



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 2

INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

CHAPTER 3

FINANCIAL REPORTING ORDERS

77 Financial reporting orders: making in Scotland

- (1) A court sentencing or otherwise dealing with a person convicted of an offence mentioned in subsection (3) may also make a financial reporting order in respect of him.
- (2) But he or it may do so only if satisfied that the risk of the person's committing another offence mentioned in subsection (3) is sufficiently high to justify the making of a financial reporting order.
- (3) The offences are—
 - (a) at common law, the offence of fraud,
 - (b) any offence specified in Schedule 4 to the Proceeds of Crime Act 2002 (c. 29) ("lifestyle offences": Scotland).
- (4) The Scottish Ministers may by order amend subsection (3) so as to remove an offence from it or add an offence to it.
- (5) A financial reporting order—
 - (a) comes into force when it is made, and
 - (b) has effect for the period specified in the order, beginning with the date on which it is made.

Status: This is the original version (as it was originally enacted).

- (6) If the order is made by the sheriff, the period referred to in subsection (5)(b) must not exceed 5 years.
- (7) If the order is made by the High Court of Justiciary, that period must not exceed—
 - (a) if the person is sentenced to imprisonment for life, 20 years,
 - (b) otherwise, 15 years.