



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 7

FINANCIAL ORDERS AND ORDERS RELATING TO PROPERTY

CHAPTER 2

COMPENSATION ORDERS

Compensation orders: supplementary

141 Compensation orders: suspension of entitlement and appeals etc

- (1) A person in whose favour a compensation order is made is not entitled to receive the amount due to the person until there is no further possibility of the order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time).
- (2) Criminal Procedure Rules may make provision about the way in which the appropriate court is to deal with money paid in satisfaction of a compensation order where the entitlement of the person in whose favour it was made is suspended under subsection (1).
- (3) The Court of Appeal may by order annul or vary any compensation order made by the Crown Court, even if the conviction is not quashed.
- (4) Where a compensation order is annulled or varied under subsection (3)—
 - (a) the compensation order—
 - (i) if annulled, is not to take effect;
 - (ii) if varied, is to take effect as varied;
 - (b) the Court of Appeal must also vary any order previously made under section 42 (court's duty to order payment of surcharge) so as to secure that

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the offender’s liability under that order is the same as it would have been if the offender were being dealt with by the Crown Court.

- (5) Where the Supreme Court restores a conviction, it may make any compensation order which the court of trial could have made.
- (6) Where the Supreme Court makes an order under subsection (5), it must also—
 - (a) make an order under section 42, or
 - (b) vary any order previously made under that section,
 so as to secure that the offender’s liability under the order under that section is the same as it would have been if the offender were being dealt with by the Crown Court.
- (7) Where, in any proceedings in which an offender is convicted of one or more offences (each, a “main offence”), a compensation order is made against the offender in respect of an offence taken into consideration in determining sentence—
 - (a) the order ceases to have effect if the offender successfully appeals against conviction of the main offence or, if more than one, all the main offences;
 - (b) the offender may appeal against the order as if it were part of the sentence imposed in respect of the main offence or, if more than one, any of the main offences.

142 Limit on compensation payable under compensation order of magistrates’ court: offences committed before 11 December 2013

- (1) This section applies where—
 - (a) a magistrates’ court is dealing with an offender for—
 - (i) an offence which was committed before 11 December 2013 (a “relevant offence”), or
 - (ii) one or more relevant offences, and
 - (b) the court makes a compensation order in respect of—
 - (i) any relevant offence,
 - (ii) any offence taken into consideration by the court in determining sentence for a relevant offence.
- (2) The compensation in respect of a relevant offence must not exceed the maximum amount.
- (3) The total compensation in respect of the offences taken into account in determining sentence for the relevant offence or relevant offences must not exceed the difference between—
 - (a) the relevant limit, and
 - (b) the total compensation in respect of the relevant offences.
- (4) In this section—
 - (a) the relevant limit is the aggregate of the maximum amounts for each relevant offence;
 - (b) “the maximum amount” in relation to a relevant offence means the amount specified in column 2 of the following table for an offence committed on the date of the relevant offence—

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<i>Date of commission of main offence</i>	<i>Maximum amount</i>
Before 1 December 1977	£400
On or after 1 December 1977 but before 1 May 1984	£1,000
On or after 1 May 1984 but before 1 October 1992	£2,000
On or after 1 October 1992 but before 11 December 2013	£5,000.

- (5) This section is subject to section 33B(5) of the Environmental Protection Act 1990 (clean-up costs relating to certain offences relating to waste).

143 Review of compensation orders

- (1) This section applies where—
- a compensation order has been made,
 - there is no further possibility of the compensation order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time), and
 - the person against whom it was made has not paid into court the whole of the amount required to be paid under the order.

- (2) The appropriate court may, on the application of the person against whom the order was made—
- discharge the order, or
 - reduce the amount which remains to be paid.

This is subject to subsection (3).

- (3) The appropriate court may exercise that power only—
- if it appears to the court 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,
 - if, in the case of a compensation order in respect of the loss of any property, it appears to the court that the property has been recovered by the person in whose favour the order was made, or
 - if—
 - it appears to the court that the means of the person against whom the order was made are insufficient or have been reduced (see subsections (5) and (6)), and
 - where the compensation order was made by the Crown Court, the appropriate court has obtained the consent of the Crown Court.

- (4) Subsections (5) to (7) apply for the purposes of subsection (3)(c).

- (5) The person's means are "insufficient" if they are not sufficient to satisfy in full—
- the compensation order, and
 - every order of any of the following kinds made against the person in the same proceedings—
 - a confiscation order under Part 6 of the Criminal Justice Act 1988 or Part 2 of the Proceeds of Crime Act 2002;

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- (ii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;
 - (iii) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.
- (6) The person’s means “have been reduced” if they—
- (a) have unexpectedly been substantially reduced since the compensation order was made, and
 - (b) seem unlikely to increase for a considerable period.
- (7) If the compensation order was made on appeal it is to be treated—
- (a) if made on an appeal from a magistrates’ court, as if made by that magistrates’ court;
 - (b) if made on an appeal—
 - (i) from the Crown Court, or
 - (ii) from the Court of Appeal,
 as if made by the Crown Court.

144 Effect of compensation order on subsequent award of damages in civil proceedings

- (1) This section has effect where—
- (a) a compensation order has been made in favour of any person in respect of any injury, loss or damage, and
 - (b) a claim by the person in civil proceedings for damages in respect of the injury, loss or damage subsequently falls to be determined.
- (2) The damages in the civil proceedings must be assessed without regard to the order.
- (3) But the claimant may recover only an amount equal to the aggregate of—
- (a) any amount by which the damages assessed exceed the compensation, and
 - (b) a sum equal to any portion of the compensation which the person fails to recover (“unrecovered compensation”).
- (4) The claimant may not enforce the judgment, so far as it relates to unrecovered compensation, without the leave of the court.

145 Compensation orders: interpretation

- (1) In this Chapter—
- “appropriate court”, in relation to a compensation order, means the magistrates’ court which, by virtue of section 41(1) of the Administration of Justice Act 1970, for the time being has functions in relation to collection and enforcement of the order;
 - “road accident” has the meaning given by section 136.
- (2) For the purposes of this Chapter a compensation order is made in respect of an offence if it relates to personal injury, loss, damage or death resulting from that offence.

For this purpose, “offence” includes an offence taken into consideration by a court when sentencing an offender for an offence of which the offender has been convicted.