

# Serious Crime Act 2015

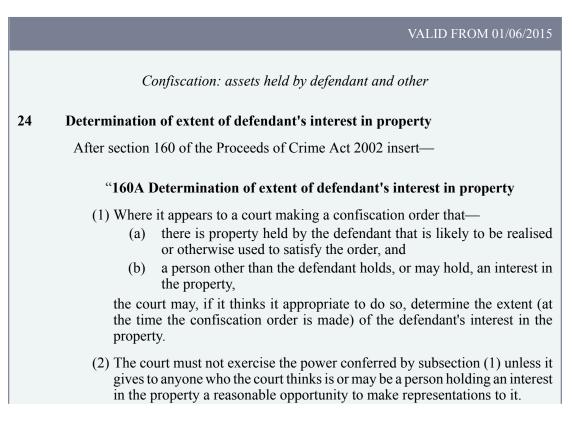
## **2015 CHAPTER 9**

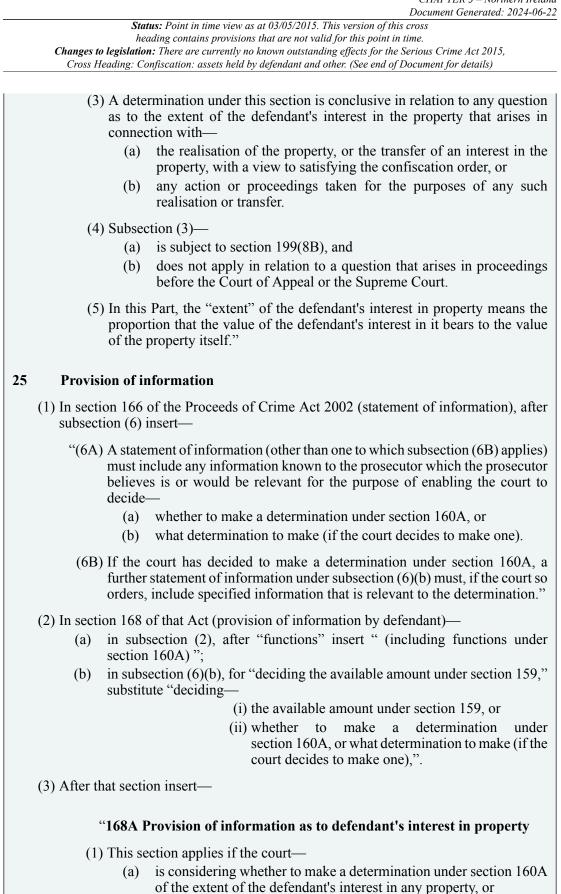
### PART 1

PROCEEDS OF CRIME

### **CHAPTER 3**

NORTHERN IRELAND



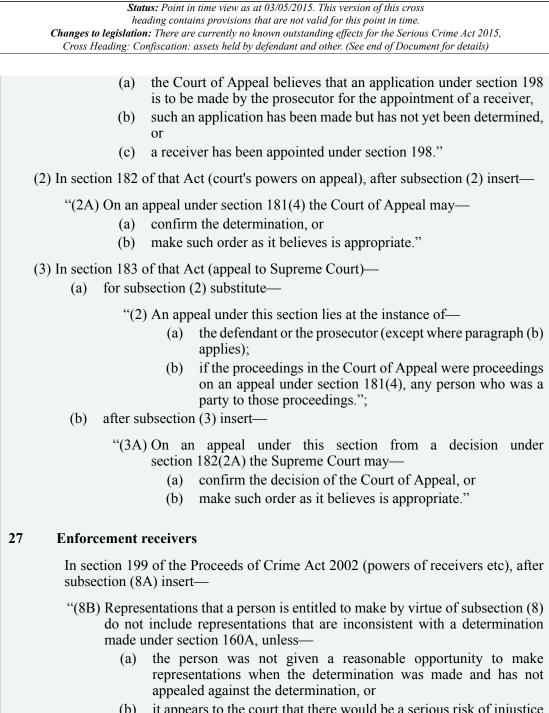


(b) is deciding what determination to make (if the court has decided to make a determination under that section).

Status: Point in time view as at 03/05/2015. This version of this cross heading contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Serious Crime Act 2015, Cross Heading: Confiscation: assets held by defendant and other. (See end of Document for details)

|         | In this section "interested person" means a person (other than the defendant) who the court thinks is or may be a person holding an interest in the property.  |
|---------|--|
| (2      | 2) For the purpose of obtaining information to help it in carrying out its functions under section 160A the court may at any time order an interested person to give it information specified in the order.  |
| (3      | B) An order under this section may require all or a specified part of the information to be given in a specified manner and before a specified date.   |
| (4      | 1) If an interested person fails without reasonable excuse to comply with an order under this section the court may draw such inference as it believes is appropriate.   |
| (5      | 5) Subsection (4) does not affect any power of the court to deal with the person in respect of a failure to comply with an order under this section.   |
| (6      | <ul> <li>b) If the prosecutor accepts to any extent an allegation made by an interested person— <ul> <li>(a) in giving information required by an order under this section, or</li> <li>(b) in any other statement given to the court in relation to any matter relevant to a determination under section 160A,</li> </ul> </li> </ul> |
|         | the court may treat the acceptance as conclusive of the matters to which it relates.   |
| (7      | 7) For the purposes of this section an allegation may be accepted in a manner ordered by the court.  |
| (8      | B) If the court makes an order under this section it may at any time vary it by making another one.  |
| (9      | 9) No information given by a person under this section is admissible in evidence in proceedings against that person for an offence."   |
| 26 Appe | als  |
|         | tion 181 of the Proceeds of Crime Act 2002 (appeal to Court of Appeal), after ction (3) insert—  |
| "(4     | An appeal lies to the Court of Appeal against a determination, under<br>section 160A, of the extent of the defendant's interest in property.   |
| (5      | <ul> <li>5) An appeal under subsection (4) lies at the instance of—</li> <li>(a) the prosecutor;</li> <li>(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.</li> </ul>  |
| (6      | 5) This subsection applies if the person was not given a reasonable opportunity to make representations when the determination was made.   |
| (7      | 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      | 3) An appeal does not lie under subsection (4) where—  |



(b) it appears to the court that there would be a serious risk of injustice to the person if the court was bound by the determination;

and the determination does not bind the court if paragraph (a) or (b) applies."

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