



Serious Crime Act 2015

2015 CHAPTER 9

PART 1

PROCEEDS OF CRIME

CHAPTER 1

ENGLAND AND WALES

Confiscation: other amendments

10 Default sentences

- (1) In section 35 of the Proceeds of Crime Act 2002 (enforcement as fines), after subsection (2) insert—

“(2A) Where a court is fixing a term of imprisonment or detention under section 139(2) of the Sentencing Act (as applied by subsection (2) above) in respect of an amount ordered to be paid under a confiscation order, the maximum terms are those specified in the second column of the Table for amounts described in the corresponding entry in the first column.

TABLE

<i>Amount</i>	<i>Maximum term</i>
£10,000 or less	6 months
More than £10,000 but no more than £500,000	5 years
More than £500,000 but no more than £1 million	7 years
More than £1 million	14 years

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Section 10. (See end of Document for details)

- (2B) In the application of subsection (9) of section 139 of the Sentencing Act by virtue of subsection (2) above, the reference to subsections (2) to (4) of that section is to be read as a reference to—
- (a) subsections (2) and (3) of that section, and
 - (b) subsection (2A) above.
- (2C) The Secretary of State may by order—
- (a) amend subsection (2A) so as to provide for minimum terms of imprisonment or detention under section 139(2) of the Sentencing Act (as applied by subsection (2) above) in respect of amounts ordered to be paid under a confiscation order;
 - (b) amend the Table in subsection (2A) so as to remove, alter or replace any entry (including an entry inserted by virtue of the power in paragraph (a) of this subsection) or to add any entry.”
- (2) In section 459(6)(a) of that Act (orders subject to affirmative resolution procedure), after “section” insert “ 35(2C), ”.
- (3) In section 258 of the Criminal Justice Act 2003 (early release of fine defaulters etc), after subsection (2A) insert—
- “(2B) Subsection (2) does not apply to a person within subsection (1)(a) if the sum in question is a sum of more than £10 million ordered to be paid under a confiscation order made under Part 2 of the Proceeds of Crime Act 2002.
- (2C) The Secretary of State may by order amend the amount for the time being specified in subsection (2B).”
- (4) In section 330(5) of that Act (orders subject to affirmative resolution procedure), at the appropriate place in the list of provisions in paragraph (a) insert “ section 258(2C), ”.

Commencement Information

II S. 10 in force at 1.6.2015 by S.I. 2015/820, reg. 3(g)

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2015, Section 10.