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STATUTORY INSTRUMENTS

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**1977 No. 1248**

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

**Discretionary payments**

8.—<sup>F1</sup>(1) Where the aggregate of the compensation (if any) payable by virtue of Article 5(1) (c) to or for the benefit of the widow and child (if any) of a victim who has died as a result of a criminal injury is—

- (a) less than the discretionary payments limit because of a deduction made by virtue of Article 5(3)(b), or
- (b) less than the discretionary payments limit and a deduction is made by virtue of Article 5(3)(b),

the Secretary of State may pay to the widow or, if she is dead, for the benefit of the child such sum as when added to the compensation payable to or for the benefit of the widow and child, equals—

- (i) where sub#paragraph (a) applies, the discretionary payments limit, or
- (ii) where sub#paragraph (b) applies, the amount of the compensation before any deduction by virtue of Article 5(3)(b)]

<sup>F1</sup>(2) Paragraphs (1) and (5) apply in relation to any compensation paid under the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 before the commencement of this Order or payable under that Act on or after that commencement as they apply in relation to compensation payable under this Order with the substitution of references to section 4(6)(c) of that Act for the references to Article 5(3)(b).

(3) Paragraphs (1) and (5) apply as mentioned in paragraph (2) notwithstanding that an application for compensation was not made under the said Act of 1968, if the Secretary of State is satisfied that, if such an application had been made, the conditions set out in those paragraphs would have been satisfied.

(4) Where, but for Article 6(3), compensation would be payable to or for the benefit of any person, the Secretary of State may, if he considers it to be in the public interest to do so, pay to him such sum as does not exceed the amount of that compensation.

<sup>F2</sup>(5) In this Article “the discretionary payments limit” means—

- (a) where the victim died as a result of a criminal injury sustained before 10th December 1981, the aggregate of £5,000 (in respect of the widow) and £500 (in respect of each child);
- (b) where the victim died as a result of a criminal injury sustained on or after 10th December 1981, the aggregate of £10,000 (in respect of the spouse) and £1,000; (in respect of each child).<sup>F2</sup>]

**F1** 1982 NI 22

**F2** 1988 NI 4

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Injuries (Compensation) (Northern Ireland) Order 1977, Section 8.