



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 3

CONFISCATION: SCOTLAND

[^{F1}Search and seizure powers

[^{F1}127K Further detention pending making of restraint order

- (1) This section applies if—
 - (a) property is detained under section 127J, and
 - (b) no restraint order is in force in respect of the property.
 - (2) If within the period mentioned in section 127J an application is made for a restraint order which includes provision under section 120A authorising detention of the property, the property may be detained until the application is determined or otherwise disposed of.
 - (3) If such an application is made within that period and the application is refused, the property may be detained until there is no further possibility of an appeal against (or review of)—
 - (a) the decision to refuse the application, or
 - (b) any decision made on an appeal against (or review of) that decision.
 - (4) In subsection (2) the reference to the period mentioned in section 127J includes that period as extended by any order under section 127M.
- [Exempt property seized under section 127C(5A) may be detained under subsections ^{F2}(5) (2) and (3) only with the approval of a senior officer.
- (6) In subsection (5)—

“exempt property” has the meaning given in section 127C(4) (reading references there to the accused as references to the person by whom the property is held);

Changes to legislation: *Proceeds of Crime Act 2002, Section 127K is up to date with all changes known to be in force on or before 10 July 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*

“senior officer” has the meaning given in section 127G(3) (and for this purpose, the powers under subsections (2) and (3) to detain property are to be treated as exercised by the appropriate officer who seized the property).]]

Textual Amendments

- F1** Ss. 127A-127R and cross-heading inserted (22.11.2014 for the insertion of ss. 127A, 127G, 127R for specified purposes, 1.6.2015 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 56\(2\)](#), 116(1); S.I. 2014/3101, art. 3; S.I. 2015/983, art. 2(2)(a)
- F2** S. 127K(5)(6) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(2)(b)(4)(a), [Sch. 8 para. 23](#)

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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\(4\)](#)