



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 3

CONFISCATION: SCOTLAND

Payment and enforcement

116 Time for payment

- (1) The amount ordered to be paid under a confiscation order must be paid on the making of the order; but this is subject to the following provisions of this section.
- (2) If the accused shows that he needs time to pay the amount ordered to be paid, the court making the confiscation order may make an order allowing payment to be made in a specified period.
- (3) The specified period—
 - (a) must start with the day on which the confiscation order is made, and
 - (b) must not exceed six months.
- (4) If within the specified period the accused applies to the sheriff court for the period to be extended and the court, after giving the prosecutor an opportunity of being heard, believes there are exceptional circumstances, it may make an order extending the period.
- (5) The extended period—
 - (a) must start with the day on which the confiscation order is made, and
 - (b) must not exceed 12 months.
- (6) An order under subsection (4)—
 - (a) may be made after the end of the specified period, but
 - (b) must not be made after the end of the period of twelve months starting with the day on which the confiscation order is made.

Status: This is the original version (as it was originally enacted).

- (7) The court must not make an order under subsection (2) or (4) unless it gives the prosecutor an opportunity to make representations.