



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 4

CONFISCATION: NORTHERN IRELAND

Defendant absconds

177 Defendant convicted or committed

- (1) This section applies if the following two conditions are satisfied.
- (2) The first condition is that a defendant absconds after—
 - (a) he is convicted of an offence or offences in proceedings before the Crown Court, or
 - (b) he is committed to the Crown Court in respect of an offence or offences under section 218 below (committal with a view to a confiscation order being considered).
- (3) The second condition is that—
 - (a) the prosecutor ^{F1}... applies to the Crown Court to proceed under this section, and
 - (b) the court believes it is appropriate for it to do so.
- (4) If this section applies the court must proceed under section 156 in the same way as it must proceed if the two conditions there mentioned are satisfied; but this is subject to subsection (5).
- (5) If the court proceeds under section 156 as applied by this section, this Part has effect with these modifications—
 - (a) any person the court believes is likely to be affected by an order under section 156 is entitled to appear before the court and make representations;
 - (b) the court must not make an order under section 156 unless the prosecutor ^{F2}... has taken reasonable steps to contact the defendant;

Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 177 is up to date with all changes known to be in force on or before 18 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)

- (c) section 156(9) applies as if the reference to subsection (2) were to subsection (2) of this section;
 - (d) sections 160, 166(4), 167 and 168 must be ignored;
 - (e) sections 169, 170 and 171 must be ignored while the defendant is still an absconder.
- (6) Once the defendant has ceased to be an absconder section 169 has effect as if subsection (1)(a) read—
- “(a) at a time when the first condition in section 177 was satisfied the court did not proceed under section 156.”
- (7) If the court does not believe it is appropriate for it to proceed under this section, once the defendant ceases to be an absconder section 169 has effect as if subsection (1)(b) read—
- “(b) there is evidence which was not available to the prosecutor^{F3}... on the relevant date.”

Textual Amendments

- F1** Words in s. 177(3)(a) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 48\(2\)](#), [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)
- F2** Words in s. 177(5)(b) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 48\(3\)](#), [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)
- F3** Words in s. 177(7) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 48\(4\)](#), [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)

Modifications etc. (not altering text)

- C1** Pt. 4 applied by [S.I. 1989/1341 \(N.I. 12\)](#), art. 59(8B) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 19\(3\)](#); [S.I. 2003/333](#), art. 2, [Sch.](#))
- C2** Pt. 4 applied by [S.I. 1989/1341 \(N.I. 12\)](#), [arts. 57\(SB\)](#), 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. 177 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 4(2), 10-13)

Status:

Point in time view as at 01/04/2008. This version of this provision has been superseded.

Changes to legislation:

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