



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 3

CONFISCATION: SCOTLAND

Confiscation orders

93 Recoverable amount

- (1) The recoverable amount for the purposes of section 92 is an amount equal to the accused's benefit from the conduct concerned.
- (2) But if the accused shows that the available amount is less than that benefit the recoverable amount is—
 - (a) the available amount, or
 - (b) a nominal amount, if the available amount is nil.
- (3) But if section 92(7) applies the recoverable amount is such amount as—
 - (a) the court believes is just, but
 - (b) does not exceed the amount found under subsection (1) or (2) (as the case may be).
- (4) In calculating the accused's benefit from the conduct concerned for the purposes of subsection (1), any property in respect of which—
 - (a) a recovery order is in force under section 266, or
 - (b) a forfeiture order is in force under section 298(2),must be ignored.
- (5) If the court decides the available amount, it must include in the confiscation order a statement of its findings as to the matters relevant for deciding that amount.

Status: Point in time view as at 24/03/2003. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 93 is up to date with all changes known to be in force on or before 08 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)

Modifications etc. (not altering text)

- C1** Pt. 3 applied by Terrorism Act 2000 (c. 11), Sch. 8 paras. 17(4A), 34(3A) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 39\(4\)\(5\)](#); S.S.I. 2003/210, art. 2(1)(b)(2), sch. (with art. 7); S.I. 2003/333, art. 2, Sch.
- C2** Pt. 3 applied by 2000 c. 11, Sch. 8 para. 34(3A) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 39\(5\)](#); S.S.I. 2003/210, art. 2(1)(b)(2), sch. (with art. 7))

Commencement Information

- I1** S. 93 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

Status:

Point in time view as at 24/03/2003. This version of this provision has been superseded.

Changes to legislation:

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