



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 2

#### CONFISCATION: ENGLAND AND WALES

##### *Defendant absconds*

#### **27 Defendant convicted or committed**

(1) This section applies if the following two conditions are satisfied.

[<sup>F1</sup>(2) The first condition is that a defendant falls within any 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 for sentence in respect of an offence or offences under [<sup>F2</sup>any provision of sections 14 to 20 of the Sentencing Code];
- (c) he absconds after being committed to the Crown Court in respect of an offence or offences under section 70 below (committal with a view to a confiscation order being considered).]

(3) The second condition is that—

- (a) the prosecutor <sup>F3</sup>... applies to the Crown Court to proceed under this section, and
- (b) the court believes it is appropriate for it to do so.

(4) If this section applies the court must proceed under section 6 in the same way as it must proceed if the two conditions there mentioned are satisfied; but this is subject to subsection (5).

(5) If the court proceeds under section 6 as applied by this section, this Part has effect with these modifications—

- (a) any person the court believes is likely to be affected by an order under section 6 is entitled to appear before the court and make representations;

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- (b) the court must not make an order under section 6 unless the prosecutor <sup>F4</sup>... has taken reasonable steps to contact the defendant;
- (c) section 6(9) applies as if the reference to subsection (2) were to subsection (2) of this section;
- (d) sections 10, 16(4), 17 and 18 must be ignored;
- (e) sections 19, 20 and 21 must be ignored while the defendant is still an absconder.

[<sup>F5</sup>(6) Once the defendant ceases to be an absconder—

- (a) section 19 has effect as if subsection (1) read—

“(1) This section applies if—

- (a) at a time when the first condition in section 27 was satisfied the court did not proceed under section 6,
- (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 6, and
- (c) the court believes it is appropriate for it to do so.”;

- (b) section 20 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 21 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 19, 20 or 21 (as applied by this subsection).]

#### Textual Amendments

- F1** S. 27(2) substituted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 9(1)**, 88(1); S.I. 2015/820, reg. 3(f)
- F2** Words in s. 27(2)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 189** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F3** Words in s. 27(3)(a) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 14\(2\)](#), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

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- F4** Words in s. 27(5)(b) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 8 para. 14(3), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F5** S. 27(6) substituted for s. 27(6)(7) (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 9(2)**, 88(1); S.I. 2015/820, reg. 3(f)

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**Modifications etc. (not altering text)**

- C1** Pt. 2 applied by [Terrorism Act 2000 \(c. 11\)](#), Sch. 8 paras. 8(5A), 34(3A) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 11 para. 39(2)(5)**; S.S.I. 2003/210, art. 2(1)(b)(2), sch. (with art. 7); S.I. 2003/333, art. 2, Sch.)
- C2** Pt. 2 applied by [Police and Criminal Evidence Act 1984 \(c. 60\)](#), ss. 56(5B), 58(8B) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 11 para. 14(2)(3)**; S.I. 2003/333, art. 2, Sch.)
- C3** Pt. 2 applied (with modifications) (1.6.2015) by [The Restraint Orders \(Legal Aid Exception and Relevant Legal Aid Payments\) Regulations 2015 \(S.I. 2015/868\)](#), regs. 1, **5** (with reg. 4)

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**Commencement Information**

- I1** S. 27 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.** (with arts. 3(2), 10-13)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)