



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 3 **S**

CONFISCATION: SCOTLAND

Accused unlawfully at large

112 **Accused neither convicted nor acquitted** **S**

- (1) This section applies if—
 - (a) proceedings for an offence or offences are instituted against an accused but are not concluded,
 - (b) he is unlawfully at large, and
 - (c) the period of two years (starting with the day the court believes he first became unlawfully at large) has ended.
- (2) If this section applies the court may, on an application by the prosecutor and if it believes it is appropriate for it to do so, proceed under section 92 in the same way as it must proceed if the conditions there mentioned are satisfied; but this is subject to subsection (3).
- (3) If the court proceeds under section 92 as applied by this section, this Part has effect with these modifications—
 - (a) any person the court believes is likely to be affected by an order under section 92 is entitled to appear before the court and make representations;
 - (b) the court must not make an order under section 92 unless the prosecutor has taken reasonable steps to contact the accused;
 - (c) section 92(12) applies as if the reference to subsection (2) were to subsection (1) of this section;
 - (d) sections 96, 101(3), 102, 103, 104 and 105 do not apply;
 - (e) section 106 does not apply while the accused is still unlawfully at large.

Status: Point in time view as at 03/12/2014. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 112 is up to date with all changes known to be in force on or before 30 June 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)

- (4) Once the accused has ceased to be unlawfully at large, section 106 has effect as if references to the date of conviction were to—
- (a) the day when proceedings for the offence were instituted against the accused, or
 - (b) if there are two or more offences and proceedings for them were instituted on different days, the earliest of those days.
- (5) If—
- (a) the court makes an order under section 92 as applied by this section, and
 - (b) the accused is later convicted of the offence (or any of the offences) concerned, section 92 does not apply so far as that conviction is concerned.

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.

Commencement Information

- I1** S. 112 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)** (with arts. 3(3), 7)

Status:

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