



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 3

CONFISCATION: SCOTLAND

[^{F1}^{F1}Seized money][^{F1}Enforcement: money, cryptoassets and personal property]]

[^{F1}131ZBCryptoassets

- (1) This section applies to cryptoassets which—
 - (a) are held by a person, and
 - (b) are held in a crypto wallet administered by a UK-connected cryptoasset service provider,but only so far as the cryptoassets are free property.
- (2) Subsection (3) applies if—
 - (a) a confiscation order is made against a person holding cryptoassets to which this section applies, and
 - (b) an administrator has not been appointed under section 128 in relation to the cryptoassets.
- (3) The sheriff may order the UK-connected cryptoasset service provider which administers the crypto wallet in which the cryptoassets are held—
 - (a) to realise the cryptoassets, or a portion of the cryptoassets having a specified value,
 - (b) to pay the proceeds of that realisation to the appropriate clerk of court on account of, and up to a maximum of, the amount payable under the confiscation order, and
 - (c) to the extent that the proceeds of the realisation exceed the amount payable under the confiscation order, to pay the excess to an appropriate officer identified in the order.
- (4) In subsection (3)—

Changes to legislation: *Proceeds of Crime Act 2002, Section 131ZB is up to date with all changes known to be in force on or before 25 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*

“appropriate clerk of court” means the sheriff clerk of the sheriff court responsible for enforcing the confiscation order under section 211 of the Procedure Act as applied by section 118(1);

“appropriate officer” has the same meaning as in section 120A.

- (5) An order under subsection (3) may be made—
- (a) on the application of the prosecutor, or
 - (b) by the sheriff of the sheriff’s own accord.
- (6) Where a UK-connected cryptoasset service provider—
- (a) is required by an order under subsection (3) to realise a portion of cryptoassets having a specified value, but
 - (b) on realising cryptoassets under the order, obtains proceeds of an amount which differs from that value,

it does not fail to comply with the order solely because of that difference in value, provided that it took reasonable steps to obtain proceeds equal to the value specified.]

Textual Amendments

- F1** Ss. 131ZB, 131ZC inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(2)(b)(4)(a), **Sch. 8 para. 29**

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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\(4\)](#)