



SAORSTAI EIREANN.

Uimh. 2 de 1923.

No. 2 of 1923.

BILLE TIMPEAL DÍOBHÁIL CHOIRIÚIL AGUS MHAILÍSEACH (LEASÚ), 1923.

CRIMINAL AND MALICIOUS INJURIES (AMENDMENT) BILL, 1923.

[*Mar do tugadh isteach.*]
[*As introduced.*]

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SAUNDERS & BROS
NEW YORK

THE NATIONAL BUREAU OF STANDARDS
WASHINGTON, D. C.

1917

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SAUNDERS & BROS
NEW YORK

SAORSTÁT EIREANN.

CRIMINAL AND MALICIOUS INJURIES (AMENDMENT) BILL, 1923.

Uimh. 2 de 1923.

No. 2 of 1923.

BILL

entitled

5
10 AN ACT TO AMEND AND EXTEND THE ENACTMENTS
RELATING TO COMPENSATION FOR CRIMINAL
INJURIES.

BE IT ENACTED BY THE OIREACHTAS OF SAOR-
STÁT EIREANN AS FOLLOWS :—

PART I.

INJURIES COMMITTED ON OR BEFORE THE 11TH DAY OF JULY, 1921.

15 **1.**—(1) No proceedings under the Criminal Injuries Acts shall
be instituted after the passing of this Act in respect of any
injury to which this section applies. No proceedings
in respect of
certain Criminal
injuries.

20 (2) All proceedings under the Acts aforesaid which are pending
at the passing of this Act in respect of an injury to which the
section applies and in which no decree has been made shall be
and are hereby declared to be void and to be discharged, and no
party to any such proceedings shall have any claim against any
other party thereto in respect of costs incurred in such pro-
ceedings.

25 (3) It shall not be lawful for any person after the passing of
this Act to take any steps to recover or enforce payment of the
amount of any decree made before the passing of this Act under
the Acts aforesaid in respect of any injury to which this section
applies.

30 This sub-section shall apply to all costs and expenses as well
as to compensation awarded by any such decree and to the
interest on any such compensation which carries interest.

35 (4) This section shall apply to proceedings in and decrees on
any appeal as well as to proceedings in and decrees of a court of
first instance.

40 (5) This section shall apply to any injury whether to property
or person committed in Ireland during the period between the
twenty-first day of January, nineteen hundred and nineteen, and
the eleventh day of July, nineteen hundred and twenty-one, both
inclusive.

PART II.

INJURIES COMMITTED AFTER THE 11TH DAY OF JULY, 1921.

45 **2.**—(1) Every application under the Criminal Injuries Acts for
compensation for an injury to which this Part of this Act applies
on which a decree has been made before the passing of this Act
shall be re-opened and re-heard on the application at any time
within three months after the passing of this Act of the applicant
or of the Minister for Finance. Applications
already disposed
of may be re-
opened and re-
heard.

(2) Every applicant who intends to apply under this section to have any such application as aforesaid re-opened and re-heard shall serve a notice of his intention so to do in the form and on the persons prescribed by the Minister for Home Affairs.

(3) In every case in which the Minister for Finance intends to apply under this section to have any such application as aforesaid re-opened and re-heard he shall cause notice of his intention so to do to be served on the person who was the applicant in such application. 5

(4) Parts II. and III. of this Act shall apply to every re-hearing under this section as fully as they would have applied thereto if such re-hearing had been an original hearing commenced after the passing of this Act. 10

(5) In this section the word "decree" includes a decision refusing compensation as well as a decision awarding compensation. 15

(6) On any renewed application under this section the costs incurred by the applicant of or incidental to the previous application shall be deemed to be part of the loss occasioned to the applicant by the injury, and accordingly if on such renewed application the applicant is found to be entitled to compensation the amount of such costs shall be added to or included in the compensation. 20

Extension of time for lodging application.

3.—The time for lodging applications for compensation under the Criminal Injuries Acts in respect of an injury to which this Part of this Act applies is hereby extended for three months after the passing of this Act. 25

Notice to be served by applicants.

