
DRAFT STATUTORY INSTRUMENTS

2002 No.

Criminal Injuries Compensation (Northern Ireland) Order 2002

PART III

MISCELLANEOUS

Recovery from victim, etc.

15.—(1) Where an award is made to a person in respect of a criminal injury, and a relevant sum has been or is subsequently paid to that person in respect of that injury, or that person becomes entitled to a relevant sum in respect of that injury, that person shall forthwith notify the Secretary of State and shall, subject to paragraph (3), forthwith reimburse to the Secretary of State—

- (a) the amount of the award if that amount is equal to or less than the relevant sum, or
- (b) the relevant sum, if the amount of the award is greater.

(2) In this Article, a “relevant sum” means—

- (a) any criminal injury compensation award made under or pursuant to arrangements in force in Great Britain;
- (b) any compensation award or similar payment from the funds of any other country; or
- (c) any award where—
 - (i) a civil court has made an order for the payment of damages, or
 - (ii) a claim for damages or compensation has been settled on terms providing for the payment of money, or
 - (iii) payment of compensation has been ordered by a criminal court in respect of personal injuries.

(3) Where an award is made to a person in respect of a criminal injury, and civil proceedings have been or are subsequently instituted in any court against the offender as a result of the injury and—

- (a) that court awards damages against the offender in favour of that person; or
- (b) the parties agree to settle the proceedings in consideration of the payment by the offender to that person of an agreed amount of damages,

that court may order the offender to pay the damages so awarded or agreed or any part thereof into court.

(4) Where a court makes an order under paragraph (3)—

- (a) it shall direct—
 - (i) the payment to the Secretary of State out of any money paid into court under its order of such amount or sum as would have been reimbursed to him under paragraph (1) if that money had been paid to the person to whom the award was made; and
 - (ii) that the balance, if any, of the money paid into court under its order shall be paid to that person or otherwise dealt with for the benefit of that person as the court may, in the circumstances of the case, consider proper; and

(b) any amount or sum so paid to the Secretary of State by virtue of the direction of the court shall be deemed to have been paid to the Secretary of State under paragraph (1).

(5) Where on an application made to it by the Secretary of State, the county court is satisfied—

(a) that the Secretary of State has paid compensation to any person; but

(b) that that person failed to make full and true disclosure of all the facts material to the determination of the application,

the county court may make an order requiring that person to reimburse to the Secretary of State the compensation or such part of it as the court may specify.

(6) Any sum required to be reimbursed under paragraph (1) or (5) and not so reimbursed—

(a) shall be recoverable as a debt due to the Secretary of State;

(b) may, without prejudice to the right of the Secretary of State to sue in the High Court or to any other remedy for the recovery thereof, and irrespective of the amount thereof, be recoverable by the Secretary of State in the county court by civil bill or summarily as a civil debt.

(7) Any person who, being required by paragraph (1) to notify the Secretary of State of the receipt of any relevant sum, fails to do so without reasonable cause shall, without prejudice to his liability under that paragraph to reimburse any sum to the Secretary of State be guilty of an offence and shall, on summary conviction, be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.