

Northern Ireland Unreported Judgments

**Booth v Secretary of State for Northern Ireland**

**QUEEN'S BENCH DIVISION**

**NICHOLSON J**

**3 MAY 1990**

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This is an application for compensation under Article 4 of the Criminal Injuries (Compensation) (Northern Ireland) Order 1977. A preliminary point arises for decision. The applicant was convicted on 9th March 1978 at Belfast City Commission of placing a TK Bedford lorry across the Coleraine/Limavady Road close to Coleraine, Co Londonderry, with the intention of inducing in some other person a belief that it was likely to ignite or explode and thereby cause personal injury or damage to property, contrary to Article 3(a) of the Criminal Law (Amendment) (Northern Ireland) Order 1977. Accordingly it is submitted on behalf of the Secretary of State that the applicant is debarred from applying for compensation.

Article 6(3)(b) provides:-

"Without prejudice to Article 5(2), compensation shall not be payable to or for the benefit of, or in respect of a criminal injury to, any person -

(a) . . .

or

(b) who has been engaged in the commission, preparation or instigation of acts of terrorism at any time whatsoever . . ."

"Terrorism" is defined by Article 2(2) as meaning "the use of violence for political ends and includes any use of violence for the purpose of putting the police or any section of the public in fear".

Accordingly it was submitted that the applicant committed an act of terrorism in placing the lorry across the road.

The written statement of the applicant made to D/C McKinney at Coleraine RUC Station in connection with the offence was put in on behalf of the Secretary of State and Inspector Fitzpatrick of the RUC gave evidence on behalf of the Secretary of State.

The relevant facts are that Her Majesty the Queen was to visit the New University at Coleraine on the 12th August 1977. On the morning of the 11th August the applicant and others took a lorry without the consent of the owner and placed it across the public road between Limavady and Coleraine close to a major roundabout at Coleraine "to cause disruption and that people would think it was a hoax bomb".

Inspector Fitzpatrick testified that the lorry blocked the road entirely, that there were gas cylinders on the back of the lorry, that twenty houses had to be evacuated, that one person had to be removed by ambulance, that there were traffic diversions, that an ATO carried out a controlled explosion on the lorry, that part of the lorry was destroyed and traffic was prevented from using the road till 5 am on the 12th August.

In cross-examination he accepted that there was no paramilitary involvement, that the motivation was displeasure at the Royal visit.

It was submitted on behalf of the applicant that the act of the applicant was not an "act of terrorism" or of "violence" and did not involve "the use of violence".

In my view, it was an act done with the purpose of putting a section of the public in fear. The question is whether the act also involved the "use of violence".

"Violent offence" is defined by Article 2(2) as meaning,

"(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 . . .

(g) a related offence."

The lorry was damaged as the result of a controlled explosion carried out by an ATO. Any teenager in Northern Ireland in 1977 must have been aware that steps would be likely to be taken by someone such as an ATO to carry out a controlled explosion on a lorry, believed to contain a bomb. The applicant was then 19 years of age.

In addition, it appears to me that an act involves the use of violence if it is an act designed to threaten the lives and property of others or intended to lead others to believe that their lives or property are endangered. The purpose of the applicant's act was to put others in fear of their lives and in fear that their property was liable to be destroyed. It was an act involving the use of violence comparable with the aiming of an unloaded gun at a crowd of persons who had no means of knowing that the gun was unloaded, with the intention of frightening them. In my view, such an act as the placing of a hoax bomb on a public road with the intention of frightening a member of the public is an act involving the use of violence within the meaning of the 1977 order.

Accordingly, the applicant is debarred from bringing his present claim under the 1977 order.

*Judgment accordingly*