



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 4

CONFISCATION: NORTHERN IRELAND

Reconsideration

169 No order made: reconsideration of case

- (1) This section applies if—
 - (a) the first condition in section 156 is satisfied but no court has proceeded under that section,
 - (b) there is evidence which was not available to the prosecutor on the relevant date,
 - (c) before the end of the period of six years starting with the date of conviction the prosecutor ^{F1}... applies to the Crown Court to consider the evidence, and
 - (d) after considering the evidence the court believes it is appropriate for it to proceed under section 156.
- (2) If this section applies the court must proceed under section 156, and when it does so subsections (3) to (8) below apply.
- (3) If the court has already sentenced the defendant for the offence (or any of the offences) concerned, section 156 has effect as if his 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.
- (4) Section 158(2) does not apply, and the rules applying instead are that the court must—
 - (a) take account of conduct occurring before the relevant date;
 - (b) take account of property obtained before that date;
 - (c) take account of property obtained on or after that date if it was obtained as a result of or in connection with conduct occurring before that date.
- (5) In section 160—

Changes to legislation: Proceeds of Crime Act 2002, Section 169 is up to date with all changes known to be in force on or before 21 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

- (a) the first and second assumptions do not apply with regard to property first held by the defendant on or after the relevant date;
 - (b) the third assumption does not apply with regard to expenditure incurred by him on or after that date;
 - (c) the fourth assumption does not apply with regard to property obtained (or assumed to have been obtained) by him on or after that date.
- (6) The recoverable amount for the purposes of section 156 is such amount as—
- (a) the court believes is just, but
 - (b) does not exceed the amount found under section 157.
- (7) In arriving at the just amount the court must have regard in particular to—
- (a) the amount found under section 157;
 - (b) any fine imposed on the defendant in respect of the offence (or any of the offences) concerned;
 - (c) any order which falls within section 163(3) and has been made against him in respect of the offence (or any of the offences) concerned and has not already been taken into account by the court in deciding what is the free property held by him for the purposes of section 159;
 - (d) any order which has been made against him in respect of the offence (or any of the offences) concerned under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15)) (compensation orders).
- (8) If an order for the payment of compensation under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 has been made against the defendant in respect of the offence or offences concerned, section 163(5) and (6) above do not apply.
- (9) The relevant date is—
- (a) if the court made a decision not to proceed under section 156, the date of the decision;
 - (b) if the court did not make such a decision, the date of conviction.
- (10) The date of conviction is—
- (a) the date on which the defendant was convicted of the offence concerned, or
 - (b) if there are two or more offences and the convictions were on different dates, the date of the latest.

Textual Amendments

F1 Words in s. 169(1)(c) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 8 para. 42, [Sch. 14](#); S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

Modifications etc. (not altering text)

C1 Pt. 4 applied by S.I. 1989/1341 (N.I. 12), arts. 57(5B), 59(8B) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), [Supreme Court s. 458\(1\)](#), [Sch. 11 para. 19\(2\)\(3\)](#); S.I. 2003/333, art. 2, Sch.)

Commencement Information

I1 S. 169 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

Changes to legislation:

Proceeds of Crime Act 2002, Section 169 is up to date with all changes known to be in force on or before 21 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.

[View outstanding changes](#)

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\(4\)](#)