
STATUTORY INSTRUMENTS

1988 No. 793

**Criminal Injuries (Compensation)
(Northern Ireland) Order 1988**

Recovery from offender

17.—(1) Where—

- (a) any person is convicted of a violent offence; and
- (b) compensation has been paid or is payable in respect of a criminal injury directly attributable to that offence, 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 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 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 18 in respect of any criminal injury exceeds the amount of compensation paid by him in respect of that injury, the Secretary of State shall repay the excess to the offender.

(7) In this Article and Article 18 “compensation” includes—

- (a) any costs awarded, on an appeal under Article 16, 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 in pursuance of this Article.