
STATUTORY INSTRUMENTS

2003 No. 425

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

PART 2

ENFORCEMENT IN ENGLAND AND WALES OF SCOTTISH AND NORTHERN IRELAND ORDERS AND WARRANTS

Scottish production orders

- 4.—**(1) This article applies where—
- (a) a Scottish production order requires a person in England and Wales in possession or control of material in England and Wales to produce the material or give access to the material; or
 - (b) an order to grant entry to premises in England and Wales is made in respect of a Scottish production order under section 382 of the Act.
- (2) Subject to paragraph (7), the production order or the order to grant entry, as the case may be, may be served—
- (a) by sending it by post, facsimile transmission or electronic mail to the person in possession of the material; or
 - (b) by an English or Welsh appropriate officer or a constable of a police force in Scotland serving the order personally,
- and the Summary Jurisdiction (Process) Act 1881⁽¹⁾, any rules of court as to the service of documents (other than rules of court made by virtue of section 446 of the Act) and any other requirement in law as to the service of documents do not apply.
- (3) Sections 380(5), 382(3), 383(3) and (5) and 384 of the Act have effect with the modifications in paragraph (4).
- (4) The modifications are that for “a proper person” in each place where it occurs, there is substituted “whichever of an English or Welsh appropriate officer, a constable of a police force in Scotland or an English or Welsh appropriate officer and a constable of a police force in Scotland acting together the order specifies”.
- (5) The production order or the order to grant entry, as the case may be, has effect as if it were an order of the Crown Court in England and Wales.
- (6) Section 383(1) and (2) of the Act (further provisions) does not apply and section 348(1) to (4) of the Act (further provisions) has effect as if the production order were an English or Welsh production order.
- (7) Section 385 of the Act (government departments) does not apply and section 350 of the Act (government departments) has effect as if the production order were an English or Welsh production order and, in particular—

⁽¹⁾ 1881 c. 24 (44 & 45 Vict.).

Status: This is the original version (as it was originally made).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

- (a) if the order is not brought to the attention of the officer concerned within the period stated in the order (in pursuance of section 380(5) of the Act) the person on whom it is served must report the reasons for the failure to a judge entitled to exercise the jurisdiction of the Crown Court in England and Wales; and
- (b) the production order must be served as if the proceedings were civil proceedings started against the department in England and Wales.