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Status: Point in time view as at 30/04/2021.
*Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Compensation is up to date with all changes known
to be in force on or before 05 August 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)*
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Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 4

CONFISCATION: NORTHERN IRELAND

Compensation

220   Serious default

(1) If the following three conditions are satisfied the Crown Court may order the payment of such compensation as it believes is just.

(2) The first condition is satisfied if a criminal investigation has been started with regard to an offence and proceedings are not started for the offence.

(3) The first condition is also satisfied if proceedings for an offence are started against a person and—

    (a)   they do not result in his conviction for the offence, or

    (b)   he is convicted of the offence but the conviction is quashed or he is pardoned in respect of it.

(4) If subsection (2) applies the second condition is that—

    (a)   in the criminal investigation there has been a serious default by a person mentioned in subsection (9), and

    (b)   the investigation would not have continued if the default had not occurred.

(5) If subsection (3) applies the second condition is that—

    (a)   in any criminal investigation with regard to the offence or in its prosecution there has been a serious default by a person who is mentioned in subsection (9), and

    (b)   the proceedings would not have been started or continued if the default had not occurred.

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(6) The third condition is that an application is made under this section by a person who held realisable property and has suffered loss in consequence of anything done in relation to it by or in pursuance of an order under this Part.

(7) The offence referred to in subsection (2) may be one of a number of offences with regard to which the investigation is started.

(8) The offence referred to in subsection (3) may be one of a number of offences for which the proceedings are started.

(9) Compensation under this section is payable to the applicant and—

  (a) if the person in default was or was acting as a police officer within the meaning of the Police (Northern Ireland) Act 2000 (c. 32), the compensation is payable by the Chief Constable;

  (b) if the person in default was [**F1**a member of the Public Prosecution Service for Northern Ireland] or was acting on his behalf, the compensation is payable by the Director of Public Prosecutions for Northern Ireland;

  [**F2**(ba) if the person in default was a [**F3**National Crime Agency officer], the compensation is payable by [**F4**the National Crime Agency];]

  (c) if the person in default was a member of the Serious Fraud Office, the compensation is payable by the Director of that Office;

  (d) if the person in default was a customs officer, the compensation is payable by the Commissioners of Customs and Excise;

  (e) if the person in default was an officer of the Commissioners of Inland Revenue, the compensation is payable by those Commissioners.

  [**F5**(f) if the person in default was an accredited financial investigator and none of paragraphs (a) to (e) apply, the compensation is payable in accordance with paragraph (b), (d) or (e) of section 302(7A) (as the case may require).]

Textual Amendments

F1 Words in s. 220(9)(b) substituted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 61(5)**, 116(1); S.I. 2009/3096, art. 3(g)

F2 S. 220(9)(ba) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 61(6)**, 116(1); S.I. 2009/3096, art. 3(g)

F3 Words in s. 220(9)(ba) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 120(a)**; S.I. 2013/1682, art. 3(v)

F4 Words in s. 220(9)(ba) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 120(b)**; S.I. 2013/1682, art. 3(v)

F5 S. 220(9)(f) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 61(7)**, 116(1); S.I. 2009/3096, art. 3(g)

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

221   Order varied or discharged

(1) This section applies if—

    (a)   the court varies a confiscation order under section 179 or discharges one under section 180, and

    (b)   an application is made to the Crown Court by a person who held realisable property and has suffered loss as a result of the making of the order.

(2) The court may order the payment of such compensation as it believes is just.

(3) Compensation under this section is payable—

    (a)   to the applicant;

    (b)   by the Lord Chancellor.

Modifications etc. (not altering text)

C2   S. 221(3)(b): transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 17 para. 18** (with arts. 28-31)

Commencement Information

I2   S. 221 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

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