

Status: This version of this provision is prospective.

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Section 57 is up to date with all changes known to be in force on or before 20 April 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) View outstanding changes



Domestic Violence, Crime and Victims Act 2004

2004 CHAPTER 28

PART 3

VICTIMS ETC

CHAPTER 3

OTHER MATTERS RELATING TO VICTIMS ETC

Criminal injuries compensation

PROSPECTIVE

57 Recovery of criminal injuries compensation from offenders

- (1) The Criminal Injuries Compensation Act 1995 (c. 53) is amended as follows.
- (2) After section 7 insert—

“7A Recovery of compensation from offenders: general

- (1) The Secretary of State may, by regulations made by statutory instrument, make provision for the recovery from an appropriate person of an amount equal to all or part of the compensation paid in respect of a criminal injury.
- (2) An appropriate person is a person who has been convicted of an offence in respect of the criminal injury.

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- (3) The amount recoverable from a person under the regulations must be determined by reference only to the extent to which the criminal injury is directly attributable to an offence of which he has been convicted.
- (4) The regulations may confer functions in respect of recovery on—
 - (a) claims officers;
 - (b) if a Scheme manager has been appointed, persons appointed by the Scheme manager under section 3(4)(a).
- (5) The regulations may not authorise the recovery of an amount in respect of compensation from a person to the extent that the compensation has been repaid in accordance with the Scheme.

7B Recovery notices

- (1) If, under regulations made under section 7A(1), an amount has been determined as recoverable from a person, he must be given a notice (a “recovery notice”) in accordance with the regulations which—
 - (a) requires him to pay that amount, and
 - (b) contains the information mentioned in subsection (2).
- (2) The information is—
 - (a) the reasons for the determination that an amount is recoverable from the person;
 - (b) the basis on which the amount has been determined;
 - (c) the way in which and the date before which the amount is required to be paid;
 - (d) the means by which the amount may be recovered if it is not paid in accordance with the notice;
 - (e) the grounds on which and the procedure by means of which he may seek a review if he objects to—
 - (i) the determination that an amount is recoverable from him;
 - (ii) the amount determined as recoverable from him.
- (3) The Secretary of State may by order made by statutory instrument amend subsection (2) by—
 - (a) adding information;
 - (b) omitting information;
 - (c) changing the description of information.

7C Review of recovery determinations

- (1) Regulations under section 7A(1) shall include provision for the review, in such circumstances as may be prescribed by the regulations, of—
 - (a) a determination that an amount is recoverable from a person;
 - (b) the amount determined as recoverable from a person.
- (2) A person from whom an amount has been determined as recoverable under the regulations may seek such a review only on the grounds—
 - (a) that he has not been convicted of an offence to which the injury is directly attributable;

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- (b) that the compensation paid was not determined in accordance with the Scheme;
 - (c) that the amount determined as recoverable from him was not determined in accordance with the regulations.
- (3) Any such review must be conducted by a person other than the person who made the determination under review.
- (4) The person conducting any such review may—
- (a) set aside the determination that the amount is recoverable;
 - (b) reduce the amount determined as recoverable;
 - (c) increase the amount determined as recoverable;
 - (d) determine to take no action under paragraphs (a) to (c).
- (5) But the person conducting any such review may increase the amount determined as recoverable if (but only if) it appears to that person that the interests of justice require the amount to be increased.

7D Recovery proceedings

- (1) An amount determined as recoverable from a person under regulations under section 7A(1) is recoverable from him as a debt due to the Crown if (but only if)—
- (a) he has been given a recovery notice in accordance with the regulations which complies with the requirements of section 7B, and
 - (b) he has failed to pay the amount in accordance with the notice.
- (2) In any proceedings for the recovery of the amount from a person, it is a defence for the person to show—
- (a) that he has not been convicted of an offence to which the injury is directly attributable;
 - (b) that the compensation paid was not determined in accordance with the Scheme; or
 - (c) that the amount determined as recoverable from him was not determined in accordance with regulations under section 7A.
- (3) In any such proceedings, except for the purposes of subsection (2)(b), no question may be raised or finding made as to the amount that was, or ought to have been, the subject of an award.
- (4) For the purposes of section 9 of the Limitation Act 1980 (time limit for actions for sums recoverable by statute to run from date on which cause of action accrued) the cause of action to recover that amount shall be taken to have accrued—
- (a) on the date on which the compensation was paid; or
 - (b) if later, on the date on which a person from whom an amount is sought to be recovered was convicted of an offence to which the injury is directly attributable.
- (5) If that person is convicted of more than one such offence and the convictions are made on different dates, the reference in subsection (4)(b) to the date on which he was convicted of such an offence shall be taken to be a reference

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to the earlier or earliest (as the case may be) of the dates on which he was convicted of such an offence.”

(3) In section 9(7) (financial provisions: sums payable into Consolidated Fund), after “section 3(1)(c)” insert “, or by virtue of regulations made under section 7A(1), ”.

(4) In section 11, 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 Parliament and approved by a resolution of each House.”

Modifications etc. (not altering text)

C1 S. 57(2) amended (S.) (and s. 57 thereby extended to S.) (8.12.2005) by the [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), **ss. 20(1)(2)**, 24(1)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [Sch. 9 para. 26A](#) inserted by [2015 c. 2 Sch. 3 para. 12](#)