
STATUTORY INSTRUMENTS

1996 No. 1299

The Proceeds of Crime (Northern Ireland) Order 1996

PART II

CONFISCATION ORDERS

Further proceedings in connection with confiscation orders

Re-assessment of proceeds of crime

18.—(1) If, in any case where the Crown Court or a court of summary jurisdiction has made a determination under Article 8(1) (“the original determination”) that the defendant has not benefited from any relevant criminal conduct or, as the case may be, drug trafficking, the prosecution has evidence—

- (a) which was not considered by the court making the original determination, but
- (b) which the prosecution believes would have led the court to determine that the defendant had benefited from relevant criminal conduct or, as the case may be, from drug trafficking, if it had been considered by the court,

the prosecution may apply to the relevant court for it to consider that evidence.

(2) If, having considered the evidence, the relevant court is satisfied that it would have determined that the defendant had benefited from relevant criminal conduct or, as the case may be, from drug trafficking if that evidence had been available to it, the court shall, as if it were proceeding under Article 8,—

- (a) make a fresh determination under Article 8(1); and
- (b) apply Article 8(2) or, as the case may be, (3) with respect to the amount to be recovered under that Article;

and may, subject to paragraph (3), make an order under that Article.

(3) In a case of an offence of a relevant description, the court shall not, under paragraph (2), make any order for the payment of an amount which exceeds the amount which the court would have ordered under Article 8(2).