



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 1

#### PROCEEDS OF CRIME

### CHAPTER 3

#### NORTHERN IRELAND

#### *Confiscation: other amendments*

### **31 Absconding defendants**

(1) In section 177 of the Proceeds of Crime Act 2002 (absconding defendant convicted or committed), for subsection (2) substitute—

“(2) The first condition is that a defendant falls within either of the following paragraphs—

- (a) he absconds and, either before or after doing so, he is convicted of an offence or offences in proceedings before the Crown Court;
- (b) he absconds after being committed to the Crown Court in respect of an offence or offences under section 218 below (committal with a view to a confiscation order being considered).”

(2) For subsections (6) and (7) of that section substitute—

“(6) Once the defendant ceases to be an absconder—

- (a) section 169 has effect as if subsection (1) read—

“(1) This section applies if—

- (a) at a time when the first condition in section 177 was satisfied the court did not proceed under section 156,

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- (b) before the end of the period of six years starting with the day when the defendant ceased to be an absconder, the prosecutor applies to the Crown Court to proceed under section 156, and
    - (c) the court believes it is appropriate for it to do so.”;
  - (b) section 170 has effect as if subsection (4) read—
    - “(4) The second condition is that—
      - (a) before the end of the period of six years starting with the day when the defendant ceased to be an absconder, the prosecutor applies to the Crown Court to reconsider whether the defendant has benefited from his general or particular criminal conduct (as the case may be), and
      - (b) the court believes it is appropriate for it to do so.”;
    - (c) section 171 has effect as if subsection (1) read—
      - “(1) This section applies if—
        - (a) a court has made a confiscation order,
        - (b) the prosecutor believes that if the court were to find the amount of the defendant’s benefit in pursuance of this section it would exceed the relevant amount,
        - (c) before the end of the period of six years starting with the day when the defendant ceased to be an absconder, the prosecutor applies to the Crown Court to proceed under this section, and
        - (d) the court believes it is appropriate for it to do so.”;
      - (d) the modifications set out in subsection (5)(a) to (d) of this section do not apply to proceedings that take place by virtue of section 169, 170 or 171 (as applied by this subsection).”
- (3) In section 178 of that Act (absconding defendant neither convicted nor acquitted), in subsection (2)(c), for “two years” substitute “three months”.
- (4) For subsection (6) of that section substitute—
  - “(6) Once the defendant has ceased to be an absconder—
    - (a) section 171 has effect as if subsection (1) read—
      - “(1) This section applies if—
        - (a) a court has made a confiscation order,
        - (b) the prosecutor believes that if the court were to find the amount of the defendant’s benefit in pursuance of this section it would exceed the relevant amount,
        - (c) before the end of the period of six years starting with the day when the defendant ceased to be an absconder, the prosecutor applies to the Crown Court to proceed under this section, and
        - (d) the court believes it is appropriate for it to do so.”;

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

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- (b) the modifications set out in subsection (5)(a) to (d) of this section do not apply to proceedings that take place by virtue of section 171 (as applied by this subsection).”