



Serious Crime Act 2015

2015 CHAPTER 9

PART 1

PROCEEDS OF CRIME

CHAPTER 2

SCOTLAND

Confiscation

21 Continuation of restraint order after conviction quashed or verdict set aside

In section 121 of the Proceeds of Crime Act 2002 (application, recall and variation), after subsection (8) insert—

“(8A) The duty in subsection (8) to recall a restraint order on the conclusion of proceedings does not apply where—

- (a) the proceedings are concluded by reason of—
 - (i) an accused’s conviction for an offence being quashed under section 118(1)(c) of the Procedure Act, or
 - (ii) the setting aside of the verdict against the accused under section 183(1)(d) of the Procedure Act,
- (b) the restraint order is in force at the time when the conviction is quashed or the verdict set aside (as the case may be), and
- (c) the High Court of Justiciary has granted authority under section 118(1)(c) or 183(1)(d) of the Procedure Act to bring a new prosecution or the prosecutor has requested that the court grant such authority.

(8B) But the court must recall the restraint order—

Status: This is the original version (as it was originally enacted).

- (a) if the High Court of Justiciary refuses a request to grant authority under section 118(1)(c) or 183(1)(d) of the Procedure Act to bring a new prosecution,
- (b) if the High Court of Justiciary has granted authority under section 118(1)(c) or 183(1)(d) of the Procedure Act to bring a new prosecution but no proceedings are commenced by the expiry of the time mentioned in section 119(5) or 185(5) of that Act (as the case may be), or
- (c) otherwise, on the conclusion of the proceedings in the new prosecution of the accused under section 119 or 185 of the Procedure Act.”