4.—(1) Every person who has before the passing of this Act applied or who after the passing of this Act applies under the Criminal Injuries Acts for compensation in respect of an injury to which this Part of this Act applies shall serve such notices in such form and on such persons as the Minister for Finance shall prescribe. 30

(2) Every notice served in compliance with any order or regulation made by the Minister for Finance under the Resolutions passed by the Dáil on the 1st day of November, 1922, shall be deemed to have been served in compliance with this section. 35

(3) If on the hearing of any application under the Criminal Injuries Acts for compensation in respect of an injury to which this Part of this Act applies the Judge is not satisfied that the provisions of this section have been complied with he shall adjourn the hearing of the application until such provisions have been complied with, and if such provisions are not complied with within three months after the passing of this Act he shall dismiss the application on such terms as to costs as he shall think fit. 40 45

(4) The notices to be served under this section shall be in addition to and not in substitution for the notices prescribed by the Criminal Injuries Acts.

Right of Audience of the Minister for Finance.

5.—The Minister for Finance shall be entitled to appear and be heard by Solicitor with or without Counsel, to examine and cross-examine witnesses and tender evidence at and generally to take part in the hearing of every application under the Criminal Injuries Acts for compensation in respect of an injury to which this Part of this Act applies and every proceeding by way of appeal or case stated arising out of or following on any such application. 50 55

No compensation for consequential loss.

6.—The right to compensation under the Criminal Injuries Acts shall as respects any injury to which this Part of this Act applies be limited to compensation for the actual damage done 60

to the property injured and shall not extend to any compensation for any loss consequential on such actual damage and in particular shall not extend to compensation for the loss of the use of the property injured or for the loss of mere pleasure or amenity.

7.—(1) No compensation shall be payable under the Criminal Injuries Acts in respect of the loss or destruction of or damage to any of the chattels to which this section applies occasioned by an injury to which this Part of this Act applies.

No compensation for loss of certain chattels.

(2) The chattels to which this section applies are—

(i.) Watches, jewellery or articles of personal ornament kept by the owner otherwise than as part of his stock-in-trade.

(ii.) Coins, bank or Government notes or currency of any country.

(iii.) Postage or other adhesive stamps.

(iv.) Postal orders or post office money orders.

8.—(1) No Railway Company shall be entitled to any compensation under the Criminal Injuries Acts or this Act in respect of any injury to which this Part of this Act applies committed against any property belonging to such Railway Company.

Railway Companies not to be entitled to compensation.

(2) Nothing in this section shall affect any right of a Railway Company or any other person to compensation under the Criminal Injuries Acts in respect of an injury to property in the custody of a Railway Company for carriage or storage.

9.—(1) When assessing the amount of compensation to be awarded to any applicant for compensation under the Criminal Injuries Acts in respect of any injury to which this Part of this Act applies the Judge shall take into consideration the steps taken by the owner of the property, his servants or agents, either before or at the time of the committal of the injury.

Conduct of applicant to be considered.

(a) to protect the property from any anticipated injury or from any injury which ought to or might reasonably have been anticipated; or

(b) to avoid exposing the property to the risk of injury; or

(c) to resist, prevent or defeat the committal of the injury; and the Judge shall in assessing the amount of such compensation have regard to the extent to which the injury was in the opinion of the Judge caused, facilitated or affected by the failure to take such steps as aforesaid or by the insufficiency of the steps actually taken.

(2) An applicant for compensation under the Criminal Injuries Acts in respect of an injury to which this Part of this Act applies shall be wholly disentitled to any compensation under those Acts if in the opinion of the Judge the applicant was at or about the time the injury was committed

(a) associated or combined or in league directly or indirectly with the person or persons by whom the injury was committed for the committal of that injury or for the committal of other similar injuries to property, or

(b) a member or helper of or active sympathiser with any association or combination of an unlawful or seditious character by the members of which or on behalf of which or for the furtherance of the objects of which the injury was committed or

(c) a member or helper of or active sympathiser with any organisation engaged in armed opposition to the late Provisional Government of Ireland or the Government of Saorstát Eireann.

Attachment of re-instatement conditions to decrees in respect of buildings.

