



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 4

#### CONFISCATION: NORTHERN IRELAND

##### *Enforcement as fines etc*

#### **187 Provisions about imprisonment or detention**

- (1) Subsection (2) applies if—
  - (a) a warrant committing the defendant to prison or detention is issued for a default in payment of an amount ordered to be paid under a confiscation order in respect of an offence or offences, and
  - (b) at the time the warrant is issued the defendant is liable to serve a term of custody in respect of the offence (or any of the offences).
- (2) In such a case the term of imprisonment or of detention to be served in default of payment of the amount does not begin to run until after the term mentioned in subsection (1)(b) above.
- (3) The reference in subsection (1)(b) to the term of custody the defendant is liable to serve in respect of the offence (or any of the offences) is a reference to the term of imprisonment, or detention under section 5 of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.)), which he is liable to serve in respect of the offence (or any of the offences).
- (4) For the purposes of subsection (3) consecutive terms and terms which are wholly or partly concurrent must be treated as a single term and the following must be ignored—
  - (a) any sentence of imprisonment or order for detention suspended under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 which has not taken effect at the time the warrant is issued;
  - (b) any term of imprisonment or detention fixed under section 35(1)(c) of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) (term to be

*Status: Point in time view as at 03/12/2014.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 187 is up to date with all changes known to be in force on or before 03 September 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)*

served in default of payment of fine etc) for which a warrant committing the defendant to prison or detention has not been issued at that time.

- (5) If the defendant serves a term of imprisonment or detention in default of paying any amount due under a confiscation order, his serving that term does not prevent the confiscation order from continuing to have effect so far as any other method of enforcement 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.**)
- C2** Pt. 4 applied (3.12.2014) by **The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141)**, reg. 1(b), **Sch. 2 para. 11(5)**
- C3** Pt. 4 applied (3.12.2014) by **The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141)**, reg. 1(b), **Sch. 2 para. 6(5)**
- C4** S. 187 excluded (3.12.2014) by **The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141)**, reg. 1(b), **Sch. 2 para. 11(6)**

**Commencement Information**

- I1** S. 187 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

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