



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 2

#### CONFISCATION: ENGLAND AND WALES

##### *Appeals*

### **31 Appeal by prosecutor [<sup>F1</sup>etc]<sup>F2</sup>...**

- (1) If the Crown Court makes a confiscation order the prosecutor <sup>F3</sup>... may appeal to the Court of Appeal in respect of the order.
- (2) If the Crown Court decides not to make a confiscation order the prosecutor <sup>F4</sup>... may appeal to the Court of Appeal against the decision.
- (3) Subsections (1) and (2) do not apply to an order or decision made by virtue of section [<sup>F5</sup>10A, ] 19, 20, 27 or 28.
- [<sup>F6</sup>(4) An appeal lies to the Court of Appeal against a determination, under section 10A, of the extent of the defendant's interest in property.
- (5) An appeal under subsection (4) lies at the instance of—
  - (a) the prosecutor;
  - (b) a person who the Court of Appeal thinks is or may be a person holding an interest in the property, if subsection (6) or (7) applies.
- (6) This subsection applies if the person was not given a reasonable opportunity to make representations when the determination was made.
- (7) This subsection applies if it appears to the Court of Appeal to be arguable that giving effect to the determination would result in a serious risk of injustice to the person.
- (8) An appeal does not lie under subsection (4) where—
  - (a) the Court of Appeal believes that an application under section 50 is to be made by the prosecutor for the appointment of a receiver,

*Status: Point in time view as at 20/07/2018.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 31 is up to date with all changes known to be in force on or before 18 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)*

- (b) such an application has been made but has not yet been determined, or
- (c) a receiver has been appointed under section 50.]

#### Textual Amendments

- F1** Word in s. 31 heading inserted (1.6.2015) by Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 4 para. 27(2)**; S.I. 2015/820, reg. 3(q)(iii)
- F2** Words in s. 31 heading repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 16(2), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F3** Words in s. 31(1) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 16(3), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F4** Words in s. 31(2) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 16(4), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F5** Word in s. 31(3) inserted (1.6.2015) by Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 4 para. 27(3)**; S.I. 2015/820, reg. 3(q)(iii)
- F6** S. 31(4)-(8) inserted (1.6.2015) by Serious Crime Act 2015 (c. 9), **ss. 3(1)**, 88(1); S.I. 2015/820, reg. 3(a)

#### 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.**)
- C3** Pt. 2 applied (with modifications) (1.6.2015) by The Restraint Orders (Legal Aid Exception and Relevant Legal Aid Payments) Regulations 2015 (S.I. 2015/868), regs. 1, **5** (with reg. 4)

#### Commencement Information

- I1** S. 31 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

**Status:**

Point in time view as at 20/07/2018.

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