
STATUTORY INSTRUMENTS

1998 No. 1504

The Criminal Justice (Children) (Northern Ireland) Order 1998

PART VI

SENTENCING AND OTHER POWERS

Fines and recognizances

PROSPECTIVE

[^{F1}Parental compensation orders: the compensation

36ZB.—(1) When specifying the amount of compensation for the purposes of Article 36ZA(3), the magistrates' court shall take into account—

- (a) the value of the property taken or damaged, or whose loss was caused, by the child;
 - (b) any further loss which flowed from the taking of or damage to the property, or from its loss;
 - (c) whether the child, or any parent or guardian of his, has already paid any compensation for the property (and if so, how much);
 - (d) whether the child, or any parent or guardian of his, has already made any reparation (and if so, what it consisted of);
 - (e) the means of those to be specified in the order as liable to pay the compensation, so far as the court can ascertain them;
 - (f) whether there was any lack of care on the part of the person affected by the taking of the property or its loss or damage which made it easier for the child to take or damage the property or to cause its loss.
- (2) If property taken is recovered before compensation is ordered to be paid in respect of it—
- (a) the court shall not order any such compensation to be payable in respect of it if it is not damaged;
 - (b) if it is damaged, the damage shall be treated for the purposes of making a parental compensation order as having been caused by the child, regardless of how it was caused and who caused it.
- (3) The court shall specify in the order how and by when the compensation is to be paid (for example, it may specify that the compensation is to be paid by instalments, and specify the date by which each instalment must be paid).
- (4) For the purpose of ascertaining the means of the parent or guardian, the court may, before specifying the amount of compensation, order him to provide the court, within such period as it may specify in the order, such a statement of his financial circumstances as the court may require.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Children) (Northern Ireland) Order 1998, Section 36ZB. (See end of Document for details)

(5) A person who without reasonable excuse fails to comply with an order under paragraph (4) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) If, in providing a statement of his financial circumstances pursuant to an order under paragraph (4), a person—

- (a) makes a statement which he knows to be false in a material particular;
- (b) recklessly provides a statement which is false in a material particular; or
- (c) knowingly fails to disclose any material fact,

he is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) Proceedings in respect of an offence under paragraph (6) may, despite anything in Article 19 of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months of its first discovery by the applicant, whichever period expires earlier.

(8) Paragraphs (1)(e) and (4) to (7) do not apply in the case of an order specifying an authority as liable to pay the compensation.]

F1 Arts. 36ZA-36ZE inserted (prosp.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 144, 178(8), [Sch. 10 para. 8](#) (with [Sch. 10 para. 10](#))

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