
STATUTORY INSTRUMENTS

1977 No. 1247

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

Recovery from applicant

17.—(1) Where—

- (a) compensation is paid to or for the benefit of any applicant under this Order; and
- (b) there has been or is subsequently paid to or for the benefit of the applicant by way of reparation or damages from the offender or on the offender's behalf any sum which has not been taken into account under Article 10(1)(c) at the time of assessing compensation,

the person receiving any such sum shall forthwith notify the Secretary of State and shall, subject to paragraph (2), forthwith reimburse to the Secretary of State—

- (i) the amount of the compensation paid to or for the benefit of the applicant, if that amount is equal to or less than that sum; or
- (ii) that sum, if the amount of the compensation paid is greater;

but so that no person shall be required by virtue of this paragraph to reimburse, in all, to the Secretary of State more than the amount of the compensation paid by the Secretary of State in respect of the application to which the compensation relates.

(2) Where compensation is paid to or for the benefit of any applicant and civil proceedings have been or are subsequently instituted in any court against the offender as a result of the act which gave rise to the claim for compensation and—

- (a) that court awards damages against the offender in favour of the applicant; or
- (b) the parties agree to settle the proceedings in consideration of the payment by the offender to or for the benefit of the applicant 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.

(3) Where a court makes an order under paragraph (2)—

- (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 or for the benefit of the applicant, and
 - (ii) that the balance, if any, of the money paid into court under this Order shall be paid to the applicant or otherwise dealt with for the benefit of the applicant 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).

(4) 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.

- (5) Any sum required to be reimbursed under paragraph (1), (3) or (4) 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.

(6) Any person who, being required by paragraph (1) to notify the Secretary of State of the receipt of any sum by way of reparation or damages, 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 six months or to a fine not exceeding^{F1} level 5 on the standard scale] or to both.

(7) In this Article “offender” includes any person who committed the act which gave rise to the claim for compensation.

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Changes to legislation:

There are currently no known outstanding effects for the Criminal Damage (Compensation) (Northern Ireland) Order 1977, Section 17.