



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 1

#### PROCEEDS OF CRIME

#### CHAPTER 1

#### ENGLAND AND WALES

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

### 3 Appeals

- (1) In section 31 of the Proceeds of Crime Act 2002 (appeal to Court of Appeal), after subsection (3) insert—
  - “(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,

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*Status: This is the original version (as it was originally enacted).*

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

(2) In section 32 of that Act (court’s powers on appeal), after subsection (2) insert—

“(2A) On an appeal under section 31(4) the Court of Appeal may—

- (a) confirm the determination, or
- (b) make such order as it believes is appropriate.”

(3) In section 33 of that Act (appeal to Supreme Court)—

(a) for subsection (2) substitute—

“(2) An appeal under this section lies at the instance of—

- (a) the defendant or the prosecutor (except where paragraph (b) applies);
- (b) if the proceedings in the Court of Appeal were proceedings on an appeal under section 31(4), any person who was a party to those proceedings.”;

(b) after subsection (3) insert—

“(3A) On an appeal under this section from a decision under section 32(2A) the Supreme Court may—

- (a) confirm the decision of the Court of Appeal, or
- (b) make such order as it believes is appropriate.”