



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 3

CONFISCATION: SCOTLAND

Confiscation orders

[^{F1}97C Breach of compliance order

- (1) This section applies where—
 - (a) a compliance order has been made in relation to an accused, and
 - (b) it appears to the court that the accused has failed to comply with the compliance order.
- (2) The court may—
 - (a) issue a warrant for the accused's arrest, or
 - (b) issue a citation to the accused requiring the accused to appear before the court.
- (3) If the accused fails to appear as required by a citation issued under subsection (2)(b), the court may issue a warrant for the arrest of the accused.
- (4) The unified citation provisions (as defined in section 307(1) of the Procedure Act) apply in relation to a citation under subsection (2)(b).
- (5) The court must, before considering the alleged failure—
 - (a) provide the accused with written details of the alleged failure,
 - (b) inform the accused that the accused is entitled to be legally represented, and
 - (c) inform the accused that no answer need be given to the allegation before the accused—
 - (i) has been given an opportunity to take legal advice, or
 - (ii) has indicated that the accused does not wish to take legal advice.
- (6) If the court is satisfied that the accused has failed without reasonable excuse to comply with the compliance order, the court may—

Changes to legislation: Proceeds of Crime Act 2002, Section 97C is up to date with all changes known to be in force on or before 18 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

- (a) impose on the accused a fine not exceeding level 3 on the standard scale,
 - (b) revoke the compliance order and impose on the accused a sentence of imprisonment for a term not exceeding 3 months,
 - (c) vary the compliance order, or
 - (d) both impose a fine under paragraph (a) and vary the order under paragraph (c).
- (7) The court may vary the compliance order if the court is satisfied—
- (a) that the accused has failed to comply with the order,
 - (b) that the accused had a reasonable excuse for the failure, and
 - (c) that, having regard to the circumstances which have arisen since the order was imposed, it is in the interests of justice to vary the order.
- (8) Evidence of one witness is sufficient for the purpose of establishing that an accused has failed without reasonable excuse to comply with a compliance order.]

Textual Amendments

F1 Ss. 97B-97D inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 16, 88(2)(a)** (with s. 86(3));
[S.S.I. 2016/11](#), reg. 2(a)

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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\(4\)](#)