the Secretary of State.

(3) If within six weeks after the date of an order made by the Secretary of State under paragraph (1) no appeal is brought against that order under Article 15 the Secretary of State may make payments in accordance therewith.

(4) Where compensation and costs are paid into the county court under paragraph (1)(ii), the county court may exercise any power exercisable by the Secretary of State under this Article.

(5) Where an order made by the Secretary of State under this Article or by the county court on any appeal from any such order imposes conditions as to the application of compensation—

- (a) any compensation paid by the Secretary of State to the applicant or to any other person shall be deemed to be held upon trust to be applied in accordance with those conditions; and
- (b) such trust may be enforced at the instance of any person who has an interest in the application of the compensation or who is or would be aggrieved by any breach of those conditions.

(6) A payment of compensation pursuant to an order made by the Secretary of State under this Article or by the county court on any appeal from any such order shall operate as a discharge, to the extent of the payment, of the debt due or outstanding under such mortgage or relevant agreement as may be specified in the order, or, on appeal, by the court.

(7) In this Article—

“conditional sale agreement”, “credit-sale agreement” and “hire-purchase agreement” have the same meanings as in section 189(1) of the Consumer Credit Act 1974 ;

“mortgage” includes a charge;

“relevant agreement” in relation to immovable property means a mortgage or agreement to purchase by instalments or lease or other agreement or instrument relating to the occupation or ownership thereof and, in relation to movable property, means a conditional sale, credit-sale, hire-purchase or leasing agreement or arrangement.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Damage (Compensation) (Northern Ireland) Order 1977, Section 14.