
STATUTORY INSTRUMENTS

2005 No. 3181

The Proceeds of Crime Act 2002 (External
Requests and Orders) Order 2005

PART 3

GIVING EFFECT IN SCOTLAND TO EXTERNAL REQUESTS IN
CONNECTION WITH CRIMINAL INVESTIGATIONS OR PROCEEDINGS
AND TO EXTERNAL ORDERS ARISING FROM SUCH PROCEEDINGS

CHAPTER 3

ADMINISTRATORS AND PROCEDURE

Recall and variation of order

82.—(1) The Lord Advocate, an administrator and any other person affected by an order made under article 63 or articles 73 to 75 may apply to the court to vary or recall the order.

(2) On an application under this article the court—

- (a) may vary the order;
- (b) may recall the order.

(3) But in the case of an order under article 63—

- (a) if the condition in article 57 which was satisfied was that proceedings were instituted, the court must recall the order if at the conclusion of the proceedings no external order (within the meaning of section 447(2) of the Act) has now been made;
- (b) if the condition which was satisfied was that an investigation was instituted the court must recall the order if within a reasonable period proceedings for the offence are not instituted.