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STATUTORY INSTRUMENTS

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**1977 No. 1248**

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

**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;

“chief constable” includes an assistant chief constable and a deputy chief constable of the Royal Ulster Constabulary;

“compensation” means compensation under this Order;

“the court” means the county court;

“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;

“dependants”, in respect of a deceased victim, means such of the relatives of the victim as were wholly or substantially dependent upon his income at the time of his death or would have been so dependent but for any incapacity due to the criminal injury from which the death resulted; and, for the purposes of this definition, a child of a victim conceived prior to the criminal injury which caused the victim's death, but born after that death, shall be deemed to have been wholly dependent upon the victim's income at the time of that death;

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

“motor vehicle” has the same meaning as in the Road Traffic <sup>[F1]</sup> (Northern Ireland) Order 1981 ];

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

“related offence” means—

- (a) aiding, abetting, counselling, procuring or inciting the commission of a violent offence;
- (b) attempting to commit a violent offence;

“relative”, in respect of a victim (including a victim who is illegitimate), means his or her spouse (including any wife by any former marriage), parent, grandparent, great-grandparent, step-father, stepmother, child, grandchild, great-grandchild, brother, sister, half-brother, half-sister or spouse's parent;

“representative”, in relation to an unborn child, means a relative, lawful guardian or person having the care of the child;

“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 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 1973 or any Act re-enacting that Act (whether with or without modifications);

“victim” means a person (including an 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 [<sup>F2</sup> Firearms (Northern Ireland) Order 1981 ];
- (e) riot, rout or unlawful assembly;
- (f) kidnapping or false imprisonment; or
- (g) a related offence;

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) For the purposes of this Order—

- (a) “child” includes stepchild, illegitimate child,<sup>F3</sup>... and, in the case of a deceased victim, a person of whom the victim was the lawful guardian;
- (b) an illegitimate child shall be treated as the legitimate child of his mother and natural father; and

*Sub#para. (c) rep. by 1987 NI 22*

*Paras. (5), (6) rep. by 1987 NI 22*

<b>F1</b>	1981 NI 1
<b>F2</b>	1981 NI 2
<b>F3</b>	1987 NI 22

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Injuries (Compensation) (Northern Ireland) Order 1977, Section 2.