10.—(1) If on the hearing of an application to which this section applies, the Judge is of opinion that the applicant is entitled to compensation it shall be lawful for the Judge, subject to and in accordance with the provisions of this section, to attach to his decree one or other of the conditions following, that is to say:—

(i) a condition (in this section called a “full re-instatement condition”) that the compensation shall be applied either in or towards erecting a new building on the site of the injured building or in or towards repairing the injured building but so that the new or the repaired building shall be either of the same character as the injured building or of a character suitable to the neighbourhood and not less valuable than the injured building;

(ii) a condition (in this section called a “partial re-instatement condition”) that the compensation shall be applied in or towards the erection on or near the site of the injured building of another building (in this section called a “substituted building”) of a nature named by the applicant and specified in the decree and differing from the nature of the injured building.

(2) The Judge shall attach a full re-instatement condition to his decree in every case in which the injured building was

(a) situate in Upper O’Connell Street in the City of Dublin with a frontage to that street, or

(b) situate elsewhere and was immediately before the injury used for the purpose of any trade or business

(3) The Judge may if he thinks it reasonable in the circumstances of the case so to do, attach a full re-instatement condition to his decree in any case in which either—

(a) the Judge is of opinion that the injury to the building has materially prejudiced the economic welfare of the district, or

(b) though the injury to the building has not materially prejudiced the economic welfare of the district, the applicant shows reasonable cause why a full re-instatement condition should be attached to the decree.

In considering whether it is reasonable to attach such condition as aforesaid to his decree the Judge shall have regard to the use made of the building immediately before the injury and shall not have regard to any proposal for a different future use of the building if re-instated.

(4) The Judge shall not attach a full re-instatement condition to his decree in any case in which he is of opinion that the injury to the building has not materially prejudiced the economic welfare of the district and the applicant does not show reasonable cause why a full re-instatement condition should be attached to the decree.

(5) The Judge if he thinks it right to do so may in any case (except a case in which he is by this section required to attach a full re-instatement condition to his decree) attach a partial re-instatement condition of his decree provided he is satisfied that the substituted building named by the applicant would not be unsuited to the neighbourhood and that there would not be an unreasonable discrepancy between the cost of erecting the substituted building and the market value thereof when completed.

(6) In every case in which a full re-instatement condition attached to the decree the amount of the compensation shall not exceed the amount of the cost of the full re-instatement less the amount, if any, by which in the opinion of the Judge the price of the premises as reinstated would by reason of the re-instatement exceed the price of the premises in the condition in which they were immediately before the injury or destruction, the price in each case being estimated according to normal market conditions as at the date of the award and on the basis of a sale of the fee simple interest in the premises.

(7) The compensation in any case in which no re-instatement condition is attached to the decree shall not exceed the amount by which the market value of the buildings was reduced by the injury.

(8) In every case in which a partial re-instatement condition is attached to the decree the compensation shall be the probable cost of the erection of the substituted building with such further sum (if any) as the Judge shall consider reasonable having regard to the value of the injured building and the other circumstances of the case, but the total amount of the compensation shall be so measured that the estimated market value of the substituted building together with the further sum aforesaid (if any) shall not exceed the amount by which the market value of the injured building was reduced by the injury.

Where the compensation awarded under this sub-section includes any such further sum as aforesaid beyond the probable cost of the erection of the substituted building the partial re-instatement condition shall attach only to so much of the compensation as represents such probable cost.

(9) Notwithstanding anything in the foregoing provisions of this section, in any case in which the injured building was in use as a residence immediately before the injury and the nature of the building was such that though the building was not without value it had no market value or it would be impracticable or very difficult to estimate the market value the Judge whether he attaches or does not attach a reinstatement condition to his decree may grant such compensation as he considers reasonable in the circumstances of the case not exceeding in the whole the amount which he estimates to be necessary to acquire elsewhere the fee-simple of premises which would provide suitable accommodation of the standard appropriate for the persons ordinarily accommodated in the building before the injury, less the estimated market value of any remains of the building; provided that the Judge in considering whether the total award of compensation is within the amount aforesaid, may as regards any part of the compensation which is subject to a condition of reinstatement reckon that part according to the estimated market value of the work-to be done by way of reinstatement instead of the actual amount of the conditional award.

(10) A substituted building may consist of one or more attached, detached or semi-detached houses.

(11) Where several persons have different interests in any injured building and no re-instatement condition is attached to the decree the Judge shall apportion the compensation amongst such persons in such proportions as he thinks right and may cancel or vary in such manner as he thinks reasonable having regard to the other terms of his decree any of the covenants and conditions contained in any lease under which the injured building is held.

