



Criminal Justice Act 1988

1988 CHAPTER 33

PART XI

MISCELLANEOUS

Miscarriages of justice

133 Compensation for miscarriages of justice.

- (1) Subject to subsection (2) below, when a person has been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows beyond reasonable doubt that there has been a miscarriage of justice, the Secretary of State shall pay compensation for the miscarriage of justice to the person who has suffered punishment as a result of such conviction or, if he is dead, to his personal representatives, unless the non-disclosure of the unknown fact was wholly or partly attributable to the person convicted.
 - (2) No payment of compensation under this section shall be made unless an application for such compensation has been made to the Secretary of State.
 - (3) The question whether there is a right to compensation under this section shall be determined by the Secretary of State.
 - (4) If the Secretary of State determines that there is a right to such compensation, the amount of the compensation shall be assessed by an assessor appointed by the Secretary of State.
- [^{F1}(4A) In assessing so much of any compensation payable under this section to or in respect of a person as is attributable to suffering, harm to reputation or similar damage, the assessor shall have regard in particular to—
- (a) the seriousness of the offence of which the person was convicted and the severity of the punishment resulting from the conviction;
 - (b) the conduct of the investigation and prosecution of the offence; and

Status: Point in time view as at 19/02/2001. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 1988, Section 133 is up to date with all changes known to be in force on or before 29 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) any other convictions of the person and any punishment resulting from them.]
- (5) In this section “reversed” shall be construed as referring to a conviction having been quashed—
- (a) on an appeal out of time; or
- (b) on a reference—
- [^{F2}(i) under the Criminal Appeal Act 1995; or]
- (ii) under section 263 of the ^{M1}Criminal Procedure (Scotland) Act 1975;
- ^{F3}
- ^{F3}(iii) [^{F4}or
- (c) on an appeal under section 7 of the Terrorism Act 2000]
- (6) For the purposes of this section a person suffers punishment as a result of a conviction when sentence is passed on him for the offence of which he was convicted.
- (7) Schedule 12 shall have effect.

Textual Amendments

- F1** S. 133(4A) inserted (1.1.1996) by 1995 c. 35, s. 28; S.I. 1995/3061, art. 3(e)
- F2** S. 133(5)(b)(i) substituted (31.3.1997) by 1995 c. 35, s. 29(1), Sch. 2 para. 16(4); S.I. 1997/402, art. 3(e)
- F3** S. 133(5)(b)(iii) and the word immediately preceding it repealed (1.1.1996) by 1995 c. 35, s. 29(2), Sch. 3; S.I. 1995/3061, art. 3(i)(vii) (and s. 133(5)(b)(iii) expressed to be repealed (31.3.1997) by 1995 c. 35, s. 29(1), Sch. 2 para. 16(4); S.I. 1997/402, art. 3(e))
- F4** S. 133(5)(c) and word or immediately preceding it inserted (19.2.2001) by 2000 c. 11, s. 7(8); S.I. 2001/421, art. 2

Marginal Citations

- M1** 1975 c. 21.

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