



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Procedural matters

15 Effect of postponement

- (1) If the court postpones proceedings under section 6 it may proceed to sentence the defendant for the offence (or any of the offences) concerned.
- (2) In sentencing the defendant for the offence (or any of the offences) concerned in the postponement period the court must not—
 - (a) impose a fine on him,
 - (b) make an order falling within section 13(3), ^{F1}...
 - (c) make an order for the payment of compensation under [^{F2}Chapter 2 of Part 7 of the Sentencing Code]^{F3, F4}...
 - ^{F5}(ca) [make an order for the payment of a surcharge under [^{F6}section 42 of the Sentencing Code], or]
 - (d) make an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013].
- (3) If the court sentences the defendant for the offence (or any of the offences) concerned in the postponement period, after that period ends it may vary the sentence by—
 - (a) imposing a fine on him,
 - (b) making an order falling within section 13(3), ^{F7}...
 - (c) making an order for the payment of compensation under [^{F8}Chapter 2 of Part 7 of the Sentencing Code]^{F9, F10}...
 - ^{F11}(ca) [making an order for the payment of a surcharge under [^{F12}section 42 of the Sentencing Code], or]
 - (d) making an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013].

Changes to legislation: Proceeds of Crime Act 2002, Section 15 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) But the court may proceed under subsection (3) only within the period of 28 days which starts with the last day of the postponement period.
- (5) For the purposes of—
- (a) section 18(2) of the Criminal Appeal Act 1968 (c. 19) (time limit for notice of appeal or of application for leave to appeal), and
 - (b) paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (c. 33) (time limit for notice of application for leave to refer a case under section 36 of that Act),
- the sentence must be regarded as imposed or made on the day on which it is varied under subsection (3).
- (6) If the court proceeds to sentence the defendant under subsection (1), section 6 has effect as if the defendant's particular criminal conduct included conduct which constitutes offences which the court has taken into consideration in deciding his sentence for the offence or offences concerned.
- (7) The postponement period is the period for which proceedings under section 6 are postponed.

Textual Amendments

- F1** Word in s. 15(2)(b) omitted (15.10.2013 for E., 5.11.2013 for W.) by virtue of [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, [Sch. para. 16\(2\)\(a\)](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F2** Words in s. 15(2)(c) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 184\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F3** S. 15(2)(d) and word inserted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, [Sch. para. 16\(2\)\(b\)](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F4** Word in s. 15(2)(c) omitted (1.6.2015) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 22\(2\)\(a\)](#); S.I. 2015/820, reg. 3(q)(iii)
- F5** S. 15(2)(ca) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 22\(2\)\(b\)](#); S.I. 2015/820, reg. 3(q)(iii)
- F6** Words in s. 15(2)(ca) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 184\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F7** Word in s. 15(3)(b) omitted (15.10.2013 for E., 5.11.2013 for W.) by virtue of [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, [Sch. para. 16\(3\)\(a\)](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F8** Words in s. 15(3)(c) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 184\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F9** S. 15(3)(d) and word inserted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, [Sch. para. 16\(3\)\(b\)](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F10** Word in s. 15(3)(c) omitted (1.6.2015) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 22\(3\)\(a\)](#); S.I. 2015/820, reg. 3(q)(iii)
- F11** S. 15(3)(ca) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 22\(3\)\(b\)](#); S.I. 2015/820, reg. 3(q)(iii)
- F12** Words in s. 15(3)(ca) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 184\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** Pt. 2 applied by [Terrorism Act 2000 \(c. 11\)](#), Sch. 8 paras. 8(5A), 34(3A) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 39\(2\)\(5\)](#); S.S.I. 2003/210, art. 2(1)(b)(2), sch. (with art. 7); S.I. 2003/333, art. 2, Sch.)

Changes to legislation: *Proceeds of Crime Act 2002, Section 15 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

C2 Pt. 2 applied by Police and Criminal Evidence Act 1984 (c. 60), ss. 56(5B), 58(8B) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 14\(2\)\(3\)](#); S.I. 2003/333, art. 2, Sch.)

Commencement Information

I1 S. 15 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)