

MANAGEMENT OF OFFENDERS ETC. (SCOTLAND) ACT 2005

EXPLANATORY NOTES

INTRODUCTION

Integrated Management Of Offenders

Section 20 – Recovery of criminal injuries compensation from offenders

133. This section has the effect of extending section 57 of the Domestic Violence, Crimes and Victims Act 2004 to Scotland. That section permits the provision of a general power for recovery by the Criminal Injuries Compensation Authority of sums paid to victims of crime from the perpetrator of those crimes. Section 57 does this by inserting new sections 7A to 7D into the Criminal Injuries Compensation Act 1995.
134. The power of recovery is to be contained in Regulations, made under those inserted sections. Section 7A permits the recovery of compensation; section 7B provides for procedural provision for putting the perpetrator on notice that the Criminal Injuries Compensation Authority is minded to take recovery proceedings; section 7C makes provision for review of decisions to recover sums paid out; and section 7D provides for the means by which sums sought to be re-paid are recovered by the Criminal Injuries Compensation Authority.
135. This section of the Act extends section 57 (and thereby inserted sections 7A to 7D of the Criminal Injuries Compensation Act 1995) to Scotland and makes necessary amendments to the operation of the inserted sections, in their application to Scotland.
136. These amendments are the conferring of the powers to make subordinate legislation on the Scottish Ministers rather than the Secretary of State and the insertion of a provision relating to Scottish Parliamentary procedure. There is also a necessary amendment to the law of prescription and limitation in Scotland, to mirror an amendment made to an equivalent statute applying only to England & Wales.