
STATUTORY INSTRUMENTS

2013 No. 2604

The Proceeds of Crime Act 2002 (External Requests and Orders) (Amendment) Order 2013

Limitation

- 6.—(1) The Prescription and Limitation (Scotland) Act 1973(1) is amended as follows.
(2) After section 19B there is inserted—

“19BA Actions to prohibit dealing with property subject to an external request

(1) None of the time limits given in the preceding provisions of this Act applies to any proceedings under Part 4B of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 (giving effect to external requests by means of civil proceedings).

(2) Proceedings under that Part for a prohibition order in respect of relevant property shall not be commenced after the expiration of the period of 20 years from the date on which the Scottish Ministers’ right of action accrued.

(3) Proceedings under that Part are commenced when an application is made for a prohibition order.

(4) The Scottish Ministers’ right of action accrues in respect of any relevant property when the property is obtained (or when it is believed to have been obtained) as a result of or in connection with criminal conduct.

(5) In this section—

- (a) “criminal conduct” is to be construed in accordance with section 447(8) of the Proceeds of Crime Act 2002,
(b) expressions used in this section and Part 4B of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 have the same meaning in this section as in that Part.”

(3) In section 19C—

- (a) in subsection (1), after “2005” insert “(“the 2005 Order””,
(b) after subsection (3) insert—

“(3A) If, before an event mentioned in subsection (3) occurs, an application is made for a prohibition order under Part 4B of the 2005 Order, proceedings under that Chapter are to be treated as having been commenced when that application is made.”,

- (c) in subsection (5)(b), for “the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005”, substitute “the 2005 Order”.

(1) 1973 c. 52. Section 19B was inserted by section 288 of the Proceeds of Crime Act 2002 (c. 29) and was amended by section 109 of and paragraph 1(a) and (b) of Schedule 6 to the Serious Organised Crime and Police Act 2005 (c. 15), and by section 62(1)(b) of the Policing and Crime Act 2009 (c. 26). Section 19C was inserted by article 201 of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 (S.I. 2005/3181) and was amended by section 62(1)(b) of the Policing and Crime Act 2009 (c. 26).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
