



# Northern Ireland (Emergency Provisions) Act 1991

## 1991 CHAPTER 24

### PART VII

#### CONFISCATION OF PROCEEDS OF TERRORIST-RELATED ACTIVITIES

#### 51 Assumptions as to benefit and value of proceeds

- (1) The Crown Court shall, for the purpose of determining whether the defendant has benefited from terrorist-related activities and, if he has, of assessing the value of his proceeds of those activities, make the following assumptions, except to the extent that any of the assumptions are shown to be incorrect in the defendant's case—
  - (a) that any property appearing to the court—
    - (i) to have been held by him at any time since his conviction; or
    - (ii) to have been transferred to him at any time since the beginning of the period of six years ending when the proceedings were instituted against him,  
was obtained by him, at the earliest time at which he appears to the court to have held it, as a result of terrorist-related activities engaged in by him;
  - (b) that any expenditure of his since the beginning of that period was met out of the proceeds of such activities engaged in by him; and
  - (c) that, for the purpose of valuing any property obtained or assumed to have been obtained by him at any time as a result of such activities, he obtained the property free of any other interests in it.
- (2) Where the court decides that any assumption mentioned in subsection (1) above is incorrect in the defendant's case it shall state its reasons for that decision.
- (3) As respects property or expenditure in relation to which the foregoing assumptions do not fall to be made the standard of proof required of the prosecution on the question whether the defendant has benefited from terrorist-related activities and, if so, as to the value of his proceeds of those activities shall be that applicable in civil proceedings.