
DRAFT STATUTORY INSTRUMENTS

2002 No.

Criminal Injuries Compensation (Northern Ireland) Order 2002

PART III

MISCELLANEOUS

Recovery from offender

14.—(1) Where—

- (a) any person is convicted of a crime of violence; and
- (b) an award has been paid or is payable in respect of a criminal injury directly attributable to that crime,

a county court may, on an application made to it by the Secretary of State, make an order directing the offender to reimburse to the Secretary of State the whole of the amount of the award or such part of that amount as may be specified in the order.

(2) Any such order may be for the payment by the offender of a lump sum or of periodical payments during such period as may be specified in the order, or both, and, in any event, shall be enforceable in the same manner as a county court decree for a debt is enforceable.

(3) Before making an order under this Article, the court shall—

- (a) give the offender an opportunity to be heard; and
- (b) have regard to the financial position of the offender, his employment, the possibilities of his future employment, his liabilities to his family and otherwise and such other circumstances as the court considers relevant;

and may, for the purposes mentioned in sub-paragraph (b), obtain and consider a report from a probation officer.

(4) The court may at any time, on the application of the Secretary of State or of the offender, vary any order under this Article in such manner as it thinks fit.

(5) In considering an application under paragraph (4) the court shall have regard to—

- (a) any fresh evidence which has become available;
- (b) any change of circumstances which has occurred since the making of the order or, as the case may be, any previous variation of the order, or which is likely to occur; and
- (c) any other matter which the court considers relevant.

(6) Where the total amount reimbursed to the Secretary of State under this Article and under Article 15 in respect of any criminal injury exceeds the amount of the award made in respect of that injury, the Secretary of State shall repay the excess to the offender.

(7) In this Article and Article 15 “award” includes any expenses incurred by the Secretary of State in recovering, or attempting to recover, any compensation from the offender in pursuance of this Article.