(12) Where several persons have different interests in any injured building and a full or a partial re-instatement condition is attached to the decree the Judge shall award the compensation to the owner or owners of such one of those interests as the Judge thinks right and shall cancel or vary in such manner as he thinks just all or any of the terms of and the covenants and conditions contained in every or any lease under which the buildings are held, and may if he considers it just so to do wholly terminate and cancel any such lease. 5

(13) This section shall apply to every application for compensation under the Criminal Injuries Acts in respect of the injury of any building by an injury to which this Part of this Act applies. 10

(14) Where an application is partly for such compensation as is mentioned in the foregoing sub-section and partly for compensation in respect of other matters this section shall apply to the application in so far as it relates to such compensation as is mentioned in the foregoing sub-section. 15

(15) In this section—

the word “building” includes a house, shop, factory, or any other permanent structure; 20

the expression “market value” means the amount which the fee-simple of the building if sold in the open market by a willing seller immediately before its injury might have been expected to realise but without making any reduction or allowance on account of the possibility or probability of the building being injured in the way in which it was injured; 25

the word “injury” includes destruction as well as damage;

the expression “injured building” includes a destroyed building as well as a damaged building. 30

Measure of compensation for destruction or damage of documents.

11.—(1) Wherever an application for compensation under the Criminal Injuries Acts in respect of an injury to which this Part of this Act applies includes a claim for compensation in respect of the destruction of or damage to any documents to which this section applies, the compensation (if any) payable in respect of such documents shall be measured in accordance with a scale to be prepared by the Minister for Finance in consultation with the Law Officer of Saorstát Eireann and the President of the Incorporated Law Society of Ireland. 35 40

(2) The documents to which this section applies are—

(a) title deeds and other deeds;

(b) contracts and agreements in writing;

(c) debentures;

(d) stock and share certificates and other documents of title to any stock or share; 45

(e) policies of insurance ;

(f) wills, probates and letters of administration, and official copies thereof ;

5 (g) official copies of Court orders, affidavits and other documents relating to legal proceedings.

(3) This section applies to the documents aforesaid, whether the same were in the possession of the applicants as being the person legally entitled to the custody thereof, or as being Solicitor for such person or as holding such documents for such person
10 for safe custody only.

12.—(1) The compensation and the costs awarded by any decree made under the Criminal Injuries Acts in respect of an injury to which this part of this Act applies shall be paid to the applicant or other person entitled thereto under such decree
15 by the Minister for Finance in the manner provided by this section. Mode of payment
of compensation

(2) Every such decree as aforesaid shall declare the compensation, and the costs thereby awarded to be payable to the applicant or other person entitled thereto, but no such decree shall
20 contain any declaration as to the person by whom such compensation is payable.

(3) The Minister for Finance may deduct from the amount of any compensation payable by him under this section the amounts following, that is to say :—

25 (a) any debt or other sum of money due or payable by or collectable from the applicant or other person entitled to such compensation to or by the late Provisional Government of Ireland, or the Government of Saorstát Eireann or any Department or authority of either
30 of those Governments ;

(b) any money due or payable by or collectable from the applicant or other person entitled to such compensation to or by the Irish Land Commission ;

35 (c) any money due or payable by the applicant or other person entitled to such compensation in respect of any poor-rate or other rate levied by any county or district council or town commissioners.

(4) All costs payable by the Minister for Finance under this section shall be paid in money out of moneys to be provided by
40 the Oireachtas.

(5) The Minister for Finance shall pay in money out of moneys to be provided by the Oireachtas the following portions of any compensation payable by him under this section, that is to say :—

45 (a) any compensation to which a re-instatement condition is attached ;

