

**CIVIL AUTHORITIES (SPECIAL POWERS).****Compensation Rules.**

---

1922. No. 73.

Whereas by an Act 12 and 13 George V., Chapter 5, entitled the Civil Authorities (Special Powers) Act (Northern Ireland), 1922 Section 11, it is enacted that (1) where under the powers conferred by the said Act or Regulations any lands, buildings, goods, chattels or other property are taken, occupied or destroyed, or any other act is done involving interference with private rights or property, the compensation shall, subject to the provisions of this Section, be payable by the Civil Authority out of moneys provided by Parliament, and (2) if any question arises as to such compensation, such question, if not settled by agreement, shall be referred for settlement to the County Court or an arbitrator to be appointed by that Court, and all questions in dispute shall be settled in accordance with such procedure as may be prescribed by Rules made by the Lord Chief Justice of Northern Ireland after consultation with the Civil Authority.

And whereas it is further enacted by Section 1 (2) that for the purpose of the said Act the Civil Authority shall be the Minister of Home Affairs for Northern Ireland.

Now I, the Right Honourable Denis S. Henry, the Lord Chief Justice of Northern Ireland, after consultation with the Right Honourable R. Dawson Bates, Minister of Home Affairs for Northern Ireland, as testified by his signature hereto, in pursuance of the powers given by the said recited Act and of all other powers thereunto me enabling, do hereby make and certify the Rules and Forms hereinafter set forth as Rules and Forms to be used and be in force in proceedings in the County Courts for the settlement of all questions arising as to compensation under the said Act, and to be referred for settlement to a County Court or an arbitrator to be appointed by that Court.

Dated this 7th day of December, 1922.

*Denis S. Henry,*

Lord Chief Justice of Northern Ireland.

*R. Dawson Bates,*

Minister of Home Affairs for Northern  
Ireland.

---

CIVIL AUTHORITIES (SPECIAL POWERS) ACT (NORTHERN IRELAND)  
COMPENSATION RULES, 1922.

1. (1) The following Rules shall have effect under the Civil Authorities (Special Powers) Act (Northern Ireland), 1922, (in these Rules referred to as "the Act"), with reference to any matter or proceeding for the settlement of any question in dispute under the Act referred for settlement to the County Court or an arbitrator to be appointed by that Court (in these Rules referred to as "the Arbitration.")

(2) These Rules may be cited as the Civil Authorities (Special Powers) Act (Northern Ireland) Compensation Rules, 1922, and shall come into operation on the 27th day of December, 1922.

(3) Expressions used in these Rules shall have the same meaning as the same expressions used in the Act.

(4) The Interpretation Act, 1889, and the Interpretation Act, 1921, shall apply for the purpose of the interpretation of these Rules as they apply for the purpose of the interpretation of an Act of Parliament.

(5) These Rules shall also be read and construed with the County Courts (Ireland) Orders, 1890, and the County Court Rules of subsequent date amending the same, and any Order and Rule referred to by number in these Rules shall mean the Order and Rule so numbered in the County Courts (Ireland) Orders, 1890, or in any County Court Rules of subsequent date as the case may be.

(6) The Clerk of the Crown and Peace (in these Rules referred to as "the Clerk of the Peace") shall be the Registrar of the Court for the purposes of the Act, and the word "Judge" shall mean County Court Judge, and shall include Recorder and, where applicable, any Arbitrator appointed under the Act.

2. Where application is made for the settlement by the Judge of any question in dispute which under the Act is to be referred to him for settlement, the party claiming compensation shall be and be called "the Applicant," and the Minister of Home Affairs for Northern Ireland shall be and be called "the Respondent."

3. More persons than one may be joined as applicants in one application in any case in which such persons might be joined in one action as plaintiffs under Order 1, Rule 3.

4. Upon the hearing of the Arbitration, the Judge may join, either as Applicant or Respondent, any person whose presence may be necessary to enable the Judge effectively and completely to arbitrate upon and settle all questions submitted to him for settlement or involved in the Arbitration, and the Judge may give such directions as may be necessary and proper for service of the

Notice of Application and proceedings upon any person so joined as aforesaid, and may, if necessary adjourn the hearing of the Arbitration.

5. The provisions of the County Courts (Ireland) Orders, 1890, and the Amending Orders as to parties suing or defending on behalf of other persons having the same interest, and the provisions of the said Orders as to persons under disability, and partners suing or being sued, shall, with the necessary modifications, apply to proceedings by way of Arbitration under the Act.

