



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 4

#### CONFISCATION: NORTHERN IRELAND

##### *Committal*

#### **218 Committal by magistrates' court**

- (1) This section applies if—
  - (a) a defendant is convicted of an offence by a magistrates' court, and
  - (b) the prosecutor asks the court to commit the defendant to the Crown Court with a view to a confiscation order being considered under section 156.
- (2) In such a case the magistrates' court—
  - (a) must commit the defendant to the Crown Court in respect of the offence, and
  - (b) may commit him to the Crown Court in respect of any other offence falling within subsection (3).
- (3) An offence falls within this subsection if—
  - (a) the defendant has been convicted of it by the magistrates' court or any other court, and
  - (b) the magistrates' court has power to deal with him in respect of it.
- (4) If a committal is made under this section in respect of an offence or offences—
  - (a) section 156 applies accordingly, and
  - (b) the committal operates as a committal of the defendant to be dealt with by the Crown Court in accordance with section 219.
- (5) A committal under this section may be in custody or on bail.

*Status: Point in time view as at 26/10/2023.*

*Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Committal is up to date with all changes known to be in force on or before 20 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C1** Pt. 4 applied by S.I. 1989/1341 (N.I. 12), **arts. 57(5B), 59(8B)** (as substituted (24.3.2003) by **Proceeds of Crime Act 2002 (c. 29)**, Supreme Court s. 458(1), Sch. 11 para. 19(2)(3); S.I. 2003/333, **art. 2, Sch.**)

**Commencement Information**

**I1** S. 218 in force at 24.3.2003 by S.I. 2003/333, **art. 2, Sch.**

**219 Sentencing by Crown Court**

- (1) If a defendant is committed to the Crown Court under section 218 in respect of an offence or offences, this section applies (whether or not the court proceeds under section 156).
- (2) The Crown Court—
  - (a) must inquire into the circumstances of the case, and
  - (b) may deal with the defendant in any way in which the magistrates' court could deal with him if it had just convicted him of the offence.

**Commencement Information**

**I2** S. 219 in force at 24.3.2003 by S.I. 2003/333, **art. 2, Sch.**

**Status:**

Point in time view as at 26/10/2023.

**Changes to legislation:**

Proceeds of Crime Act 2002, Cross Heading: Committal is up to date with all changes known to be in force on or before 20 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.