



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Defendant absconds

30 Discharge of order

- (1) Subsection (2) applies if—
 - (a) the court makes a confiscation order under section 6 as applied by section 28,
 - (b) the defendant is later tried for the offence or offences concerned and acquitted on all counts, and
 - (c) he applies to the Crown Court to discharge the order.
- (2) In such a case the court must discharge the order.
- (3) Subsection (4) applies if—
 - (a) the court makes a confiscation order under section 6 as applied by section 28,
 - (b) the defendant ceases to be an absconder,
 - (c) subsection (1)(b) does not apply, and
 - (d) he applies to the Crown Court to discharge the order.
- (4) In such a case the court may discharge the order if it finds that—
 - (a) there has been undue delay in continuing the proceedings mentioned in section 28(2), or
 - (b) the prosecutor does not intend to proceed with the prosecution.
- (5) If the court discharges a confiscation order under this section it may make such a consequential or incidental order as it believes is appropriate.