
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 210

**The Proceeds of Crime Act 2002 (Commencement No. 6,
Transitional Provisions and Savings) (Scotland) Order 2003**

Transitional provisions relating to criminal lifestyle

5.—(1) This article applies where the court is determining under section 92(5)(a) of the Act whether the accused has a criminal lifestyle.

(2) Conduct shall not form part of a course of criminal activity under section 142(2)(a) of the Act where any one of the three or more offences mentioned in section 142(2)(a) was committed before 24th March 2003.

(3) Conduct shall form part of a course of criminal activity under section 142(2)(b) of the Act, notwithstanding that any of the offences of which the accused was convicted on at least two separate occasions in the period mentioned in section 142(2)(b) were committed before 24th March 2003.

(4) Where the Court is applying the rule in section 142(4) of the Act on the calculation of relevant benefit for the purposes of determining whether or not the test in section 142(1)(b) of the Act is satisfied by virtue of conduct forming part of a course of criminal activity under section 142(2)(b) of the Act, the court may take into account benefit from conduct constituting an offence committed before 24th March 2003.