



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 8

#### INVESTIGATIONS

#### CHAPTER 3

#### SCOTLAND

#### *f<sup>1</sup>*Unexplained wealth orders

#### <sup>f<sup>1</sup></sup>[ <sup>f<sup>2</sup></sup>396DB] Extension of period pending determination of proceedings etc

- (1) Subsection (2) applies where—
  - (a) an application is made to the Court of Session under section 396DA for the extension (or further extension) of the determination period, and
  - (b) the period would (apart from that subsection) end before the Court determines the application or it is otherwise disposed of.
- (2) The determination period is extended from the time when it would otherwise end until—
  - (a) the Court determines the application or it is otherwise disposed of, or
  - (b) if earlier, the end of the period of 31 days beginning with the day after that on which the period would otherwise have ended.
- (3) Subsection (4) applies where—
  - (a) proceedings on an appeal in respect of a decision on an application under section 396DA have been brought, and
  - (b) the determination period would (apart from that subsection) end before the proceedings are finally determined or otherwise disposed of.
- (4) The determination period is extended from the time when it would otherwise end until—

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**Changes to legislation:** *Proceeds of Crime Act 2002, Section 396DB is up to date with all changes known to be in force on or before 02 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*

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- (a) the proceedings are finally determined or otherwise disposed of, or
  - (b) if earlier, the end of the period mentioned in subsection (2)(b).
- (5) Subsection (6) applies where—
- (a) an application is made to the Court under section 396DA for an extension of the determination period,
  - (b) the Court refuses to grant the application, and
  - (c) the period would (apart from that subsection) end before the end of the 5 day period.
- (6) The determination period is extended from the time when it would otherwise end until—
- (a) the end of the 5 day period, or
  - (b) if proceedings on an appeal against the decision are brought before the end of the 5 day period, the time when those proceedings are brought.
- (7) The “5 day period” is the period of 5 working days beginning with the day on which the Court refuses to grant the application; and for these purposes “working day” means a day other than—
- (a) a Saturday or a Sunday, or
  - (b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in Scotland.
- (8) The restriction on the overall extension of the determination period mentioned in section 396DA(5) applies to an extension of the period in accordance with any provision of this section as it applies to an extension under an order of the Court.]]

#### Textual Amendments

- F1** Ss. 396A-396I and cross-heading inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 4, 58(1)(6)**; S.I. 2018/78, [reg. 3\(a\)](#)
- F2** Ss. 396DA, 396DB inserted (15.5.2022) by [Economic Crime \(Transparency and Enforcement\) Act 2022 \(c. 10\)](#), **ss. 50(3), 69(1)**; S.I. 2022/519, [regs. 1\(3\), 2](#)

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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\(4\)](#)