6. No application to the Judge under the Act shall be made unless and until some question in dispute has arisen between the person claiming compensation and the Minister of Home Affairs for Northern Ireland, and such question has not been settled by Agreement.

7. (1) Where any question has arisen and has not been settled by Agreement, such question shall be referred to the Judge for settlement by the applicant filing with the Clerk of the Peace a request for Arbitration entitled in the matter of the Act and in the matter of the Arbitration, which request shall state concisely the question that has arisen, and shall, with the subsequent proceedings, be recorded in the same manner as proceedings by Equity Civil Bill.

(2) Particulars shall be appended to or annexed to the request containing—

- (a) The full address and description of the applicant, and the full name and address of his Solicitor, if the proceedings are commenced through a Solicitor ;
- (b) A concise description of the property alleged to have been taken, occupied, destroyed or otherwise interfered with ;
- (c) A concise statement of the interest of the applicant therein ;
- (d) Particulars of the acts complained of in respect of which compensation is claimed, with dates ;
- (e) Particulars of amount claimed for compensation.

(3) The request and particulars shall be according to Form A in the Schedule, with such modifications as the nature of the case may require.

(4) Where by reason of their length, any part of the particulars aforesaid cannot conveniently be appended or annexed to the request, such particulars may be included in a separate document, referred to in the request, and filed and served therewith.

8. The request shall be made to the County Court Judge of the County in which the property alleged to have been taken, occupied, destroyed, or otherwise interfered with, or any part thereof, is situate, or in which the acts complained of, or any of them, took place.

9. The applicant shall deliver to the Clerk of the Peace with the request and particulars two copies thereof, one for the Judge, and the other to be served upon the Respondent.

10. (1) On the delivery of the request to the Clerk of the Peace the Judge shall fix a time and place for the settlement of the question referred to him by such request, and the Clerk of the Peace shall note same on each of said copies.

(2) The Respondent shall be served with the copy of the request and particulars containing such note, filled up and signed by the Clerk of the Peace at least 10 clear days before the return day mentioned in the note.

(3) The Judge may at any time alter the time, date, or place so fixed by him as aforesaid for the settlement of any question, and the Clerk of the Peace shall forthwith give notice to the parties of any such alteration.

(4) The Arbitration shall be held by the Judge at the time, date, and place mentioned in such note or Notice of Alteration, if the Respondent has been duly served.

(5) The Judge shall have power to fix any place within Northern Ireland for the Arbitration, whether within or without the jurisdiction of the County Court in which the request is brought and may fix any time whether in or out of any ordinary Sessions for such County, having due regard to the reasonable convenience of the parties.

(6) The Judge may adjourn the hearing from time to time, and from one place to another, having regard to Sub-section 5 of this Rule.

11. (1) If the Respondent considers that the question in dispute is not accurately set forth in the request, or that the applicant's particulars are in any respect inaccurate or incomplete, or desires to bring any offer of compensation, fact or document to the notice of the Judge, or intends to rely on the fact that no dispute has arisen, or that no opportunity was given him of offering compensation or tendering amends, or alleges that the property was taken occupied or destroyed in connection with an offence against the Regulations in the Schedule to the Act, or the Act, or intends to deny in whole or in part, the right or title of the Applicant to compensation, he shall, 5 clear days at least before the day fixed for proceeding with the Arbitration, file with the Clerk of the Peace

an answer setting forth the matters which he disputes or upon which he intends to rely, or the grounds on, and extent to which, he denies liability.

(2) The Respondent shall, with such answer, deliver a copy thereof for the Judge, and shall forthwith serve a copy thereof on the Applicant.

(3) Subject to any answer so filed, and to the provisions of the next following paragraph, the liability to pay compensation under the Act shall be taken to be admitted.

(4) Provided that in case of non-compliance with this Rule, and of the Applicant's not consenting at the Arbitration to permit a Respondent to avail himself of any matter of which he should, pursuant to this Rule, have given notice by filing an answer, the Judge may, on such terms as he shall think fit, either proceed with the Arbitration and allow the Respondent to avail himself of such matter, or adjourn the Arbitration to enable the Respondent to file such answer.

12. (1) The Respondent may, at any time before the day fixed for proceeding with the Arbitration, file with the Clerk of the Peace a Notice that he submits to an award of an amount (to be specified in such Notice) which he considers to be sufficient to cover his liability in the circumstances of the case, and further stating whether he admits or denies liability, and may, if he thinks fit, pay such sum into Court.

(2) The Respondent shall, forthwith, after such Notice is filed, serve notice thereof upon the Applicant.

