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Compensation Claim against the British Government

1. The Government decided in May 1974 that the Exchequer would recoup in full the cost of local authorities of compensation for malicious injuries to private property which, in the opinion of the Chief Superintendent of the area, were caused by the use of explosives and were attributable to the disturbances in Northern Ireland. Under this scheme the Exchequer has to date recouped to the local authorities an amount of £672,374. A claim for reimbursement for the compensation for property so damaged and in respect of which Exchequer recoupment to local authorities has taken place was first made to the British authorities in January 1978.

2. A claim in respect of compensation for damage to public property totalling £164,870 has also been made to the British.

3. In an interim reply on 10 July 1978 the British stated that while reserving their position on the principle of legal liability and in regard to the Irish assessment of the amounts of damage caused they wished to assure us that it was their intention to make good, as soon as the security situation allows, the damage to public property, caused on both sides of the border by British cratering operations; thus eliminating the need for compensation.

4. As regards the claim pertaining to damage to private property it would be necessary for the British to satisfy themselves that the Irish Government, having voluntarily assumed responsibility for paying compensation, now have a legal right to seek reimbursement from Britain and that this subsumes all rights of claims previously held by the individual claimants. They would indicate as soon as possible whether they were satisfied on these two points.

5. We replied on 18 January 1979 rejecting the British proposal to carry out repairs to public property on our side of the border "as soon as the security situation permits" because of the complications (e.g. work scheduling) that this would give rise to and also because of our insistence on entitlement to compensation for damage to our property regardless of whether or when the work is carried out.

We expressed the hope that a positive response on the claims re damage to both public and private property would be forthcoming in the very near future.

6. Since that time we have had no written communication from the British. The Foreign and Commonwealth Office (FCO) have informed the London Embassy orally that it is in the process of seeking authority from the Treasury to open negotiations with us and to adjudicate which Ministry should carry the financial responsibility.

7. We raised the matter with the British in February 1982 asking if they could indicate whether they are prepared to pay compensation for the damage in question. They repeated assurances that the matter had not been lost sight of but refused to commit themselves as to when they would be in a position to open negotiations. In November the British indicated informally that they would soon be in a position to discuss compensation but efforts by the Embassy in London to find out when "soon" might be, have not met with success. The Embassy made a formal approach in December to request a meeting for early January to resolve the problem. The British response is awaited.

Department of Foreign Affairs
December 1982

In a Note of 28 April 1976 the British Embassy advised the Department that the Ministry of Defence Claims Commission would consider on a legal liability basis claims from those whose property is alleged to have been damaged or from their insurers who have paid out under their policies and who have legally maintainable subrogated rights. The Claims Commission require any claimant to produce the evidence necessary to prove his case both as a liability and quantum, as he would have to do in a court of law. Any legal action he wishes to raise must be commenced within the time laid down by statute (normally 5 years for non-personal injury claims). There are no special rules governing