
STATUTORY INSTRUMENTS

1988 No. 793

**Criminal Injuries (Compensation)
(Northern Ireland) Order 1988**

Recovery from victim, etc.

18.—(1) Where—

- (a) compensation is paid to any victim or other person consequent on any criminal injury; and
- (b) there has been or is subsequently paid to the victim or that person, by way of compensation or damages from the offender or any person on the offender's behalf, any sum which has not been deducted under Article 6(2)(a), the person receiving any such sum shall forthwith notify the Secretary of State and shall, subject to paragraph (2), forthwith reimburse to the Secretary of State—
 - (i) the amount of the compensation paid to the victim or that person, if that amount is equal to or less than that sum; or
 - (ii) that sum, if the amount of the compensation paid is greater.

(2) Where compensation is paid to any victim or other person consequent on a criminal injury and civil proceedings have been or are subsequently instituted in any court against the offender as a result of the injury and—

- (a) that court awards damages against the offender in favour of the victim or that other person, as the case may be; or
- (b) the parties agree to settle the proceedings in consideration of the payment by the offender to the victim or that other person of an agreed amount of damages;

that court may order the offender to pay the damages so awarded or agreed, or any part thereof, into court.

(3) Where a court makes an order under paragraph (2)—

- (a) it shall direct—
 - (i) the payment to the Secretary of State out of any money paid into court under its order of such amount or sum as would have been reimbursed to him under paragraph (1) if that money had been paid to the victim or other person; and
 - (ii) that the balance, if any, of the money paid into court under this Order shall be paid to the victim or the other person, as the case may be, or otherwise dealt with for the benefit of the victim or person as the court may, in the circumstances of the case, consider proper; and
- (b) any amount or sum so paid to the Secretary of State by virtue of the direction of the court shall be deemed to have been paid to the Secretary of State under paragraph (1).

(4) Where, on an application made to it by the Secretary of State, the county court is satisfied—

- (a) that the Secretary of State has paid compensation to any person; but
- (b) that that person failed to make full and true disclosure of all the facts material to the determination of the application,

the county court may make an order requiring that person to reimburse to the Secretary of State the compensation or such part of it as the court may specify.

(5) Any sum required to be reimbursed under paragraph (1) or (4) and not so reimbursed—

(a) shall be recoverable as a debt due to the Secretary of State;

(b) may, without prejudice to the right of the Secretary of State to sue in the High Court or to any other remedy for the recovery thereof, and irrespective of the amount thereof, be recoverable by the Secretary of State in the county court by civil bill or summarily as a civil debt.

(6) Any person who, being required by paragraph (1) to notify the Secretary of State of the receipt of any sum by way of compensation or damages, fails to do so without reasonable cause shall, without prejudice to his liability under that paragraph to reimburse any sum to the Secretary of State, be guilty of an offence and shall, on summary conviction, be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale or to both.