
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 231

**The Proceeds of Crime Act 2002
Amendment (Scotland) Order 2011**

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 Amendment (Scotland) Order 2011 and comes into force on the day after the day on which it is made.

Application

2. This Order applies only to offences committed on or after the day on which it comes into force.

Amendment of the Proceeds of Crime Act 2002

3. In section 142(3) of the Proceeds of Crime Act 2002 (criminal lifestyle), for “£5000” substitute “£1000”.

4. In Schedule 4 to the Proceeds of Crime Act 2002 (lifestyle offences: Scotland)(1)—

(a) in paragraph 2(2)(b) (drug trafficking), for “exploration” substitute “exportation”;

(b) in paragraph 7(1) (intellectual property), after paragraph (c) insert—

“(ca) section 296ZB(1) or (2) (devices and services designed to circumvent technological measures);”;

(c) in paragraph 8 (pimps and brothels), after paragraph (a) insert—

“(aa) section 11(4) (aiding, abetting or compelling prostitution for gain);”;

(d) immediately before paragraph 9A insert—

“*Gangmasters*;”;

(e) after paragraph 9A insert—

“Consumer credit

9B. An offence under section 39(1) of the Consumer Credit Act 1974 (offences against Part III) if it concerns the carrying on of a consumer credit business (as defined in section 189(1) of that Act).

(1) Schedule 4 has been amended by the Nationality and Asylum Act 2002 (c.41), Schedule 7, paragraph 32; the Gangmasters (Licensing) Act 2004 (c.11), section 14(4); the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19), section 5(8); and S.S.I. 2003/594, article 3.

Distribution of obscene material

9C. An offence under section 51(2) of the Civic Government (Scotland) Act 1982(2) (obscene material).

Unclassified video recordings

9D. An offence under either of the following provisions of the Video Recordings Act 1984(3)—

- (a) section 9(1) (supplying video recording of unclassified work);
- (b) section 10(1) (possession of video recording of unclassified work for the purposes of supply)(4).

Private security industry

9E. An offence under section 5(1) of the Private Security Industry Act 2001(5) (using an unlicensed security operative).

Serious organised crime

9F.—(1) An offence under either of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010(6)—

- (a) section 28(1) (involvement in serious organised crime);
- (b) section 30(1) or (2) (directing serious organised crime).

(2) An offence to which section 29(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (offences aggravated by connection with serious organised crime) applies.”; and

- (f) in paragraph 10(1) (inchoate offences), after “an offence of” insert “attempting.”.

St Andrew’s House, Edinburgh
21st March 2011

KENNY MACASKILL
A member of the Scottish Executive

(2) 1982 c.45. Section 51 has been amended by the Broadcasting Act 1990 (c.42), sections 4(6), 87(6), 163(3) and (4)(b) and 203(3) and Schedule 21; the Criminal Justice and Public Order Act 1994 (c.33), section 87; and the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 44(2) (subject to the transitional provisions, transitory modifications and savings specified in Schedule 3 to that Act).

(3) 1984 c.39.

(4) Sections 9 and 10 of the Video Recordings Act 1984 were repealed and brought back into force by section 1(1) of the Video Recordings Act 2010 (c.1).

(5) 2001 c.12. Schedule 15 to the Serious Organised Crime and Police Act 2005 (c.15) extended the provisions of the Private Security Industry Act 2001 to Scotland.

(6) 2010 asp 13.