



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VI

FINANCIAL PENALTIES AND ORDERS

Compensation orders

133 Review of compensation orders

- (1) The magistrates' court for the time being having functions in relation to the enforcement of a compensation order (in this section referred to as “the appropriate court”) may, on the application of the person against whom the compensation order was made, discharge the order or reduce the amount which remains to be paid; but this is subject to subsections (2) to (4) below.
- (2) The appropriate court may exercise a power conferred by subsection (1) above only—
 - (a) at a time when (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal on which the compensation order could be varied or set aside; and
 - (b) at a time before the person against whom the compensation order was made has paid into court the whole of the compensation which the order requires him to pay.
- (3) The appropriate court may exercise a power conferred by subsection (1) above only if it appears to the court—
 - (a) that the injury, loss or damage in respect of which the compensation order was made has been held in civil proceedings to be less than it was taken to be for the purposes of the order; or
 - (b) in the case of a compensation order in respect of the loss of any property, that the property has been recovered by the person in whose favour the order was made; or

Status: This is the original version (as it was originally enacted).

- (c) that the means of the person against whom the compensation order was made are insufficient to satisfy in full both the order and a confiscation order under Part VI of the Criminal Justice Act 1988 made against him in the same proceedings; or
 - (d) that the person against whom the compensation order was made has suffered a substantial reduction in his means which was unexpected at the time when the order was made, and that his means seem unlikely to increase for a considerable period.
- (4) Where the compensation order was made by the Crown Court, the appropriate court shall not exercise any power conferred by subsection (1) above in a case where it is satisfied as mentioned in paragraph (c) or (d) of subsection (3) above unless it has first obtained the consent of the Crown Court.
- (5) Where a compensation order has been made on appeal, for the purposes of subsection (4) above it shall be deemed—
- (a) if it was made on an appeal brought from a magistrates' court, to have been made by that magistrates' court;
 - (b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court.