

2003 No. 594

PROCEEDS OF CRIME

**The Proceeds of Crime Act 2002 Amendment (Scotland) Order
2003**

Made

29th November 2003

Coming into force

30th November 2003

The Scottish Ministers, in exercise of the powers conferred by section 142(6) of the Proceeds of Crime Act 2002(a) and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 459(6) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation, commencement and extent

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 Amendment (Scotland) Order 2003 and shall come into force on the day after the day on which it is made.

(2) This Order extends to Scotland only.

Application

2. This Order applies only to offences committed after the day on which it is made.

Amendment of the Proceeds of Crime Act 2002

3. After paragraph 8 of Schedule 4 (lifestyle offences: Scotland) to the Proceeds of Crime Act 2002 insert—

“Traffic in prostitution etc.

8A. An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (asp 7) (traffic in prostitution etc.).”.

St Andrew’s House,
Edinburgh
29th November 2003

HUGH HENRY
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Proceeds of Crime Act 2002 (“the Act”) by adding to the list of lifestyle offences in Schedule 4 the offence of trafficking in prostitution etc. contrary to section 22 of the Criminal Justice (Scotland) Act 2003 (article 3).

Section 92 of the Act provides for the making of confiscation orders against certain offenders. Where a court acts under that section it must, in terms of subsection (5), decide whether the offender has a criminal lifestyle and, if so, whether the offender has benefited from his or her general criminal conduct.

In terms of section 142(1) of the Act an offender has a criminal lifestyle if the offence of which he or she has been convicted (or in the case of summary proceedings has been discharged absolutely without proceeding to conviction) is an offence specified in Schedule 4.

The Order applies only to offences committed after the day on which it is made (article 2).

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