



Serious Crime Act 2015

2015 CHAPTER 9

PART 1

PROCEEDS OF CRIME

CHAPTER 1

ENGLAND AND WALES

Confiscation: assets held by defendant and other

1 Determination of extent of defendant's interest in property

After section 10 of the Proceeds of Crime Act 2002 insert—

“10A Determination of extent of defendant's interest in property

- (1) Where it appears to a court making a confiscation order that—
 - (a) there is property held by the defendant that is likely to be realised or otherwise used to satisfy the order, and
 - (b) a person other than the defendant holds, or may hold, an interest in the property,the court may, if it thinks it appropriate to do so, determine the extent (at the time the confiscation order is made) of the defendant's interest in the property.
- (2) The court must not exercise the power conferred by subsection (1) unless it gives to anyone who the court thinks is or may be a person holding an interest in the property a reasonable opportunity to make representations to it.
- (3) A determination under this section is conclusive in relation to any question as to the extent of the defendant's interest in the property that arises in connection with—

Status: This is the original version (as it was originally enacted).

- (a) the realisation of the property, or the transfer of an interest in the property, with a view to satisfying the confiscation order, or
 - (b) any action or proceedings taken for the purposes of any such realisation or transfer.
- (4) Subsection (3)—
- (a) is subject to section 51(8B), and
 - (b) does not apply in relation to a question that arises in proceedings before the Court of Appeal or the Supreme Court.
- (5) In this Part, the “extent” of the defendant’s interest in property means the proportion that the value of the defendant’s interest in it bears to the value of the property itself.”