



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Defendant absconds

27 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,
 - (b) he is committed to the Crown Court for sentence in respect of an offence or offences under [F¹section 3, 3A, 3B, 3C, 4, 4A or 6] of the Sentencing Act, or
 - (c) he is committed to the Crown Court in respect of an offence or offences under section 70 below (committal with a view to a confiscation order being considered).
- (3) The second condition is that—
 - (a) the prosecutor ^{F²}... 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 6 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 6 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 6 is entitled to appear before the court and make representations;

Status: Point in time view as at 03/12/2014. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 27 is up to date with all changes known to be in force on or before 06 August 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)

- (b) the court must not make an order under section 6 unless the prosecutor ^{F3}... has taken reasonable steps to contact the defendant;
 - (c) section 6(9) applies as if the reference to subsection (2) were to subsection (2) of this section;
 - (d) sections 10, 16(4), 17 and 18 must be ignored;
 - (e) sections 19, 20 and 21 must be ignored while the defendant is still an absconder.
- (6) Once the defendant ceases to be an absconder section 19 has effect as if subsection (1) (a) read—
- “(a) at a time when the first condition in section 27 was satisfied the court did not proceed under section 6.”
- (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 19 has effect as if subsection (1)(b) read—
- “(b) there is evidence which was not available to the prosecutor ^{F4}... on the relevant date.”

Textual Amendments

- F1** Words in s. 27(2)(b) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003](#) (c. 44), s. 336(3)(4), **Sch. 3 para. 75(3)**; S.I. 2005/1267, art. 2(1)(2)(c); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), **Sch.** (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F2** Words in s. 27(3)(a) repealed (1.4.2008) by [Serious Crime Act 2007](#) (c. 27), s. 94(1), **Sch. 8 para. 14(2)**, **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F3** Words in s. 27(5)(b) repealed (1.4.2008) by [Serious Crime Act 2007](#) (c. 27), s. 94(1), **Sch. 8 para. 14(3)**, **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F4** Words in s. 27(7) repealed (1.4.2008) by [Serious Crime Act 2007](#) (c. 27), s. 94(1), **Sch. 8 para. 14(4)**, **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

Modifications etc. (not altering text)

- C1** Pt. 2 applied by [Terrorism Act 2000](#) (c. 11), **Sch. 8 paras. 8(5A), 34(3A)** (as substituted (24.3.2003) by [Proceeds of Crime Act 2002](#) (c. 29), s. 458(1), **Sch. 11 para. 39(2)(5)**; S.S.I. 2003/210, art. 2(1)(b)(2), **sch.** (with art. 7); S.I. 2003/333, art. 2, **Sch.**)
- C2** Pt. 2 applied by [Police and Criminal Evidence Act 1984](#) (c. 60), **ss. 56(5B), 58(8B)** (as substituted (24.3.2003) by [Proceeds of Crime Act 2002](#) (c. 29), s. 458(1), **Sch. 11 para. 14(2)(3)**; S.I. 2003/333, art. 2, **Sch.**)

Commencement Information

- I1** S. 27 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.** (with arts. 3(2), 10-13)

Status:

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