



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 3

PROSECUTION AND PUNISHMENT OF TERRORIST OFFENCES

Forfeiture

37 Forfeiture: application of proceeds to compensate victims

- (1) In Part 1 of Schedule 4 to the Terrorism Act 2000 (c. 11) (forfeiture orders: England and Wales), after paragraph 4 insert—

“Application of proceeds to compensate victims

- 4A (1) Where a court makes a forfeiture order in a case where—
- (a) the offender has been convicted of an offence that has resulted in a person suffering personal injury, loss or damage, or
 - (b) any such offence is taken into consideration by the court in determining sentence,
- the court may also order that an amount not exceeding a sum specified by the court is to be paid to that person out of the proceeds of the forfeiture.
- (2) For this purpose the proceeds of the forfeiture means the aggregate amount of—
- (a) any forfeited money, and
 - (b) the proceeds of the sale, disposal or realisation of any forfeited property, after deduction of the costs of the sale, disposal or realisation,
- reduced by the amount of any payment under paragraph 2(1)(d) or 3(1).
- (3) The court may make an order under this paragraph only if it is satisfied that but for the inadequacy of the offender's means it would have made a compensation order under section 130 of the Powers of Criminal

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 37. (See end of Document for details)

Courts (Sentencing) Act 2000 under which the offender would have been required to pay compensation of an amount not less than the specified amount.”.

(2) In Part 2 of that Schedule (forfeiture orders: Scotland), after paragraph 17 insert—

“Application of proceeds to compensate victims

- 17A (1) Where a court makes a forfeiture order in a case where—
- (a) the offender has been convicted of an offence that has resulted in a person suffering personal injury, loss or damage, or
 - (b) any such offence is taken into consideration by the court in determining sentence,

the court may also order that an amount not exceeding a sum specified by the court is to be paid to that person out of the proceeds of the forfeiture.

(2) For this purpose the proceeds of the forfeiture means the aggregate amount of—

- (a) any forfeited money, and
- (b) the proceeds of the sale, disposal or realisation of any forfeited property, after deduction of the costs of the sale, disposal or realisation,

reduced by the amount of any payment under paragraph 16(1)(c) or 17(2).

(3) The court may make an order under this paragraph only if it is satisfied that but for the inadequacy of the offender's means it would have made a compensation order under section 249 of the Criminal Procedure (Scotland) Act 1995 under which the offender would have been required to pay compensation of an amount not less than the specified amount.”.

(3) In Part 3 of that Schedule (forfeiture orders: Northern Ireland), after paragraph 32 insert—

“Application of proceeds to compensate victims

- 32A (1) Where a court makes a forfeiture order in a case where—
- (a) the offender has been convicted of an offence that has resulted in a person suffering personal injury, loss or damage, or
 - (b) any such offence is taken into consideration by the court in determining sentence,

the court may also order that an amount not exceeding a sum specified by the court is to be paid to that person out of the proceeds of the forfeiture.

(2) For this purpose the proceeds of the forfeiture means the aggregate amount of—

- (a) any forfeited money, and
- (b) the proceeds of the sale, disposal or realisation of any forfeited property, after deduction of the costs of the sale, disposal or realisation,

reduced by the amount of any payment under paragraph 30(1)(d) or 31(1).

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- (3) The court may make an order under this paragraph only if it is satisfied that but for the inadequacy of the offender's means it would have made a compensation order under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 under which the offender would have been required to pay compensation of an amount not less than the specified amount.”.

Commencement Information

II S. 37 in force at 18.6.2009 by [S.I. 2009/1256](#), [art. 2\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 37.