
STATUTORY INSTRUMENTS

1996 No. 1299

The Proceeds of Crime (Northern Ireland) Order 1996

PART II

CONFISCATION ORDERS

Proceedings in connection with confiscation orders where defendant has died or absconded

Powers of High Court where defendant has died or absconded

24.—(1) Paragraph (2) applies where a person has been convicted of one or more offences to which this Order applies.

(2) If the prosecution asks it to proceed under this Article, the High Court may exercise the powers of the Crown Court under this Order to make a confiscation order against the defendant if satisfied that the defendant has died or absconded.

(3) Paragraph (4) applies where proceedings for one or more offences to which this Order applies have been instituted against a person but have not been concluded.

(4) If the prosecution asks it to proceed under this Article, the High Court may exercise the powers of the Crown Court under this Order to make a confiscation order against the defendant if satisfied that the defendant has absconded.

(5) The power conferred by paragraph (4) may not be exercised at any time before the end of the period of 2 years from the date which is, in the opinion of the Court, the date on which the defendant absconded.

(6) In any proceedings on an application under this Article—

- (a) Articles 9(1) and 10(1) shall not apply;
- (b) Article 15 shall apply as it applies where the prosecution asks the Court to proceed under Article 8, but with the omission of paragraphs (3), (5) and (6);
- (c) the Court shall not make a confiscation order against a person who has absconded unless it is satisfied that the prosecution has taken reasonable steps to contact him; and
- (d) any person appearing to the Court to be likely to be affected by the making of a confiscation order by the Court may appear before the Court and make representations.

(7) Subject to paragraph (8), Article 13 shall apply in relation to confiscation orders made by the High Court under this Article as it applies in relation to confiscation orders made by the Crown Court, and shall have effect for that purpose as if references to the Crown Court in the provisions of the 1945 Act referred to in Article 13(1) were references to the High Court.

(8) Where the High Court makes a confiscation order under this Article in relation to a defendant who has died, Article 13(1) shall have effect as if referring only to section 35(1) of the 1945 Act.

(9) Where the High Court—

- (a) has been asked to proceed under this Article in relation to an offender who has absconded, but

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(b) has decided not to make a confiscation order against him,
Article 18 shall not apply at any time while he remains an absconder.

(10) Where a confiscation order has been made in relation to any defendant under this Article,
Article 19 shall not apply at any time while he is an absconder.