



# Management of Offenders etc. (Scotland) Act 2005

2005 asp 14

## *Miscellaneous*

### **20 Recovery of criminal injuries compensation from offenders**

- (1) The Criminal Injuries Compensation Act 1995 (c. 53) is amended as provided for in subsection (2) of section 57 of the Domestic Violence, Crime and Victims Act 2004 (c. 28).
- (2) But in the provision to be inserted, by virtue of subsection (1) (above), into that Act of 1995—
  - (a) as section 7A(1), for the words “Secretary of State” substitute “ Scottish Ministers ”;
  - (b) as section 7B(3), for the words “Secretary of State” substitute “ Scottish Ministers ”; and
  - (c) as section 7D, for subsection (4) substitute—
    - “(4) For the purposes of section 6(3) of the Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of 5 years), the date when the obligation to pay that amount became enforceable shall be taken to be—
      - (a) the date on which the compensation was paid; or
      - (b) if later, the date on which the person from whom the amount is sought to be recovered was convicted of an offence to which the injury is directly attributable.”.
- (3) In section 11 of that Act of 1995, after subsection (8) insert—

“(8A) No regulations under section 7A(1) or order under section 7B(3) shall be made unless a draft of the regulations or order has been laid before, and approved by a resolution of, the Scottish Parliament.”.
- (4) In Schedule 1 to the Prescription and Limitation (Scotland) Act 1973 (c. 52), in paragraph 1 (application of section 6 of that Act), after sub-paragraph (d) insert—

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**Changes to legislation:** *There are currently no known outstanding effects for the Management of Offenders etc. (Scotland) Act 2005, Section 20. (See end of Document for details)*

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“(dd) to any obligation arising by virtue of section 7A(1) of the Criminal Injuries Compensation Act 1995 (recovery of compensation from offenders: general);”.

**Changes to legislation:**

There are currently no known outstanding effects for the Management of Offenders etc. (Scotland) Act 2005, Section 20.