

Status: Point in time view as at 15/10/2007.

Changes to legislation: There are currently no known outstanding effects for the Air Force Act 1955 (repealed), Paragraph 11. (See end of Document for details)

SCHEDULES

^{F1} SCHEDULE 5A

POWERS OF COURT ON TRIAL OF CIVILIAN

Textual Amendments

F1 Sch. 5A inserted by Armed Forces Act 1976 (c. 52), Sch. 4 paras. 1,2

Modifications etc. (not altering text)

C1 Sch. 5A referred to (1.4.1997) by S.I. 1997/579, regs. 4, 7, 10, 12

Compensation orders

- 11 (1) The court, on finding a civilian guilty of an offence, may, on application or otherwise (and whether or not it makes any other order), make an order (in this Schedule referred to as a “compensation order”) requiring him to pay such sum as appears to the court to be just as or towards compensation for any [^{F1}personal injury, loss or damage], resulting from the offence or any other offence taken into consideration in determining sentence.
- [^{F2}(1A) Unless the Secretary of State by order provides that this sub-paragraph shall no longer apply, the sum specified in a compensation order made by a court-martial for any personal injury shall not exceed such sum as is for the time being specified in sub-paragraph (2) below or such larger sum as may for the time being be specified by an order made by the Secretary of State; and the power to make an order under this sub-paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]
- (2) The sum specified in a compensation order made by a Standing Civilian Court shall not exceed [^{F3}£5,000].
- (3) In the case of an offence of unlawfully obtaining any property (whether by stealing it, handling it or otherwise), where the property in question is recovered, any damage to the property occurring while it was out of the owner’s possession shall be treated for the purposes of this paragraph as having resulted from the offence, however and by whomsoever the damage was caused.
- (4) No compensation order shall be made in respect of loss suffered by the dependants of a person in consequence of his death, ^{F4} . . .
- [^{F5}(4A) A compensation order may only be made in respect of injury, loss or damage which was due to an accident arising out of the presence of a motor vehicle on a road if—
- (a) it is in respect of damage which is treated by sub-paragraph (3) above as resulting from an offence of unlawfully obtaining any property; or
 - (b) it is in respect of injury, loss or damage as respects which—

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- (i) the offender is uninsured in relation to the use of the vehicle; and
- (ii) compensation is not payable under any arrangements specified by the Secretary of State for the purposes of this paragraph;

and, where a compensation order is made in respect of injury, loss or damage due to such an accident, the amount to be paid may include an amount representing the whole or part of any loss of or reduction in preferential rates of insurance attributable to the accident.

(4B) For the purposes of sub-paragraph (4A) above, a person is not uninsured in relation to the use of a vehicle if—

- (a) the vehicle is in the public service of the Crown; or
- (b) the use of the vehicle is exempted from insurance by section 144 of the Road Traffic Act 1988 or paragraph (2) or paragraph (3) of Article 90 of the Road Traffic (Northern Ireland) Order 1981.]

(5) In determining whether to make a compensation order against any person, and in determining the amount to be paid by any person under such an order, the court shall have regard to his means so far as they appear or are known to the court.

[^{F6}(6) Where the court considers—

- (a) that it would be appropriate both to impose a fine and to make a compensation order, but
- (b) that the person concerned has insufficient means to pay both an appropriate fine and appropriate compensation,

the court shall give preference to compensation (though it may impose a fine as well).]

Textual Amendments

- F1** Words in [Sch. 5A para. 11\(1\)](#) substituted (1.1.1992) by [Armed Forces Act \(c. 62, SIF 7:1\), s. 9\(2\); S.I. 1991/2719, art. 2](#)
- F2** [Sch. 5A para. 11 \(1A\)](#) inserted (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), s. 9\(3\); S.I. 1991/2719, art. 2](#)
- F3** Words in [Sch. 5A para. 11\(2\)](#) substituted (E.W.) (1.10.1992) by virtue of [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), s. 17\(3\), Sch. 4 Pt.I \(with s. 28\); S.I. 1992/333, art. 2\(2\), Sch.2](#)
- F4** Words in [Sch. 5A para. 11\(4\)](#) repealed (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), ss. 9\(4\), 26\(2\), Sch.3; S.I. 1991/2719, art. 2, Sch.](#)
- F5** [Sch. 5A para. 11\(4A\)\(4B\)](#) inserted (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), s. 9\(4\); S.I. 1991/2719, art. 2](#)
- F6** [Sch. 5A para. 11\(6\)](#) inserted (1.1.1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\), s. 9\(5\); S.I. 1991/2719, art. 2](#)

Modifications etc. (not altering text)

- C1** Power to amend [para. 11\(2\)](#) conferred by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 143\(1\)\(2\)\(g\)](#) as substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 48\(1\)\(a\)\(b\)\(iii\)](#)

Textual Amendments applied to the whole legislation

- F1** Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of [1996 c. 46, s. 15; S.I. 1997/304, arts. 2, 3, Sch. 2](#)

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