- (b) the whole of the compensation in every case in which the total amount of the compensation does not exceed £500 ;
- (c) the first £500 and one-half of the excess above £500 in every case in which the total amount of the compensation to which no reinstatement condition is attached exceeds £500 and does not exceed £3,500 ; 5
- (d) the first £2,000 in every case in which the amount of the compensation to which no reinstatement condition is attached exceeds £3,500 ; 10
- (e) such further sum not exceeding £50 in addition to the amounts aforesaid as is necessary to reduce the balance of the compensation remaining to be dealt with under the next sub-section to a multiple of £50.
- (6) So much of any compensation as is not payable in money under the foregoing sub-section shall be paid by the Minister for Finance to the applicant, or other person entitled thereto, by the issue to the applicant or other person aforesaid of a security or securities created under this section for the amount of so much as aforesaid of such compensation. 15
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- (7) The Minister for Finance may, for the purpose of the foregoing sub-section, by order create such securities bearing such rate of interest and subject to such conditions as to repayment, redemption or otherwise as he shall think fit. 25
- Every order made by the Minister for Finance under this sub-section shall forthwith be laid before each House of the Oireachtas, and if both such Houses shall within the next twenty-one days on which either House has sat after such Order is laid before the Houses pass resolutions annulling such Order, such Order shall be annulled, but such annulment shall not prejudice or invalidate any matter or thing previously done under such Order. 30
- (8) The principal and interest of all securities issued under this section, and the expenses incurred in connection with the issue of such securities shall be charged on the Central Fund or the growing produce thereof. 35
- (9) In every case in which the Minister for Finance shall have received notice of any assignment, mortgage or charge affecting the compensation payable by him under this section, he may, subject and without prejudice to any reinstatement condition attached to such compensation or any part thereof, pay such compensation into the County Court by which the decree awarding such compensation was made, and such compensation shall be subject to the rules of Court for the time being in force in regard to moneys paid into County Court under section 42 of the Trustee Act, 1893 (56 and 57 Vict., Ch. 53), be dealt with in accordance with orders of that Court. 40
45
- (10) In every case in which the Minister for Finance shall have received no notice of any assignment, mortgage, or charge affecting the compensation payable by him under this section, he shall, subject and without prejudice to any reinstatement condition attached to such compensation or any part thereof, pay such compensation to the person to whom the same is declared by the decree to be payable, and the receipt of such person for such compensation shall be a sufficient discharge to the Minister for Finance. 50
55
- (11) The costs referred to in this section do not include any costs which, in the opinion of the Judge, ought to be borne by the party who incurred same, or to any costs which, in the opinion of the Judge, ought to be paid by the applicant to any other party. 60

- 13.—(1) The Council of every county and urban district in Saorstát Éireann shall in each of the five financial years beginning on the 1st day of April, 1923, the 1st day of April, 1924, the 1st day of April, 1925, the 1st day of April, 1926, and the 1st day of April, 1927, respectively, pay to the Exchequer of Saorstát Éireann in accordance with such directions as may be given for the purpose by the Minister for Finance, an amount equivalent to the produce of a rate of sixpence in the pound levied throughout the county or urban district.
- 5
- (2) The amount required to be paid to the Exchequer under the foregoing sub-section shall be raised in the like manner as the amounts of decrees awarded under the Criminal Injuries Acts are raisable by the Council of a county or an urban district.
- 10
- (3) There shall be issued out of the Central Fund of Saorstát Éireann or the growing produce thereof, an amount equivalent to any sum paid to the Exchequer under this section, and such amount shall be paid into and form part of the Road Fund.
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- (4) From and after the passing of this Act, the Road Fund may, in addition to any other application for the time being authorised by law, be applied for repairing any damage (including total destruction) done at any time prior to the 6th day of February, 1923, to any road or to any bridge, viaduct, or sub-way over or under or supporting any road.
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- 14.—(1) Any person who claims to have suffered loss by a wrongful act to which this section applies may at any time within three months after the passing of this Act, lodge an application for compensation under the Criminal Injuries Acts in respect of such loss.
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- (2) The Judge shall hear and inquire into every application lodged under this section, and if he is not satisfied that the applicant has suffered loss by a wrongful act to which this section applies, he shall dismiss the application upon such terms as to costs as appear to him to be just.
- 30
- (3) If the Judge, after hearing and inquiring into an application lodged under this section is satisfied that the applicant has suffered loss by a wrongful act to which this section applies, he shall not make any decree on such application, but in lieu thereof he shall report in writing to the Minister for Finance—
- 35
- (a) that the applicant has suffered loss by a wrongful act to which this section applies ;
- 40
- (b) the sum which would fairly compensate the applicant for such loss ;
- (c) whether the applicant was insured against such loss, and, if so, the particulars of such insurance.
- (4) The Judge shall fix the sum mentioned in clause (b) of the preceding sub-section on the same principles as the compensation for an injury to which this Part of this Act applies is to be fixed under the Criminal Injuries Acts and this Act, and shall state in his report whether in his opinion any, and if so what, reinstatement condition should be attached to such sum.
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- (5) The Judge may, at the request of the applicant at any stage of the proceedings, treat an application lodged under this section as an application under the Criminal Injuries Acts for compensation for an injury to which this Part of this Act applies, and deal with it accordingly.
- 55
- (6) The Judge may, at the request of the applicant at any stage of the proceedings, treat an application under the Criminal Injuries Acts for compensation for an injury to which this Part of this Act applies as an application lodged under this section, and deal with it accordingly.
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Contribution to be made by County and Urban District Councils.

