



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART VI

#### CONFISCATION OF THE PROCEEDS OF AN OFFENCE

##### *Enforcement, etc. of confiscation orders*

#### **89 Compensation.**

- (1) If proceedings are instituted against a person for an offence or offences to which this Part of this Act applies and either—
  - (a) the proceedings do not result in his conviction for any such offence, or
  - (b) where he is convicted of one or more such offences—
    - (i) the conviction or convictions concerned are quashed, or
    - (ii) he is pardoned by Her Majesty in respect of the conviction or convictions concerned,

the High Court may, on an application by a person who held property which was realisable property, order compensation to be paid to the applicant if, having regard to all the circumstances, it considers it appropriate to make such an order.
- (2) The High Court shall not order compensation to be paid in any case unless the court is satisfied—
  - (a) that there has been some serious default on the part of a person concerned in the investigation or prosecution of the offence concerned, being a person mentioned in subsection (5) below; and
  - (b) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of an order under this Part of this Act.
- (3) The Court shall not order compensation to be paid in any case where it appears to the Court that the proceedings would have been instituted or continued even if the serious default had not occurred.

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 1988, Section 89 is up to date with all changes known to be in force on or before 28 March 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)*

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- (4) The amount of compensation to be paid under this section shall be such as the High Court thinks just in all the circumstances of the case.
- (5) Compensation payable under this section shall be paid—
- (a) where the person in default was or was acting as a member of a police force, out of the police fund out of which the expenses of that police force are met;
  - (b) where the person in default was a member of the Crown Prosecution Service or acting on behalf of the service, by the Director of Public Prosecutions;
  - (c) where the person in default was a member of the Serious Fraud Office, by the Director of that Office;
  - (d) where the person in default was an officer within the meaning of the <sup>M1</sup>Customs and Excise Management Act 1979, by the Commissioners of Customs and Excise; and
  - (e) where the person in default was an officer of the Commissioners of Inland Revenue, by those Commissioners.

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**Marginal Citations**

**M1** 1979 c. 2.

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