



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 4

CONFISCATION: NORTHERN IRELAND

Reconsideration

174 Inadequacy of available amount: discharge of order

- (1) This section applies if—
 - (a) a court has made a confiscation order,
 - (b) the prosecutor applies to the Crown Court for the discharge of the order, and
 - (c) the amount remaining to be paid under the order is less than £1,000.
- (2) In such a case the court must calculate the available amount, and in doing so it must apply section 159 as if references to the time the confiscation order is made were to the time of the calculation and as if references to the date of the confiscation order were to the date of the calculation.
- (3) If the court—
 - (a) finds that the available amount (as so calculated) is inadequate to meet the amount remaining to be paid, and
 - (b) is satisfied that the inadequacy is due wholly to a specified reason or a combination of specified reasons,it may discharge the confiscation order.
- (4) The specified reasons are—
 - (a) in a case where any of the realisable property consists of money in a currency other than sterling, that fluctuations in currency exchange rates have occurred;
 - (b) any reason specified by the [^{F1}Department of Justice in Northern Ireland] by order.

Status: Point in time view as at 27/04/2017. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 174 is up to date with all changes known to be in force on or before 25 July 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)

- (5) The [^{F2}Department of Justice in Northern Ireland] may by order vary the amount for the time being specified in subsection (1)(c).
- [^{F3}(6) The discharge of a confiscation order under this section does not prevent the making of an application in respect of the order under section 171(1)(d) or 172(1)(c).
- (7) Where on such an application the court determines that the order should be varied under section 171(7) or (as the case may be) 172(4), the court may provide that its discharge under this section is revoked.]

Textual Amendments

- F1** Words in s. 174(4)(b) substituted (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. 14 para. 48(a)** (with arts. 28-31)
- F2** Words in s. 174(5) substituted (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. 14 para. 48(b)** (with arts. 28-31)
- F3** S. 174(6)(7) inserted (27.4.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 32(5), 58(3)(6)** (with s. 32(7))

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. 174 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, **Sch.**

Status:

Point in time view as at 27/04/2017. This version of this provision has been superseded.

Changes to legislation:

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