



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 3

SCOTLAND

General

410 Code of practice

- (1) The Scottish Ministers must prepare a code of practice as to the exercise by proper persons of functions they have under this Chapter.
- (2) After preparing a draft of the code the Scottish Ministers—
 - (a) must publish the draft;
 - (b) must consider any representations made to them about the draft;
 - (c) may amend the draft accordingly.
- (3) After the Scottish Ministers have proceeded under subsection (2) they must lay the code before the Scottish Parliament.
- (4) When they have done so, the Scottish Ministers may bring the code into operation on such day as they may appoint by order.
- (5) A proper person must comply with a code of practice which is in operation under this section in the exercise of any function he has under this Chapter.
- (6) If a proper person fails to comply with any provision of a code of practice issued under this section he is not by reason only of that failure liable in any criminal or civil proceedings.

Changes to legislation: Proceeds of Crime Act 2002, Section 410 is up to date with all changes known to be in force on or before 21 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

- (7) But the code of practice is admissible in evidence in such proceedings and a court may take account of any failure to comply with its provisions in determining any questions in the proceedings.
- (8) The Scottish Ministers may from time to time revise a code previously brought into operation under this section; and the preceding provisions of this section apply to a revised code as they apply to the code as first prepared.

Commencement Information

- II** S. 410 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)

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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\(4\)](#)