



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 3

CONFISCATION: SCOTLAND

Appeals

115 Appeal by prosecutor

- (1) Section 108 of the Procedure Act (Lord Advocate's right of appeal in solemn proceedings) is amended as provided in subsections (2) to (4).
- (2) In subsection (1), after paragraph (c) insert—
 - “(ca) a decision under section 92 of the Proceeds of Crime Act 2002 not to make a confiscation order;”
- (3) In subsection (2)(b)(ii), for the words “or (c)” substitute “, (c) or (ca)”.
- (4) After subsection (2) insert—
 - “(3) For the purposes of subsection (2)(b)(i) above in its application to a confiscation order by virtue of section 92(11) of the Proceeds of Crime Act 2002, the reference to the disposal being unduly lenient is a reference to the amount required to be paid by the order being unduly low.”
- (5) Section 175 of the Procedure Act (right of appeal in summary proceedings) is amended as provided in subsections (6) to (8).
- (6) In subsection (4), after paragraph (c) insert—
 - “(ca) a decision under section 92 of the Proceeds of Crime Act 2002 not to make a confiscation order;”
- (7) In subsection (4A)(b)(ii), for the words “or (c)” substitute “, (c) or (ca)”.
- (8) After subsection (4A) insert—

Status: This is the original version (as it was originally enacted).

“(4B) For the purposes of subsection (4A)(b)(i) above in its application to a confiscation order by virtue of section 92(11) of the Proceeds of Crime Act 2002, the reference to the disposal being unduly lenient is a reference to the amount required to be paid by the order being unduly low.”