
STATUTORY INSTRUMENTS

1977 No. 1247

**Criminal Damage (Compensation)
(Northern Ireland) Order 1977**

Recovery from offender

16.—(1) Where—

- (a) any person is convicted of a criminal offence; and
- (b) compensation has been paid or is payable in respect of any damage to, or unlawful removal of, property directly attributable to that offence,

a 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 an amount equal to the whole or any specified part of the amount of the compensation paid or payable.

(2) Any such order may be for the payment by the offender of a lump sum or of periodical payments during a specified period, 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 an 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 paid to the Secretary of State under this Article and under Article 17 in respect of any loss suffered for damage to, or unlawful removal of, property exceeds the amount of compensation paid by him in respect of that damage or unlawful removal the Secretary of State shall repay the excess to the offender or, as the case may be, to the applicant.

(7) In this Article and in Article 17 “compensation” includes—

- (a) any costs awarded, on an appeal under Article 15, to any person other than the Secretary of State;
- (b) any expenses incurred by the Secretary of State in recovering, or attempting to recover, any compensation from the offender or the applicant; and
- (c) any sum paid by the Secretary of State under Article 12(5).

Changes to legislation:

There are currently no known outstanding effects for the Criminal Damage (Compensation) (Northern Ireland) Order 1977, Section 16.