District Court - Schedule: B - Forms in criminal proceedings

S.I. No. 539 of 2004

No. 33. 4

*O.33, r.2 (1)*

Criminal Justice Act, 1993

Section 6 (1)

Children Act, 2001

Section 98

Compensation Order

(against parent or guardian of child or young person — where offence involved use of mechanically propelled vehicle)

District Court Area of

District No.

............ Prosecutor

and

........... Accused

............ Injured Party

WHEREAS IN PROCEEDINGS entitled as above THE COURT has on this day CONVICTED the above first-named accused (hereinafter referred to as the "convicted person"), being a \*child \*young person within the meaning of the Children Act, 2001 and above the age of seven years, and residing at ...........

\*(in the court area and district aforesaid) of the following offence involving the use of a mechanically propelled vehicle (within the meaning of the Road Traffic Act, 1961) in a public place, that is to say,—

AND WHEREAS the above second-named accused is the \*parent \*guardian of the said convicted person,

AND WHEREAS the above-named injured party has suffered \*personal injury \*loss resulting from that offence,

AND WHEREAS it appears to the Court that

\*(this order is in respect of \*an injury \*a loss as respects which the use of the vehicle by the convicted person was in breach of section 56 of the said Act of 1961,)

\*(this order is in respect of a loss which is treated by subsection (3) of section 6 of the said Act of 1993 as having resulted from the offence,)

NOW THE COURT, considering that it would be appropriate to make a compensation order in respect of the said \*injury \*loss, having regard to—

the evidence given and the representations made herein, and

the means of the \*parent \*guardian of the convicted person so far as they appear or are known to the Court, and

being of opinion that the total amount required by this order to be paid does not exceed the amount of the damages that the injured party would be entitled to recover in a civil action against the convicted person in respect of the said \*injury \*loss,

HEREBY ORDERS pursuant to section 6 (1) of the said Act of 1993 and section 98 of the said Act of 2001, that the \*parent \*guardian, ........... of ........... , do pay the sum of € ....... as compensation in respect of the said \*injury \*loss to the said injured party ............. of ............ , who has suffered such \*injury \*loss, \*(which sum includes the sum of € ...... representing the whole of /part of the loss of or reduction in preferential rates of insurance resulting from such use of the vehicle,)

AND DIRECTS that the said compensation be paid—

\*(in one payment, such payment to be made not later than the ....... day of ......... 20... ,)

\*(by ........ consecutive \*weekly \*monthly instalments of €.... each and a final balance of €.... , the first of such instalments to be paid on the ... day of ........... 20 ..... ,)

AND FURTHER DIRECTS that all payments made under this order shall be made to the

District Court Clerk,

District Court Office,

.....................

for transmission to the injured party

Dated this ... day of .......... 20 ............. .

Signed .....................

Judge of the District Court

NOTE

The operation of the above order shall be suspended until the ordinary time for giving notice of an appeal (whether against the conviction to which the order relates or the sentence or the order itself) has expired, that is to say, until the expiration of fourteen days from the date of the conviction, sentence or order.

(See subsections (1) and (4) of section 8 of the Act of 1993)

*\*Delete words inapplicable*