



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART VI

#### FINANCIAL PENALTIES AND ORDERS

##### *Compensation orders*

#### **130 Compensation orders against convicted persons**

- (1) A court by or before which a person is convicted of an offence, instead of or in addition to dealing with him in any other way, may, on application or otherwise, make an order (in this Act referred to as a “compensation order”) requiring him—
  - (a) to pay compensation for any personal injury, loss or damage resulting from that offence or any other offence which is taken into consideration by the court in determining sentence; or
  - (b) to make payments for funeral expenses or bereavement in respect of a death resulting from any such offence, other than a death due to an accident arising out of the presence of a motor vehicle on a road;but this is subject to the following provisions of this section and to section 131 below.
- (2) Where the person is convicted of an offence the sentence for which is fixed by law or falls to be imposed under section 109(2), 110(2) or 111(2) above, subsection (1) above shall have effect as if the words “instead of or” were omitted.
- (3) A court shall give reasons, on passing sentence, if it does not make a compensation order in a case where this section empowers it to do so.
- (4) Compensation under subsection (1) above shall be of such amount as the court considers appropriate, having regard to any evidence and to any representations that are made by or on behalf of the accused or the prosecutor.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In the case of an offence under the Theft Act 1968, where the property in question is recovered, any damage to the property occurring while it was out of the owner's possession shall be treated for the purposes of subsection (1) above as having resulted from the offence, however and by whomever the damage was caused.
- (6) A compensation order may only be made in respect of injury, loss or damage (other than loss suffered by a person's dependants in consequence of his death) which was due to an accident arising out of the presence of a motor vehicle on a road, if—
- (a) it is in respect of damage which is treated by subsection (5) above as resulting from an offence under the Theft Act 1968; or
  - (b) it is in respect of injury, loss or damage as respects which—
    - (i) the offender is uninsured in relation to the use of the vehicle; and
    - (ii) compensation is not payable under any arrangements to which the Secretary of State is a party.
- (7) Where a compensation order is made in respect of injury, loss or damage due to an accident arising out of the presence of a motor vehicle on a road, the amount to be paid may include an amount representing the whole or part of any loss of or reduction in preferential rates of insurance attributable to the accident.
- (8) A vehicle the use of which is exempted from insurance by section 144 of the Road Traffic Act 1988 is not uninsured for the purposes of subsection (6) above.
- (9) A compensation order in respect of funeral expenses may be made for the benefit of anyone who incurred the expenses.
- (10) A compensation order in respect of bereavement may be made only for the benefit of a person for whose benefit a claim for damages for bereavement could be made under section 1A of the Fatal Accidents Act 1976; and the amount of compensation in respect of bereavement shall not exceed the amount for the time being specified in section 1A(3) of that Act.
- (11) In determining whether to make a compensation order against any person, and in determining the amount to be paid by any person under such an order, the court shall have regard to his means so far as they appear or are known to the court.
- (12) Where the court considers—
- (a) that it would be appropriate both to impose a fine and to make a compensation order, but
  - (b) that the offender has insufficient means to pay both an appropriate fine and appropriate compensation,
- the court shall give preference to compensation (though it may impose a fine as well).