



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 4

SENTENCING

CHAPTER 2

OTHER PROVISIONS RELATING TO SENTENCING

Confiscation orders

141 Appeals against certain confiscation orders (Northern Ireland)

(1) The Criminal Appeal (Northern Ireland) Act 1980 (c. 47) is amended in accordance with subsections (2) and (3).

(2) In section 10 (supplementary provisions as to appeals against sentence), after subsection (3) insert—

“(3A) Where the Court of Appeal exercises its power under subsection (3) to quash a confiscation order, the Court may, instead of passing a sentence in substitution for that order, direct the Crown Court to proceed afresh under the relevant enactment.

(3B) When proceeding afresh pursuant to subsection (3A), the Crown Court shall comply with any directions the Court of Appeal may make.

(3C) For the purposes of this section—

“confiscation order” means a confiscation order made under—

(a) Article 4 or 5 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990,

(b) Article 8 of the Proceeds of Crime (Northern Ireland) Order 1996,

or

Changes to legislation: *Coroners and Justice Act 2009, Section 141 is up to date with all changes known to be in force on or before 24 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*

(c) section 156 of the Proceeds of Crime Act 2002;
 “relevant enactment”, in relation to a confiscation order quashed under subsection (3), means the enactment under which the order was made.”

(3) After that section insert—

“10A Quashing of certain confiscation orders: supplementary

- (1) This section applies where the Court of Appeal—
- (a) quashes a confiscation order under section 10(3) (“the quashed order”), and
 - (b) under section 10(3A), directs the Crown Court to proceed afresh under the relevant enactment.
- (2) Nothing in this section prevents any sum paid by the appellant pursuant to the quashed order being a sum which is recoverable from the Secretary of State as a debt owing to the appellant, but the Court of Appeal may direct that any sum is not to be repaid until such time as the Crown Court makes a confiscation order, or decides not to make such an order, when proceeding afresh pursuant to section 10(3A).
- (3) Nothing in this section prevents an amount which would otherwise fall to be repaid as a result of the order being quashed being set against an amount which the appellant is required to pay by virtue of a confiscation order made by the Crown Court in those proceedings.
- (4) In this section “confiscation order” and “relevant enactment” have the same meaning as in section 10(3C).”

Commencement Information

II S. 141 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 11

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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. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)