
STATUTORY INSTRUMENTS

1996 No. 1299

The Proceeds of Crime (Northern Ireland) Order 1996

PART II

CONFISCATION ORDERS

Gifts caught by this Order

7.—(1) A gift (including a gift made before the coming into operation of this Order) is caught by this Order if—

- (a) in the case of an offence of a relevant description—
 - (i) it was made by the defendant at any time after the commission of the offence or, if more than one, the earliest of the offences to which the proceedings for the time being relate; and
 - (ii) the court considers it appropriate in all the circumstances to take the gift into account; or
- (b) in the case of a drug trafficking offence—
 - (i) it was made by the defendant at any time since the beginning of the period of 6 years ending when the proceedings were instituted against him, or
 - (ii) it was made by the defendant at any time and was a gift of property—
 - (aa) received by the defendant in connection with drug trafficking carried on by him or another, or
 - (ab) which in whole or in part directly or indirectly represented in the defendant's hands property received by him in that connection.

(2) The reference in paragraph (1)(a)(i) to an offence to which the proceedings for the time being relate includes, where the proceedings have resulted in the conviction of the defendant, a reference to any offence which the court takes into consideration when determining his sentence.

- (3) For the purposes of this Order—
 - (a) the circumstances in which the defendant is to be treated as making a gift include those where he transfers property to another person directly or indirectly for a consideration the value of which is significantly less than the value of the consideration provided by the defendant; and
 - (b) in those circumstances, the provisions of paragraph (1) and of Article 6 shall apply as if the defendant had made a gift of such share in the property as bears to the whole property the same proportion as the difference between the values referred to in sub-paragraph (a) bears to the value of the consideration provided by the defendant.