

Expenses of investigation by court appointed inspector

762. (1) The expenses of and incidental to an investigation by an inspector appointed under section 747 (1) or 748 (1) shall be defrayed in the first instance by the relevant authority.

(2) The court may direct that a body corporate dealt with in the report or the applicant or applicants for the appointment of the inspector shall be liable to repay the relevant authority so much of the expenses as the court directs.

(3) Without prejudice to subsection (2) but subject to subsection (5), where a court enters a conviction or makes an order in a case set out in subsection (4), the court may in the same proceedings order the person referred to in subsection (4) to repay the relevant authority or any person fixed with liability for expenses under subsection (2) so much of the expenses of and incidental to the investigation as the court directs.

(4) The cases mentioned in subsection (3) are—

(a) the court convicts the person on indictment of an offence on a prosecution instituted as a result of the investigation;

(b) the court orders the person to pay damages or restore any property in proceedings brought as a result of the investigation; or

(c) the court awards damages to or orders the restoration of property to the person in proceedings brought as a result of the investigation.

(5) Where a court makes an order for payment of expenses under subsection (3) against a person to whom subsection (4)(c) relates—

(a) the court shall not order payment of expenses that are more than one-tenth of the amount of the damages awarded or of the value of the property restored, as the case may be, and

(b) the order shall not be executed until the person concerned has received the damages or the property has been restored.

(6) In the light of his or her investigation, an inspector may or, if the court so directs, shall recommend in his or her report what directions (if any) he or she considers to be appropriate under subsection (2).

(7) In this section “relevant authority” means—

(a) in the case of an appointment of an inspector or inspectors under section 747 (1), the Minister for Justice and Equality;

(b) in the case of an appointment of an inspector or inspectors under section 748 (1), the Director.