



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Status: This is the original version (as it was originally enacted).

- (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.