



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 4

#### CONFISCATION: NORTHERN IRELAND

##### *Enforcement as fines etc*

VALID FROM 24/03/2003

#### **186 Director's application for enforcement**

- (1) If the Director believes that the conditions set out in subsection (2) are satisfied he may make an ex parte application to the Crown Court for the issue of a summons against the defendant.
- (2) The conditions are that—
  - (a) a confiscation order has been made;
  - (b) the Director has been appointed as the enforcement authority for the order;
  - (c) the order is not satisfied;
  - (d) the order is not subject to appeal;
  - (e) the Director has done all that is practicable (apart from this section) to enforce the order.
- (3) If it appears to the Crown Court that the conditions are satisfied it may issue a summons ordering the defendant to appear before the court at the time and place specified in the summons.
- (4) If the defendant fails to appear before the Crown Court in pursuance of the summons the court may issue a warrant for his arrest.
- (5) If—
  - (a) the defendant appears before the Crown Court in pursuance of the summons or of a warrant issued under subsection (4), and

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*Status: Point in time view as at 30/12/2002. This version of this provision is not valid for this point in time.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 186 is up to date with all changes known to be in force on or before 22 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)*

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- (b) the court is satisfied that the conditions set out in subsection (2) are satisfied, it may issue a warrant committing the defendant to prison or to detention under section 5 of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.)) for default in payment of the amount ordered to be paid by the confiscation order.
- (6) Subsection (7) applies if the amount remaining to be paid under the confiscation order when the warrant under subsection (5) is issued is less than the amount ordered to be paid.
- (7) In such a case the court must substitute for the term of imprisonment or detention fixed in respect of the order under section 35(1) of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) such term as bears to the original term the same proportion as the amount remaining to be paid bears to the amount ordered to be paid.

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