
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

The Criminal Justice Act 1988 (Offensive Weapons) (Amendment, Surrender and Compensation) (Scotland) Order 2022

Determination and payment of claims

7.—(1) The Scottish Ministers must determine a claim under article 6 as soon as reasonably practicable.

(2) The Scottish Ministers must determine the amount of compensation payable in accordance with paragraphs (3) to (8).

(3) The amount of compensation payable for a zombie knife is the amount provided in article 4(2) unless the claimant has claimed a higher amount of compensation.

(4) Where the claimant has sought a higher amount of compensation than the amount provided in article 4(2), the Scottish Ministers must determine the amount payable, if any, taking account of the valuation evidence supplied.

(5) Subject to paragraph (6), no compensation is payable in respect of a claim which amounts to less than £30.

(6) The Scottish Ministers may pay compensation in respect of a zombie knife surrendered during the required period which amounts to less than £30 if—

- (a) the claimant has surrendered a weapon in accordance with arrangements made under section 48(2) of the 2019 Act,
- (b) the claimant surrendered that weapon within the required period provided at regulation 1(3) of the 2022 Regulations,
- (c) the claimant has made a claim for compensation in respect of that weapon under regulation 5(3) of the 2022 Regulations, and
- (d) the total value of the claim for the weapon surrendered in accordance with arrangements made under section 48(2) of the 2019 Act (as determined in accordance with the 2022 Regulations) and the claim for the surrendered zombie knife (as determined in accordance with this Order) amounts to £30 or more.

(7) If satisfied that compensation is payable under this article, the Scottish Ministers must—

- (a) notify the claimant in writing of the amount of compensation that the Scottish Ministers consider is payable and give reasons for the decision, and
- (b) make payment of the amount determined either—
 - (i) to the bank account nominated for this purpose on the claim form, or
 - (ii) by cheque sent to the address provided on the claim form.

(8) If not satisfied that compensation is payable, the Scottish Ministers must notify the claimant in writing that no compensation is to be paid and give reasons for the decision.