



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 1

#### PROCEEDS OF CRIME

#### CHAPTER 2

#### SCOTLAND

#### *Confiscation*

### **18 Accused persons unlawfully at large**

(1) In section 111 of the Proceeds of Crime Act 2002 (conviction or other disposal of accused), in subsection (1), for “after” substitute “and, either before or after he became unlawfully at large”.

(2) For subsection (4) of that section substitute—

“(4) Once the accused has ceased to be unlawfully at large—  
(a) section 104 has effect as if subsection (1) read—

“(1) This section applies if—

- (a) in a case where section 111 applies the court did not proceed under section 92,
- (b) before the end of the period of six years starting with the day when the accused ceased to be unlawfully at large, the prosecutor applies to the court to proceed under section 92, and
- (c) the court thinks it is appropriate for it to do so.”;

(b) section 105 has effect as if subsection (3) read—

“(3) The second condition is that—

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*Status: This is the original version (as it was originally enacted).*

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- (a) before the end of the period of six years starting with the day when the accused ceased to be unlawfully at large, the prosecutor applies to the court to reconsider whether the accused has benefited from his general or particular criminal conduct (as the case may be), and
- (b) the court thinks it is appropriate for it to do so.”;
- (c) section 106 has effect as if subsection (1) read—
  - “(1) This section applies if—
    - (a) a court has made a confiscation order,
    - (b) the prosecutor believes that if the court were to find the amount of the accused’s benefit in pursuance of this section it would exceed the relevant amount,
    - (c) before the end of the period of six years starting with the day when the accused ceased to be unlawfully at large, the prosecutor applies to the court to proceed under this section, and
    - (d) the court thinks it is appropriate for it to do so.”;
  - (d) the modifications set out in subsection (3)(a) to (d) of this section do not apply to proceedings that take place by virtue of section 104, 105 or 106 (as applied by this subsection).”
- (3) In section 112 of that Act (accused neither convicted nor acquitted), in subsection (1) (c), for “two years” substitute “three months”.
- (4) For subsection (4) of that section substitute—
  - “(4) Once the accused has ceased to be unlawfully at large—
    - (a) section 106 has effect as if subsection (1) read—
      - “(1) This section applies if—
        - (a) a court has made a confiscation order,
        - (b) the prosecutor believes that if the court were to find the amount of the accused’s benefit in pursuance of this section it would exceed the relevant amount,
        - (c) before the end of the period of six years starting with the day when the accused ceased to be unlawfully at large, the prosecutor applies to the court to proceed under this section, and
        - (d) the court thinks it is appropriate for it to do so.”;
      - (b) the modifications set out in subsection (3)(a) to (d) of this section do not apply to proceedings that take place by virtue of section 106 (as applied by this subsection).”