Application for compensation may be lodged in certain cases.

(7) Nothing in this section shall confer on any person any right to compensation under the Criminal Injuries Acts or otherwise for any loss suffered by a wrongful act to which this section applies.

(8) This section applies to any wrongful act which fulfils all the following conditions, viz. :— 5

(a) the wrongful act must consist of the taking away of chattels without the consent of the owner ;

(b) the chattels must not be—

(i) watches, jewellery or articles of personal ornament kept by the owner otherwise than as part of his stock-in-trade. 10

(ii) coins, bank or government notes or currency of any country.

(iii) postage or other adhesive stamps. 15

(iv) postal orders or post office money orders.

(c) the taking away must have occurred after the 11th day of July, 1921, and on or before the 6th day of February, 1923 ;

(d) the chattels must have been taken away by a person or persons.— 20

(i) engaged in or purporting to act in the name or on behalf of any combination or conspiracy for the overthrow of the late Provisional Government of Ireland or of the Government of Saorstát Eireann, or 25

(ii) belonging to or acting or purporting to act on behalf of any unlawful or seditious association or

(iii) requisitioning or purporting to requisition the chattels for the use of or for consumption by any organisation engaged in armed resistance to the Provisional Government of Ireland or to the Government of Saorstát Eireann. 30

(9) This section also applies to any wrongful act consisting of the destruction of or damage to any property which occurred after the 11th day of July, 1921, and on or before the 6th day of February, 1923, in the course of or as an incident in a conflict between the armed forces of the Provisional Government of Ireland or the Government of Saorstát Eireann and any persons offering armed resistance to such forces. 35 40

(10) All the provisions of the Criminal Injuries Acts and of Parts II. and III. of this Act so far as the same are not inconsistent with the provisions of this section shall apply to any application lodged under this section as fully as if such application was an application for compensation under the Criminal Injuries Acts in respect of an injury to which this Part of this Act applies. 45

Application of
this part of this
Act.

15. This Part of this Act applies to all injuries to property which occurred after the 11th day of July, 1921, and on or before, but not after, the 6th day of February, 1923, and in respect of which compensation could have been given under the Criminal Injuries Acts if this Act had not been passed. 50

PART III.

GENERAL PROVISIONS AND REPEALS.

16.—(1) No proceedings under the Criminal Injuries Acts or any Act repealed by this Act shall be instituted after the passing of this Act in respect of any injury to which this section applies.

No proceedings to be taken in respect of injuries to the person

(2) All proceedings under the Acts aforesaid which are pending at the passing of this Act in respect of an injury to which this section applies and in which no decree has been made shall be and are hereby declared to be void and to be discharged, and no party to any such proceedings shall have any claim against any other party thereto in respect of costs incurred in such proceedings.

(3) It shall not be lawful for any person after the passing of this Act to take any steps to recover or enforce payment of the amount of any decree made before the passing of this Act under the Acts aforesaid in respect of any injury to which this section applies.

This sub-section shall apply to all costs and expenses as well as to compensation awarded by any such decree, and to the interest on any such compensation which carries interest.

(4) This section shall apply to proceedings in and decrees on any appeal as well as to proceedings in and decrees of a court of first instance.

(5) This section shall apply to all injuries to the person which occurred after the 11th day of July, 1921, and on or before the 6th day of February, 1923.

17.—(1) All the powers of appointing a person to act temporarily as an additional Judge of a County Court conferred by section 8 of the Criminal Injuries (Ireland) Act, 1920, on the Lord Chancellor shall from and after the passing of this Act be exercisable by the Governor-General of Saorstát Eireann acting on the advice of the Executive Council as fully as if the Governor-General acting as aforesaid was named throughout the said section in the place of the Lord Chancellor.

