



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

Compensation

253 Effect of compensation order on subsequent award of damages in civil proceedings.

- (1) This section shall have effect where a compensation order or a service compensation order or award has been made in favour of any person in respect of any injury, loss [^{F1}, damage, alarm or distress] and a claim by him in civil proceedings for damages in respect thereof subsequently falls to be determined.
- (2) The damages in the civil proceedings shall be assessed without regard to the order or award; but where the whole or part of the amount awarded by the order or award has been paid, the damages awarded in the civil proceedings shall be restricted to the amount (if any) by which, as so assessed, they exceed the amount paid under the order or award.
- (3) Where the whole or part of the amount awarded by the order or award remains unpaid and damages are awarded in a judgment in the civil proceedings, then, unless the person against whom the order or award was made has ceased to be liable to pay the amount unpaid (whether in consequence of an appeal, or of his imprisonment for default or otherwise), the court shall direct that the judgment—
 - (a) if it is for an amount not exceeding the amount unpaid under the order or award, shall not be enforced; or
 - (b) if it is for an amount exceeding the amount unpaid under the order or award, shall not be enforced except to the extent that it exceeds the amount unpaid, without the leave of the court.
- (4) In this section a “service compensation order or award” means—
 - (a) an order requiring the payment of compensation under paragraph 11 of—

Status: Point in time view as at 31/10/2017.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 253 is up to date with all changes known to be in force on or before 05 August 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)

- (i) Schedule 5A to the ^{M1}Army Act 1955;
 - (ii) Schedule 5A to the ^{M2}Air Force Act 1955; or
 - (iii) Schedule 4A to the ^{M3}Naval Discipline Act 1957; or
- (b) an award of stoppages payable by way of compensation under any of those Acts.

Textual Amendments

- F1** Words in s. 253(1) substituted (10.3.2008) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007](#) (asp 6), **ss. 49(3)**, 84; S.S.I. 2008/42, **art. 3**, Sch.

Marginal Citations

- M1** 1955 c.18.
M2 1955 c.19.
M3 1957 c.53.

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