



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 3

CONFISCATION: SCOTLAND

Accused unlawfully at large

114 Discharge of order

- (1) Subsection (2) applies if—
 - (a) the court makes a confiscation order under section 92 as applied by section 112,
 - (b) the accused is later tried for the offence or offences concerned and acquitted of the offence or offences, and
 - (c) he applies to the court to discharge the order.
- (2) In such a case the court must discharge the order.
- (3) Subsection (4) applies if—
 - (a) the court makes a confiscation order under section 92 as applied by section 112,
 - (b) the accused ceases to be unlawfully at large,
 - (c) subsection (1)(b) does not apply, and
 - (d) he applies to the court to discharge the order.
- (4) In such a case the court may discharge the order if it finds that—
 - (a) there has been undue delay in continuing the proceedings mentioned in section 112(1), or
 - (b) the prosecutor does not intend to proceed with the prosecution.
- (5) If the court discharges a confiscation order under this section it may make such a consequential or incidental order as it thinks is appropriate.

Status: Point in time view as at 26/06/2017.

Changes to legislation: Proceeds of Crime Act 2002, Section 114 is up to date with all changes known to be in force on or before 05 June 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)

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

Status:

Point in time view as at 26/06/2017.

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