

SCHEDULES

SCHEDULE 12

Section 102.

COMPENSATION

Right to compensation

- 1 (1) This paragraph applies where under Part VII of this Act—
- (a) real or personal property is taken, occupied, destroyed or damaged, or
 - (b) any other act is done which interferes with private rights of property.
- (2) Where this paragraph applies in respect of an act taken in relation to any property or rights the Secretary of State shall pay compensation to any person who—
- (a) has an estate or interest in the property or is entitled to the rights, and
 - (b) suffers loss or damage as a result of the act.
- 2 No compensation shall be payable unless an application is made to the Secretary of State in such manner as he may specify.

Time limit

- 3 (1) Subject to sub-paragraphs (2) and (3), an application for compensation in respect of an act must be made within the period of 28 days beginning with the date of the act.
- (2) The Secretary of State may, in response to a request made to him in writing, permit an application to be made—
- (a) after the expiry of the period mentioned in sub-paragraph (1), and
 - (b) within such longer period, starting from the date of the act and not exceeding six months, as he may specify.
- (3) Where the Secretary of State refuses a request under sub-paragraph (2)—
- (a) he shall serve a notice of refusal on the person who made the request,
 - (b) that person may, within the period of six weeks beginning with the date of service of the notice, appeal to the county court against the refusal, and
 - (c) the county court may exercise the power of the Secretary of State under sub-paragraph (2).

Determination

- 4 Where the Secretary of State determines an application for compensation he shall serve on the applicant a notice—
- (a) stating that he has decided to award compensation and specifying the amount of the award, or
 - (b) stating that he has decided to refuse the application.
- 5 (1) An applicant may appeal to the county court against—
- (a) the amount of compensation awarded, or

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- (b) the refusal of compensation.
- (2) An appeal must be brought within the period of six weeks beginning with the date of service of the notice under paragraph 4.
- 6 (1) This paragraph applies where the Secretary of State considers that in the course of an application for compensation the applicant—
 - (a) knowingly made a false or misleading statement,
 - (b) made a statement which he did not believe to be true, or
 - (c) knowingly failed to disclose a material fact.
- (2) The Secretary of State may—
 - (a) refuse to award compensation,
 - (b) reduce the amount of compensation which he would otherwise have awarded, or
 - (c) withhold all or part of compensation which he has awarded.
- 7 Where the Secretary of State makes an award of compensation he may make a payment to the applicant in respect of all or part of the costs of the application.

Assignment of right

- 8 (1) This paragraph applies where—
 - (a) a person has made an application for compensation, and
 - (b) his right to compensation has passed to another person by virtue of an assignment or the operation of law.
- (2) The Secretary of State shall treat the person mentioned in sub-paragraph (1)(b) as the applicant.

Offenders

- 9 (1) This paragraph applies where a person has a right to compensation in respect of an act and—
 - (a) the act was done in connection with, or revealed evidence of the commission of, a scheduled offence or a non-scheduled offence under this Act, and
 - (b) proceedings for the offence are brought against the person.
- (2) The person's right to compensation shall not be enforceable while the proceedings have not been concluded.
- (3) If the person stands convicted of the offence he shall have no right to compensation.

Notices

- 10 A notice served under paragraph 3(3)(a) or 4 shall contain particulars of the right of appeal under paragraph 3(3)(b) or 5.
- 11 (1) The Secretary of State may serve a notice under this Schedule on an individual—
 - (a) by delivering it to him,
 - (b) by sending it by post addressed to him at his usual or last-known place of residence or business, or
 - (c) by leaving it for him there.

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- (2) The Secretary of State may serve a notice under this Schedule on a partnership—
 - (a) by sending it by post to a partner, or to a person having the control or management of the partnership business, at the principal office of the partnership, or
 - (b) by addressing it to a partner or to a person mentioned in paragraph (a) and leaving it at that office.
- (3) The Secretary of State may serve a notice under this Schedule on a body corporate—
 - (a) by sending it by post to the secretary or clerk of the body at its registered or principal office, or
 - (b) by addressing it to the secretary or clerk of the body and leaving it at that office.
- (4) The Secretary of State may serve a notice under this Schedule on any person—
 - (a) by delivering it to his solicitor,
 - (b) by sending it by post to his solicitor at his solicitor's office, or
 - (c) by leaving it for his solicitor there.

Offences

- 12 (1) A person commits an offence if he obtains compensation or increased compensation for himself or another person by deception (within the meaning of section 15(4) of the Theft Act (Northern Ireland) 1969).
- (2) A person commits an offence if for the purposes of obtaining compensation he—
 - (a) knowingly makes a false or misleading statement,
 - (b) makes a statement which he does not believe to be true, or
 - (c) knowingly fails to disclose a material fact.
- (3) A person guilty of an offence under this paragraph shall be liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding one year, to a fine not exceeding the statutory maximum or to both.
- (4) Section 82 shall not apply in relation to an offence under this paragraph.