



Serious Crime Act 2015

2015 CHAPTER 9

PART 1

PROCEEDS OF CRIME

CHAPTER 3

NORTHERN IRELAND

Confiscation: assets held by defendant and other

26 Appeals

- (1) In section 181 of the Proceeds of Crime Act 2002 (appeal to Court of Appeal), after subsection (3) insert—
 - “(4) An appeal lies to the Court of Appeal against a determination, under section 160A, of the extent of the defendant’s interest in property.
 - (5) An appeal under subsection (4) lies at the instance of—
 - (a) the prosecutor;
 - (b) a person who the Court of Appeal thinks is or may be a person holding an interest in the property, if subsection (6) or (7) applies.
 - (6) This subsection applies if the person was not given a reasonable opportunity to make representations when the determination was made.
 - (7) This subsection applies if it appears to the Court of Appeal to be arguable that giving effect to the determination would result in a serious risk of injustice to the person.
 - (8) An appeal does not lie under subsection (4) where—
 - (a) the Court of Appeal believes that an application under section 198 is to be made by the prosecutor for the appointment of a receiver,

Status: This is the original version (as it was originally enacted).

- (b) such an application has been made but has not yet been determined, or
 - (c) a receiver has been appointed under section 198.”
- (2) In section 182 of that Act (court’s powers on appeal), after subsection (2) insert—
 - “(2A) On an appeal under section 181(4) the Court of Appeal may—
 - (a) confirm the determination, or
 - (b) make such order as it believes is appropriate.”
- (3) In section 183 of that Act (appeal to Supreme Court)—
 - (a) for subsection (2) substitute—
 - “(2) An appeal under this section lies at the instance of—
 - (a) the defendant or the prosecutor (except where paragraph (b) applies);
 - (b) if the proceedings in the Court of Appeal were proceedings on an appeal under section 181(4), any person who was a party to those proceedings.”;
 - (b) after subsection (3) insert—
 - “(3A) On an appeal under this section from a decision under section 182(2A) the Supreme Court may—
 - (a) confirm the decision of the Court of Appeal, or
 - (b) make such order as it believes is appropriate.”