



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 9

INSOLVENCY ETC.

Sequestration in Scotland

421 Restriction of powers

- (1) If an award of sequestration is made in Scotland the powers referred to in subsection (2) must not be exercised in relation to the property referred to in subsection (3).
- (2) These are the powers—
 - (a) the powers conferred on a court by sections 41 to [F167B, the powers conferred on an appropriate officer by section 47C] and the powers of a receiver appointed under section 48 [F2or 50] ;
 - (b) the powers conferred on a court by sections 120 to 136 and Schedule 3 [F3, the powers conferred on an appropriate officer by section 127C] and the powers of an administrator appointed under section 125 or 128(3);
 - (c) the powers conferred on a court by sections 190 to [F4215B, the powers conferred on an appropriate officer by section 195C] and the powers of a receiver appointed under section 196 [F5or 198] .
- (3) This is the property—
 - (a) property which is for the time being comprised in the whole estate of the debtor within the meaning of section [F679 of the 2016] Act;
 - (b) any income of the debtor which has been ordered under section [F790 or 95] of that Act to be paid to the [F8trustee in the sequestration] ;
 - (c) any estate which under section [F979(4) or 86(4) and (5)] of that Act vests in the [F10trustee in the sequestration] ;
 - (d) in a case where a confiscation order has been made under section 6 or 156 of this Act, any sums remaining in the hands of a receiver appointed under

Changes to legislation: *Proceeds of Crime Act 2002, Section 421 is up to date with all changes known to be in force on or before 20 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*

section 50 [^{F11}or 198] of this Act after the amount required to be paid under the confiscation order has been fully paid;

(e) in a case where a confiscation order has been made under section 92 of this Act, any sums remaining in the hands of an administrator appointed under section 128 of this Act after the amount required to be paid under the confiscation order has been fully paid.

[^{F12}(f) in a case where a confiscation order has been made under section 6, 92 or 156 of this Act, any sums remaining in the hands of an appropriate officer after the amount required to be paid under the confiscation order has been fully paid under section 67D(2)(c), 131D(2)(c) or 215D(2)(c).]

(4) But nothing in the [^{F13}2016] Act must be taken to restrict (or enable the restriction of) the powers referred to in subsection (2).

^{F14}(5)

^{F14}(6)

Textual Amendments

- F1** Words in s. 421(2)(a) substituted (1.6.2015) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 83(2)(a)**; S.I. 2015/983, arts. 2(2)(e), 3(t)
- F2** Words in s. 421(2)(a) substituted (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 8 para. 73(2)(a)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F3** Words in s. 421(2)(b) inserted (1.6.2015) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 83(2)(b)**; S.I. 2015/983, arts. 2(2)(e), 3(t)
- F4** Words in s. 421(2)(c) substituted (1.3.2016) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 83(2)(c)**; S.I. 2016/147, art. 3(i)
- F5** Words in s. 421(2)(c) substituted (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 8 para. 73(2)(b)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F6** Words in s. 421(3)(a) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 1 para. 25(9)(a)**
- F7** Words in s. 421(3)(b) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 1 para. 25(9)(b)(i)**
- F8** Words in s. 421(3)(b) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 1 para. 25(9)(b)(ii)**
- F9** Words in s. 421(3)(c) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 1 para. 25(9)(c)(i)**
- F10** Words in s. 421(3)(c) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 1 para. 25(9)(c)(ii)**
- F11** Words in s. 421(3)(d) substituted (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 8 para. 73(3)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F12** S. 421(3)(f) inserted (1.6.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 83(3)**; S.I. 2015/983, arts. 2(2)(e), 3(t); S.I. 2016/147, art. 3(i)
- F13** Word in s. 421(4) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 1 para. 25(9)(d)**
- F14** S. 421(5)(6) omitted (30.11.2016) by virtue of The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 1 para. 25(9)(e)**

Commencement Information

- I1** S. 421 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

Changes to legislation:

Proceeds of Crime Act 2002, Section 421 is up to date with all changes known to be in force on or before 20 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.

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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\(4\)](#)