Amendment of s. 8 of 10 & 11 Geo. 5, c. 66.

(2) Every person appointed under the said section 8 of the Criminal Injuries (Ireland) Act, 1920, as amended by this section to act temporarily as an additional judge of a County Court shall receive out of moneys provided by the Oireachtas such remuneration as the Minister for Finance shall appoint.

18.—(1) The several Acts specified in the First Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Repeals

(2) The repeal of section 3 of the Criminal Injuries (Ireland) Act, 1920, effected by this section shall be retrospective to the extent that every order of certiorari and every order for attachment made under that section before the passing of this Act shall be and be deemed always to have been void and of no effect, and any money paid under or in pursuance of any such order shall be re-payable and recoverable on demand at any time within six months after the passing of this Act.

(3) The repeal of section 4 of the Criminal Injuries (Ireland) Act, 1920, effected by this section shall be retrospective to the extent that so much as is at the passing of this Act unpaid of the amount recovered (excluding therefrom any sums recovered for costs or expenses) under any decree made against a County Council after the 23rd day of December, 1920, and before the passing of this Act shall not carry any interest but such repeal shall be without prejudice to and shall not give any right of repayment in respect of any interest actually paid under the said section before the passing of this Act.

Definitions.

19.—In this Act :—

the expression "Criminal Injuries Acts" means the enactment specified in the Second Schedule to this Act;

the word "injury" means any loss, damage or injury in respect of which compensation could be given under the Criminal Injuries Acts; 5

the word "Judge" includes a Recorder and also includes a Judge of Assizes or other Judge or Court hearing appeals from a County Court Judge or Recorder.

Short Title.

20.—This Act may be cited as the Criminal Injuries Act, 1923. 10

FIRST SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Geo. 5, c. 14	The Criminal Injuries (Ireland) Act, 1919.	The whole Act.
10 & 11 Geo. 5, c. 31	The Restoration of Order in Ireland Act, 1920.	Clause (i) of Sub-section 4 of Section 1.
10 & 11 Geo. 5, c. 66	The Criminal Injuries (Ireland) Act, 1920.	Sub-section (1) of Section 1; Sections 3, 4, and 7.

SECOND SCHEDULE.

ACTS REFERRED TO

Enactments relating to Compensation for Criminal Injury.

Session and Chapter.	Short Title.	Enactments referred to;
6 & 7 Will. 4, c. 116	The Grand Jury (Ireland) Act, 1836.	Section one hundred and six; Sections one hundred and thirty-five to one hundred and forty so far as unrepealed.
11 & 12 Vict. c. 69	The Malicious Injuries (Ireland) Act, 1848.	The whole Act.
16 & 17 Vict. c. 38	The Malicious Injuries (Ireland) Act, 1853.	The whole Act.
57 & 58 Vict. c. 60	The Merchant Shipping Act, 1894.	Section five hundred and fifteen so far as it relates to Ireland.
61 & 62 Vict. c. 37	The Local Government (Ireland) Act, 1898.	Section five.
10 & 11 Geo. 5, c. 66	The Criminal Injuries (Ireland) Act, 1920.	The whole Act except Sections one, three, four and seven.

Also any enactment (other than this Act or any enactment repealed by this Act) applying or amending any of the above enactments, or otherwise touching compensation thereunder.

[Saorstát Eireann.

BILLE TIMPEAL DÍOBHÁIL
CHOIRIÚIL AGUS MHAILÍSEACH
(LEASÚ), 1923.

Uimhir 2 de 1923.

BILLE

(*mar ho tugadh isteach*)

(*dá ngairmtear*)

Acht chun leasú agus síne do dhéanamh
ar na hachtanna a bhaineann le cúiteamh
i ndíobháil choiriúil.

An t-Aire um Airgead do thug isteach.

*Do hordúodh, ag Dáil Eireann, do chlóbhuala,
19adh Mí na Nodlag, 1922.*

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Saorstát Eireann.

(Criminal and Malicious Injuries
(Amendment) Bill, 1923.

Number 2 of 1923.

BILL

(*as introduced*)

(*entitled*)

AN ACT to amend and extend the
enactments relating to compensation for
criminal injuries.

Introduced by the Minister for Finance.

*Ordered, by Dáil Eireann, to be printed,
19th December, 1922.*

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