



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 3

CONFISCATION: SCOTLAND

Realisation of property: general

131 Sums received by clerk of court

- (1) This section applies if a clerk of court receives sums on account of the amount payable under a confiscation order (whether the sums are received under section 130 or otherwise).
- (2) The clerk of court's receipt of the sums reduces the amount payable under the order, but he must apply the sums received as follows.
- (3) First he must apply them in payment of such expenses incurred by a person acting as an insolvency practitioner as—
 - (a) are payable under this subsection by virtue of section 432, but
 - (b) are not already paid under section 130(3)(a) [^{F1} or 131D(2)(a)] .
- (4) If the Lord Advocate has reimbursed the administrator in respect of remuneration or expenses under section 133 the clerk of court must next apply the sums in reimbursing the Lord Advocate.
- (5) If the clerk of court received the sums under section 130 [^{F2} or 131D] he must next apply them in payment of the administrator's remuneration and expenses.
- [^{F3}(5A) If the clerk of court received the sums from an appropriate officer under section 130 or 131D, the clerk of court must next apply them in payment to an appropriate officer of any amount to which the officer is entitled by virtue of section 131B.]
- (6) If a direction was made under section 97(6) [^{F4} or 97A(4)] for an amount of compensation to be paid out of sums recovered under the confiscation order, the clerk of court must next apply the sums in payment of that amount.

Changes to legislation: Proceeds of Crime Act 2002, Section 131 is up to date with all changes known to be in force on or before 17 April 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) View outstanding changes

[^{F5}(6A) If a direction was made under section 97A(2) or (4) for an amount payable under a restitution order or a victim surcharge under section 253F(2) of the Procedure Act to be paid out of sums recovered under the confiscation order, the clerk of court must next apply the sums in payment of that amount.]

(7) If any amount remains after the clerk of court makes any payments required by the preceding provisions of this section, the amount must be disposed of in accordance with section 211(5) or (6) of the Procedure Act as applied by section 118(1) of this Act.

Textual Amendments

- F1** Words in s. 131(3)(b) inserted (1.6.2015) by Policing and Crime Act 2009 (c. 26), **ss. 59(3)(a)**, 116(1); S.I. 2015/983, art. 2(2)(a)
- F2** Words in s. 131(5) inserted (1.6.2015) by Policing and Crime Act 2009 (c. 26), **ss. 59(3)(b)**, 116(1); S.I. 2015/983, art. 2(2)(a)
- F3** S. 131(5A) inserted (1.6.2015) by Policing and Crime Act 2009 (c. 26), **ss. 59(3)(c)**, 116(1); S.I. 2015/983, art. 2(2)(a)
- F4** Words in s. 131(6) inserted (25.11.2019 for specified purposes, 10.2.2021 in so far as not already in force) by Serious Crime Act 2015 (c. 9), s. 88(2)(c), **Sch. 4 para. 44(a)**; S.S.I. 2019/281, reg. 2; S.S.I. 2020/407, reg. 2(1)(c)
- F5** S. 131(6A) inserted (25.11.2019 for specified purposes, 10.2.2021 in so far as not already in force) by Serious Crime Act 2015 (c. 9), s. 88(2)(c), **Sch. 4 para. 44(b)**; S.S.I. 2019/281, reg. 2; S.S.I. 2020/407, reg. 2(1)(c)

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. 131 in force at 24.3.2003 by S.S.I. 2003/210, **art. 2(1)(a)**

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)