



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 4

#### CONFISCATION: NORTHERN IRELAND

##### *Defendant absconds*

#### **178 Defendant neither convicted nor acquitted**

- (1) This section applies if the following two conditions are satisfied.
- (2) The first condition is that—
  - (a) proceedings for an offence or offences are started against a defendant but are not concluded,
  - (b) he absconds, and
  - (c) the period of two years (starting with the day the court believes he absconded) has ended.
- (3) The second condition is that—
  - (a) the prosecutor or the Director 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 or the Director (as the case may be) has taken reasonable steps to contact the defendant;

*Status: Point in time view as at 24/03/2003. This version of this provision has been superseded.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 178 is up to date with all changes known to be in force on or before 10 June 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) and 167 to 170 must be ignored;
  - (e) section 171 must be ignored while the defendant is still an absconder.
- (6) Once the defendant has ceased to be an absconder section 171 has effect as if references to the date of conviction were to—
- (a) the day when proceedings for the offence concerned were started against the defendant, or
  - (b) if there are two or more offences and proceedings for them were started on different days, the earliest of those days.
- (7) If—
- (a) the court makes an order under section 156 as applied by this section, and
  - (b) the defendant is later convicted in proceedings before the Crown Court of the offence (or any of the offences) concerned,
- section 156 does not apply so far as that conviction is concerned.

**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. 178 in force at 24.3.2003 by S.I. 2003/333, art. 2, [Sch.](#) (with arts. 4(3), 10-13)

**Status:**

Point in time view as at 24/03/2003. This version of this provision has been superseded.

**Changes to legislation:**

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