
STATUTORY INSTRUMENTS

2003 No. 425

The Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) Order 2003

PART 3

ENFORCEMENT IN NORTHERN IRELAND OF ENGLISH, WELSH AND SCOTTISH ORDERS AND WARRANTS

Scottish disclosure orders

18.—(1) Paragraphs (2) to (5) apply where the Lord Advocate gives a notice under a Scottish disclosure order which requires a person in Northern Ireland to—

- (a) answer questions in Northern Ireland; or
- (b) provide information or produce documents in Northern Ireland.

(2) Section 393 of the Act (offences) does not apply and section 359 of the Act (offences) applies as if the order were a Northern Ireland disclosure order.

(3) Section 394 of the Act (statements) applies in relation to criminal proceedings brought in Northern Ireland, as well as criminal proceedings brought in Scotland, with the modifications in paragraph (4).

(4) The modifications are that in subsection (2)—

- (a) in paragraph (b), after “section 393(1) or (3)”, there is inserted “or an offence under section 359(1) or (3)”;
- (b) in paragraph (c), after “perjury”, there is inserted “or an offence under article 10 of the Perjury (Northern Ireland) Order 1979(1)”.

(5) Section 395 of the Act (further provisions) does not apply and section 361 of the Act (further provisions) applies as if the order were a Northern Ireland disclosure order, with the modification that for “the Director”, in each place where it occurs, there is substituted “the Lord Advocate”.

(6) Paragraphs (7) and (8) apply where the Lord Advocate gives a notice under a Scottish disclosure order which requires a person in Northern Ireland to—

- (a) answer questions in Scotland; or
- (b) provide information or produce documents in Scotland.

(7) Section 359 of the Act (offences) applies as if the order were a Northern Ireland disclosure order, as well as section 393 of the Act (offences) and, for the avoidance of doubt, section 361 of the Act does not apply in determining whether the person has committed an offence under section 359(1) or (3) of the Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) Section 394 of the Act (statements) does not prevent a statement made by the person in response to a requirement imposed by the notice from being used in evidence on a prosecution in Northern Ireland for an offence under section 359(1) or (3).