



Serious Crime Act 2015

2015 CHAPTER 9

PART 1

PROCEEDS OF CRIME

CHAPTER 3

NORTHERN IRELAND

Confiscation: other amendments

28 Time for payment

(1) For section 161 of the Proceeds of Crime Act 2002 substitute—

“161 Time for payment

- (1) Unless subsection (2) applies, the full amount ordered to be paid under a confiscation order must be paid on the day on which the order is made.
- (2) If the court making the confiscation order is satisfied that the defendant is unable to pay the full amount on that day, it may make an order requiring whatever cannot be paid on that day to be paid—
 - (a) in a specified period, or
 - (b) in specified periods each of which relates to a specified amount.
- (3) A specified period—
 - (a) must start with the day on which the confiscation order is made, and
 - (b) must not exceed three months.
- (4) If—
 - (a) within any specified period the defendant applies to the Crown Court for that period to be extended, and

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Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Section 28. (See end of Document for details)

- (b) the court is satisfied that, despite having made all reasonable efforts, the defendant is unable to pay the amount to which the specified period relates within that period,
the court may make an order extending the period (for all or any part or parts of the amount in question).
- (5) An extended period—
- (a) must start with the day on which the confiscation order is made, and
 - (b) must not exceed six months.
- (6) An order under subsection (4)—
- (a) may be made after the end of the specified period to which it relates, but
 - (b) must not be made after the end of the period of six months starting with the day on which the confiscation order is made.
- (7) Periods specified or extended under this section must be such that, where the court believes that a defendant will by a particular day be able—
- (a) to pay the amount remaining to be paid, or
 - (b) to pay an amount towards what remains to be paid,
- that amount is required to be paid no later than that day.
- (8) The court must not make an order under subsection (2) or (4) unless it gives the prosecutor an opportunity to make representations.”
- (2) In section 162 of that Act (interest on unpaid sums), for subsection (3) substitute—
- “(3) If—
- (a) an application has been made under section 161(4) for a specified period to be extended,
 - (b) the application has not been determined by the court, and
 - (c) the period of six months starting with the day on which the confiscation order was made has not ended,
- the amount on which interest is payable under this section does not include the amount to which the specified period relates.”
- (3) In section 235 of that Act (interpretation: confiscation orders), after subsection (1) insert—
- “(1A) The “amount payable” under a confiscation order, where part of that amount has been paid, means the amount that remains to be paid.”

Commencement Information

II S. 28 in force at 1.6.2015 by S.R. 2015/190, reg. 3(1)(b)

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