



Criminal Finances Act 2017

2017 CHAPTER 22

PART 1

PROCEEDS OF CRIME

CHAPTER 1

INVESTIGATIONS

Unexplained wealth orders: Scotland

6 External assistance

After section 396S of the Proceeds of Crime Act 2002 (inserted by section 5 above) insert—

“Unexplained wealth orders: enforcement abroad

396T Enforcement abroad: Scottish Ministers

- (1) This section applies if—
 - (a) the Court of Session makes an unexplained wealth order in respect of any property,
 - (b) it appears to the Scottish Ministers that the risk mentioned in section 396J(2) applies in relation to the property, and
 - (c) the Scottish Ministers believe that the property is in a country outside the United Kingdom (the receiving country).
- (2) The Scottish Ministers may send a request for assistance in relation to the property to the Secretary of State with a view to it being forwarded under this section.

Changes to legislation: There are currently no known outstanding effects for the Criminal Finances Act 2017, Section 6. (See end of Document for details)

- (3) The Secretary of State may forward the request for assistance to the government of the receiving country.
- (4) A request for assistance under this section is a request to the government of the receiving country—
 - (a) to secure that any person is prohibited from dealing with the property;
 - (b) for assistance in connection with the management of the property, including with securing its detention, custody or preservation.

396U Enforcement abroad: receiver

- (1) This section applies if—
 - (a) an interim freezing order has effect in relation to property, and
 - (b) the receiver appointed under section 396P in respect of the property believes that it is in a country outside the United Kingdom (the receiving country).
- (2) The receiver may send a request for assistance in relation to the property to the Secretary of State with a view to it being forwarded under this section.
- (3) The Secretary of State must forward the request for assistance to the government of the receiving country.
- (4) A request for assistance under this section is a request to the government of the receiving country—
 - (a) to secure that any person is prohibited from dealing with the property;
 - (b) for assistance in connection with the management of the property, including with securing its detention, custody or preservation.”

Commencement Information

I1 S. 6 in force at Royal Assent for specified purposes, see s. 58

I2 S. 6 in force at 31.1.2018 in so far as not already in force by S.I. 2018/78, reg. 3(a)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Finances Act 2017, Section 6.