



Serious Crime Act 2015

2015 CHAPTER 9

PART 1

PROCEEDS OF CRIME

CHAPTER 1

ENGLAND AND WALES

Confiscation: other amendments

12 Continuation of restraint order after quashed conviction

In section 42 of the Proceeds of Crime Act 2002 (application, discharge and variation of restraint orders), after subsection (6) insert—

“(6A) The duty in subsection (6) to discharge a restraint order on the conclusion of proceedings does not apply where—

- (a) the proceedings are concluded by reason of a defendant’s conviction for an offence being quashed,
- (b) the order is in force at the time when the conviction is quashed, and
- (c) the Court of Appeal has ordered the defendant to be retried for the offence or the prosecutor has applied for such an order to be made.

(6B) But the court must discharge the restraint order—

- (a) if the Court of Appeal declines to make an order for the defendant to be retried,
- (b) if the Court of Appeal orders the defendant to be retried but proceedings for the retrial are not started within a reasonable time, or
- (c) otherwise, on the conclusion of proceedings for the retrial of the defendant.”