



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 8

#### INVESTIGATIONS

#### CHAPTER 2

##### ENGLAND AND WALES AND NORTHERN IRELAND

##### *Disclosure orders*

#### **361 Further provisions**

- (1) A disclosure order does not confer the right to require a person to answer any privileged question, provide any privileged information or produce any privileged document, except that a lawyer may be required to provide the name and address of a client of his.
- (2) A privileged question is a question which the person would be entitled to refuse to answer on grounds of legal professional privilege in proceedings in the High Court.
- (3) Privileged information is any information which the person would be entitled to refuse to provide on grounds of legal professional privilege in proceedings in the High Court.
- (4) Privileged material is any material which the person would be entitled to refuse to produce on grounds of legal professional privilege in proceedings in the High Court.
- (5) A disclosure order does not confer the right to require a person to produce excluded material.
- (6) A disclosure order has effect in spite of any restriction on the disclosure of information (however imposed).
- (7) [<sup>F1</sup>An appropriate officer] may take copies of any documents produced in compliance with a requirement to produce them which is imposed under a disclosure order.

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**Changes to legislation:** *Proceeds of Crime Act 2002, Section 361 is up to date with all changes known to be in force on or before 19 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*

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- (8) Documents so produced may be retained for so long as it is necessary to retain them (as opposed to a copy of them) in connection with the investigation for the purposes of which the order was made.
- (9) But if [<sup>F2</sup>an appropriate officer] has reasonable grounds for believing that—
- (a) the documents may need to be produced for the purposes of any legal proceedings, and
  - (b) they might otherwise be unavailable for those purposes,
- they may be retained until the proceedings are concluded.

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**Textual Amendments**

- F1** Words in s. 361(7) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 109\(2\)](#); [S.I. 2008/755, art. 2\(1\)\(a\)](#) (with arts. 3-14)
- F2** Words in s. 361(9) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 109\(3\)](#); [S.I. 2008/755, art. 2\(1\)\(a\)](#) (with arts. 3-14)

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**Modifications etc. (not altering text)**

- C1** S. 361 applied (with modifications) (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\), arts. 1, 8\(1\)\(5\), 18\(5\)](#) (as amended (1.4.2008) by [S.I. 2008/298, arts. 1\(1\), 2\(5\)\(8\)](#))
- C2** S. 361 applied (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\), arts. 1, 7\(4\), 17\(4\)](#)
- C3** S. 361 excluded (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\), arts. 1, 8\(6\)-\(8\), 18\(6\)\(7\), 27\(5\), 28\(5\)](#) (as amended (1.4.2008) by [S.I. 2008/298, arts. 1\(1\), 2\(5\)\(8\)\(9\)\(10\)](#))

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**Commencement Information**

- I1** S. 361 in force at 24.2.2003 by [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#))

**Changes to legislation:**

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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\(4\)](#)