(3) If the Applicant elects to accept, in satisfaction of his claim, the sum specified in the Respondent's Notice, he shall send to the Clerk of the Peace and to the Respondent by post, or leave at the Clerk of the Peace's office, or at the Ministry of Home Affairs for Northern Ireland, a written notice, according to the Form in the Schedule, stating such acceptance within such reasonable time before the day fixed for proceeding with the Arbitration at the time of filing Notice of Submission by the Respondent has permitted.

(4) In case of such election to accept being made, and Notice of Acceptance given, the Judge may, on application made to him, forthwith make an award directing payment of such sum to the applicant.

(5) In default of Notice of Acceptance by the Applicant, the Arbitration may proceed, and the Judge shall not be bound to award the sum specified in the Respondent's Notice, but shall have full power to award any greater or smaller sum, or to refuse compensation altogether.

13. (1) The Judge may extend, or, for good cause shown, abridge the time for service or delivery of a request, or for filing or serving an answer, or for filing or serving any Notice or other document under these Rules.

Provided that this power shall be in addition, to and not in derogation of the powers of the Judge under the County Court (Ireland) Orders, 1890.

(2) The Judge shall have full power to amend any request, particulars, answers, notice or other document upon such terms as to him may seem meet.

14. (1) The service of any document directed by these Rules may be made by registered letter or in any of the modes in which an ordinary or Equity Civil Bill may be served.

Provided, however, that service need not be effected by a Civil Bill Officer.

(2) Where a document is served by post, it shall, unless the contrary is proved, be deemed to have been served in the ordinary course of post, and in proving the service of such document it shall be sufficient to prove that the same was properly addressed and registered.

(3) The Judge may, in any particular case, deem any service already effected good service, or may dispense with service or may direct any substituted or other mode of service.

15. (1) Subject to the special provisions of these Rules, the procedure in an Arbitration shall be the same as the procedure on the hearing of an Equity Civil Bill in the County Court, and the Judge shall have power to allow any evidence to be given on affidavit, and the statutory provisions and rules for the time being in force relating to such Equity Civil Bills shall, with the necessary modifications, apply to such Arbitration accordingly; and in the application of such provisions and rules, the Applicant's request for Arbitration shall be deemed to be an Equity Civil Bill and the Applicant and Respondent shall be deemed to be plaintiff and defendant respectively.

(2) No statutory or other provision in force relating to Equity Civil Bills, and limiting the jurisdiction of the Judge by or in respect of the amount claimed or the amount or value of the property to which the proceedings relate or otherwise, shall apply to proceedings by way of Arbitration under the Act.

16. (1) The award of the Judge on any Arbitration shall be in writing signed by the Judge, and such award shall be enforceable in the same manner as a Decree or Order of the Court.

(2) The Judge shall have power at any time to correct any clerical mistake or error in such award arising from any accidental slip or omission.

17. (1) The County Court Judge, to whom any question in dispute under the Act has been referred for settlement may, at any time before deciding such question, appoint a fit and proper person to act as Arbitrator for the settlement of such question in dispute.

(2) Before appointing any person to act as Arbitrator, the County Court Judge shall ascertain that such person is willing to act if appointed.

(3) The appointment shall be made by an Order entitled as in the request, and may be made either upon or without the application of the parties or either of them.

18. Where any matter or thing is not specially provided for under these Rules, the same procedure shall be followed, and the same provisions shall apply as far as practicable as in a similar matter or thing under the County Courts (Ireland) Acts, 1851-1889, and the Rules made in pursuance of those Acts.

19. The Forms in the Schedule, where applicable, and where they are not applicable, forms of a like character, with such variations as the circumstances may require, and in particular the forms in the Appendix to the Consolidated Workmen's Compensation (Ireland) Rules, 1917, may be used in proceedings under the Act.

*Schedule.*

Form A.

*Request for Arbitration.*

In the County Court of.....

Division of .....

In the matter of the Civil Authorities (Special Powers) Act (Northern Ireland), 1922.

and

In the matter of an Arbitration between ..... Applicant;

and

The Minister of Home Affairs for Northern Ireland, Respondent.

1. On the ..... day of ....., 1922, the house and premises of the Applicant, known as .....

in the County of ..... were taken possession of by ..... under the powers conferred by the above-mentioned Act, and possession of same was retained up to the ..... day of ....., 192.....

(Or as the case may be).

2. The question has (or questions have) arisen (Here state the questions, specifying only those which have arisen, e.g. (a) as to whether the Respondent is liable to pay compensation, or (b) as to the amount of such compensation, or (c) as to whether the said acts were done in connection with an offence against the Regulations).

