



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 1

#### PROCEEDS OF CRIME

#### CHAPTER 1

#### ENGLAND AND WALES

#### *Confiscation: assets held by defendant and other*

### **2 Provision of information**

- (1) In section 16 of the Proceeds of Crime Act 2002 (statement of information), after subsection (6) insert—

“(6A) A statement of information (other than one to which subsection (6B) applies) must include any information known to the prosecutor which the prosecutor believes is or would be relevant for the purpose of enabling the court to decide—

- (a) whether to make a determination under section 10A, or
- (b) what determination to make (if the court decides to make one).

(6B) If the court has decided to make a determination under section 10A, a further statement of information under subsection (6)(b) must, if the court so orders, include specified information that is relevant to the determination.”

- (2) In section 18 of that Act (provision of information by defendant)—

- (a) in subsection (2), after “functions” insert “(including functions under section 10A)”; and
- (b) in subsection (6)(b), for “deciding the available amount under section 9,” substitute “deciding—

- (i) the available amount under section 9, or

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*Status: This is the original version (as it was originally enacted).*

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- (ii) whether to make a determination under section 10A, or what determination to make (if the court decides to make one).”.

- (3) After that section insert—

**“18A Provision of information as to defendant’s interest in property**

- (1) This section applies if the court—
- (a) is considering whether to make a determination under section 10A of the extent of the defendant’s interest in any property, or
  - (b) is deciding what determination to make (if the court has decided to make a determination under that section).

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) For the purpose of obtaining information to help it in carrying out its functions under section 10A the court may at any time order an interested person to give it information specified in the order.
- (3) 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) 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) 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) If the prosecutor accepts to any extent an allegation made by an interested person—
  - (a) in giving information required by an order under this section, or
  - (b) in any other statement given to the court in relation to any matter relevant to a determination under section 10A,
 the court may treat the acceptance as conclusive of the matters to which it relates.
- (7) For the purposes of this section an allegation may be accepted in a manner ordered by the court.
- (8) If the court makes an order under this section it may at any time vary it by making another one.
- (9) No information given by a person under this section is admissible in evidence in proceedings against that person for an offence.”