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STATUTORY INSTRUMENTS

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**1988 No. 110**

**Act of Adjournal (Consolidation) 1988**

**CHAPTER 2**

**SUMMARY PROCEDURE**

**PART III**

**CONVICTION AND SENTENCE**

**Compensation orders**

**125.**—(1) The provisions of this rule apply to compensation orders made by courts against convicted persons under Part IV of the 1980 Act.

(2) Entries shall be made in the minutes of proceedings by the clerk of court on the making of a compensation order, specifying the terms of the order and in particular—

- (a) the name of the convicted person or persons required to pay compensation;
- (b) the amount of compensation required to be paid by such person or such persons;
- (c) the name of the person or persons entitled to the compensation payable;
- (d) where there is more than one such person, the amount of compensation each is entitled to and the priority, if any, among those persons for payment.

(3) The prosecutor, if he knows that any person entitled to payment of compensation under a compensation order is under any legal disability, shall so inform the court immediately it makes any such order in respect of any such person, and that information shall be entered by the clerk of court in the minutes of proceedings.

(4) Those entries shall be authenticated by the signature of the clerk of court.

(5) The judge may, at any time before a compensation order is fully complied with, and after such further enquiries as the court may order, vary the terms of the order as he thinks fit.

(6) A variation order under paragraph (5) may be made in chambers and in the absence of the parties, or any of them.

(7) An application to discharge a compensation order or to reduce the amount that remains to be paid under section 64 of the 1980 Act shall be made in writing to the clerk of the court to whom application may be made in accordance with the provisions of that section.

(8) The clerk of court shall, on any such application being made to him, cause intimation of the application to be given to the procurator fiscal.

(9) The court to whom the application is made may dispose of the application after such inquiry as it thinks fit.

(10) Where payment of any sum is made under a compensation order to the clerk of court in respect of a person known to be under a legal disability, paragraphs (1) to (3) and (5) of rule 128 of the First Schedule to the Sheriff Courts (Scotland) Act 1907 shall apply to the administration of

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that sum as they apply to the administration of a sum of money paid into court in respect of damages for such a person.