



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 3

CONFISCATION: SCOTLAND

Procedural matters

99 Postponement

- (1) The court may—
 - (a) proceed under section 92 before it sentences the accused for the offence (or any of the offences concerned), or
 - (b) postpone proceedings under section 92 for a specified period.
- (2) A period of postponement may be extended.
- (3) A period of postponement (including one as extended) must not end after the permitted period ends.
- (4) But subsection (3) does not apply if there are exceptional circumstances or if the accused has failed to comply with an order under section 102(1).
- (5) The permitted period is the period of two years starting with the date of conviction.
- (6) But if—
 - (a) the accused appeals against his conviction for the offence (or any of the offences) concerned, and
 - (b) the period of three months (starting with the day when the appeal is determined or otherwise disposed of) ends after the period found under subsection (5),the permitted period is that period of three months.
- (7) A postponement or extension may be made—
 - (a) on application by the accused;
 - (b) on application by the prosecutor;

Status: Point in time view as at 31/07/2015. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 99 is up to date with all changes known to be in force on or before 17 September 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)

- (c) by the court of its own motion.
- (8) If—
- (a) proceedings are postponed for a period, and
 - (b) an application to extend the period is made before it ends,
- the application may be granted even after the period ends.
- (9) The date of conviction is—
- (a) the date on which the accused was convicted of the offence concerned, or
 - (b) if there are two or more offences and the convictions were on different dates, the date of the latest.
- (10) A confiscation order must not be quashed only on the ground that there was a defect or omission in the procedure connected with the application for or the granting of a postponement.
- (11) But subsection (10) does not apply if before it made the confiscation order the court has—
- (a) imposed a fine on the accused;
 - (b) made an order falling within section 97(3);
 - (c) made an order under section 249 of the Procedure Act.

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

Status:

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