



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 8

#### INVESTIGATIONS

#### CHAPTER 3

#### SCOTLAND

#### *[<sup>F1</sup>Unexplained wealth orders*

#### **[<sup>F1</sup>396E Offence**

- (1) A person commits an offence if, in purported compliance with a requirement imposed by an unexplained wealth order, the person—
  - (a) makes a statement that the person knows to be false or misleading in a material particular, or
  - (b) recklessly makes a statement that is false or misleading in a material particular.
- (2) A person guilty of an offence under this section is liable—
  - <sup>F2</sup>(a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both, or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.]

#### **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** S. 396E(2)(a): By [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), **regs. 1(2), 2(1), Sch. Pt. 1**, it is provided that (E.W.) (7.2.2023 at 12.00 p.m.) for the words "12 months" there be substituted the words "the general limit in a

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*Status: Point in time view as at 07/02/2023. This version of this provision has been superseded.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 396E is up to date with all changes known to be in force on or before 14 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)*

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magistrates' court" (which affecting provision is amended (18.10.2023) by [S.I. 2023/1108, regs. 1\(2\), 4\(4\)](#)) [Editorial note: The purported substitution was not applied because the affected provision does not extend to England and Wales and the amendment has now fallen by virtue of [S.I. 2023/1108, reg. 4\(4\)](#).]

**Status:**

Point in time view as at 07/02/2023. This version of this provision has been superseded.

**Changes to legislation:**

Proceeds of Crime Act 2002, Section 396E is up to date with all changes known to be in force on or before 14 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.