



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 3

SCOTLAND

General

412 Interpretation

In this Chapter, unless the context otherwise requires—

“appropriate person” means—

- (a) the procurator fiscal, in relation to a confiscation investigation or a money laundering investigation,
- (b) the Scottish Ministers, in relation to a civil recovery investigation [F1, a detained cash investigation, a detained property investigation [F2 or a frozen funds investigation][F2, a frozen funds investigation or a cryptoasset investigation];

references to a “constable” include references to [F3 an officer of Revenue and Customs][F4 and to an immigration officer];

“legal privilege” means protection in legal proceedings from disclosure, by virtue of any rule of law relating to the confidentiality of communications; and “items subject to legal privilege” are—

- (a) communications between a professional legal adviser and his client, or
- (b) communications made in connection with or in contemplation of legal proceedings and for the purposes of those proceedings,

which would be so protected.

Changes to legislation: *Proceeds of Crime Act 2002, Section 412 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*

“premises” include any place and, in particular, include—

- (a) any vehicle, vessel, aircraft or hovercraft;
- (b) any offshore installation within the meaning of section 1 of the Mineral Workings (Offshore Installations) Act 1971 (c. 61) and any tent or movable structure;

“proper person” means—

- (a) a constable, in relation to a confiscation investigation or a money laundering investigation;
- (b) the Scottish Ministers or a person named by them, in relation to a civil recovery investigation [^{F1}, a detained cash investigation, a detained property investigation [^{F5} or a frozen funds investigation][^{F5}, a frozen funds investigation or a cryptoasset investigation]].

Textual Amendments

- F1** Words in s. 412 substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 72](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F2** Words in s. 412 substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), [Sch. 9 para. 8\(30\)\(a\)](#)
- F3** Words in s. 412 substituted (17.7.2013) by [Finance Act 2013 \(c. 29\)](#), [Sch. 48 para. 20](#)
- F4** Words in s. 412 inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 38](#) (with [Sch. 21 para. 40](#)); S.I. 2013/1042, art. 4(k)
- F5** Words in s. 412 substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), [Sch. 9 para. 8\(30\)\(b\)](#)

Commencement Information

- I1** S. 412 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\(4\)](#)