(Or as the case may be).

3. An Arbitration under the above-mentioned Act is hereby requested between the said ..... Applicant, and the said Minister of Home Affairs for Northern Ireland, Respondent.

4. Particulars are hereunto appended (or annexed).

*Particulars.*

1. Name and Address of Applicant.

2. Description of nature and situation of property alleged to have been interfered with.

3. Interest of the Applicant therein, whether beneficial or in trust, and the extent of such interest.

CIVIL AUTHORITIES (SPECIAL POWERS)

4. Particulars of the acts complained of, with dates and particulars of persons by whom done.

5. Particulars of Applicant's claim for compensation.

The Name and Address of the Applicant and his Solicitor are :—

*Of the Applicant :*

*Of his Solicitor :*

Dated this ..... day of ..... 192.....

(Signed).....Applicant, or Applicant's Solicitor.

*Note.*

The matter of the above application will be heard by the County Court Judge of ..... at ..... on the ..... day of ..... 192..., at the hour of ..... o'clock, and if the Respondent being duly served herewith does not attend in person, or by his Solicitor, such Order will be made and proceedings taken in his absence as the Judge may think just.

Form B.

*Answer by Respondent.*

In the County Court of.....

Division of .....

In the matter of the Civil Authorities (Special Powers) Act (Northern Ireland), 1922,

and

In the matter of an Arbitration between

Applicant ;

and

The Minister of Home Affairs for Northern Ireland, Respondent.

*Take Notice :—*

That the Respondent denies that the said acts or any of them were done as alleged in the request, or at all ; or

That the Respondent denies that the acts complained of or any of them were done under the powers conferred by the above-mentioned Act or the Regulations in the Schedule thereto ; or

That no question had arisen between the parties prior to the commencement of proceedings herein ; or

That the Respondent states that the Applicant's particulars filed in this matter are inaccurate or incomplete in the particulars hereto annexed ; or

That the Respondent intends at the hearing of the Arbitration to give evidence and rely on the facts stated in the particulars hereto annexed ; or

That the Respondent denies the liability to pay compensation under the Act on the grounds stated in the particulars hereto annexed.

*Particulars.*

1. Particulars in which the particulars filed by the Applicant are inaccurate or incomplete.

2. Facts which the Respondent desires to bring to the notice of the Judge.

3. Facts which the Respondent intends to give in evidence and rely on at the hearing of the Arbitration.

4. Grounds on which the Respondent denies his liability to pay compensation.

*and further take Notice :—*

That Name and Address of the Respondent's Solicitor are :—

Dated this ..... day of ..... 192.....

(Signed) .....

Solicitor for the Respondent.

To The Clerk of the Peace ;  
and

To The Applicant.



Compensation Rules

Form C.

Notice of Respondent offering to Submit to Award.

In the County Court of .....

Division of .....

In the matter of the Civil Authorities (Special Powers) Act (Northern Ireland), 1922.

In the matter of an Arbitration between Applicant; and The Minister of Home Affairs for Northern Ireland, Respondent.

Take Notice that the Respondent hereby offers, without prejudice, to submit to an award in the above-mentioned matter for payment by him out of moneys provided by Parliament to the Applicant of the sum of £..... (and the Respondent herewith pays into Court the said sum of £..... in satisfaction of such liability).

(Or to an award declaring the Applicant entitled to payment for use and occupation of the premises at the rate of £..... per annum.)

(Or as the case may be).

And Further, Take Notice, that the Respondent denies liability (or admits liability) to the amount of the said sum.

Dated this ..... day of ....., 192.....

(Signed)..... Solicitor for the Respondent.

To The Clerk of the Peace. and

To The Applicant.

Form D.

Award.

In the County Court of .....

Division of .....

In the matter of the Civil Authorities (Special Powers) Act (Northern Ireland), 1922.

In the matter of an Arbitration between Applicant; and The Minister of Home Affairs for Northern Ireland, Respondent.

Having duly considered the matter submitted to me, I do hereby determine the questions submitted to me, and make my award as follows (here insert any introductory recitals of findings or determination of questions on which the award is made which the Judge may direct).

I Order that the Respondent do pay to the Applicant ..... out of moneys provided by Parliament the sum of £..... (or in respect of the use and occupation of the premises ..... a sum calculated at the rate of £..... per annum, and payable as from the ..... day of....., on each ..... in every year) (or as the award may be).

Dated this ..... day of ..... 192.....