



Serious Crime Act 2015

2015 CHAPTER 9

PART 1

PROCEEDS OF CRIME

CHAPTER 2

SCOTLAND

Confiscation

19 Enforcement of confiscation orders

(1) In section 118 of the Proceeds of Crime Act 2002 (application of provisions about fine enforcement in relation to confiscation orders)—

- (a) in subsection (2)(h), for “, except” substitute “ (other than subsection (3) and as if the words “Subject to subsection (3) below,” were omitted); but that section does not apply ”;
- (b) after subsection (2) insert—

“(2A) In its application in relation to confiscation orders, subsection (2) of section 219 of the Procedure Act is to be read as if for the Table in that subsection there were substituted the following Table—

<i>Amount to be Paid under Compensation Order</i>	<i>Maximum Period of Imprisonment</i>
£10,000 or less	6 months
More than £10,000 but no more than £500,000	5 years
More than £500,000 but no more than £1 million	7 years

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Section 19. (See end of Document for details)

More than £1 million

14 years

- (2B) The Scottish Ministers may by order—
- (a) amend section 219(2) of the Procedure Act (as applied by this section) so as to provide for minimum periods of imprisonment in respect of amounts ordered to be paid under a confiscation order;
 - (b) amend the Table in subsection (2A) so as to remove, alter or replace any entry (including an entry inserted by virtue of paragraph (a) of this subsection) or to add any entry;
 - (c) apply (with or without modifications) any provision of the Procedure Act relating to enforcement of fines in consequence of exercising the power in paragraph (a) or (b) (including modifying any such provision in its application in relation to confiscation orders by virtue of this section).
- (2C) In its application in relation to a confiscation order under Part 2 of this Act, subsection (8) of section 222 of the Procedure Act is to be read as if, in relation to a transfer of fine order under section 90 of the Magistrates' Courts Act 1980, for “139 of the Powers of Criminal Courts (Sentencing) Act 2000” there were substituted “35(2A) of the Proceeds of Crime Act 2002”.
- (2D) In its application in relation to a confiscation order under Part 4 of this Act, subsection (8) of section 222 of the Procedure Act is to be read as if—
- (a) before the words “section 90” there were inserted “section 35 of the Criminal Justice Act (Northern Ireland) 1945,”;
 - (b) in relation to a transfer of fine order under section 35 of that Act, for “139 of the Powers of Criminal Courts (Sentencing) Act 2000” there were substituted “185(2A) of the Proceeds of Crime Act 2002”.
- (2) In section 459 of that Act (orders and regulations)—
- (a) after subsection (3) insert—

“(3A) Subsection (3) does not apply to the power of the Scottish Ministers to make an order under section 118(2B).”;
 - (b) in subsection (5)(a), after “section” insert “118(2B),”;
 - (c) in subsection (6)(b), after “section” insert “118(2B),”.
- (3) In section 219 of the Criminal Procedure (Scotland) Act 1995 (fines: periods of imprisonment for non-payment), in subsection (8)(b), after “section 118(2)” insert “, (2A) and (2B)”.

Commencement Information

II S. 19 in force at 1.3.2016 by S.S.I. 2016/11, [reg. 2\(d\)](#) (with [reg. 3](#))

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2015, Section 19.