



Serious Crime Act 2015

2015 CHAPTER 9

PART 1

PROCEEDS OF CRIME

CHAPTER 3

NORTHERN IRELAND

Confiscation: other amendments

30 Variation or discharge

- (1) In section 173 of the Proceeds of Crime Act 2002 (inadequacy of available amount: variation of confiscation order), in subsection (1)(b), after “the defendant” insert “or the prosecutor”.
- (2) After section 175 of that Act insert—

“175A Recovery from estate of deceased defendant impractical: discharge of order

- (1) This section applies if—
 - (a) a court has made a confiscation order,
 - (b) the defendant dies while the order is not satisfied, and
 - (c) the prosecutor applies to the Crown Court for the discharge of the order.
- (2) The court may discharge the order if it appears to the court that—
 - (a) it is not possible to recover anything from the estate of the deceased for the purpose of satisfying the order to any extent, or

Status: This is the original version (as it was originally enacted).

- (b) it would not be reasonable to make any attempt, or further attempt, to recover anything from the estate of the deceased for that purpose.”
- (3) Section 175A of that Act (inserted by subsection (2) above) applies to—
- (a) a confiscation order made under the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 (S.I. 1990/2588 (N.I. 17)), or
 - (b) a confiscation order made under Part 2 of the Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996/1299 (N.I. 9)),
- as it applies to a confiscation order made under the Proceeds of Crime Act 2002.