

STATUTORY INSTRUMENTS

2013 No. 2605

The Proceeds of Crime Act 2002 (External Investigations) Order 2013

PROSPECTIVE

PART 1

Further provisions

9.—(1) A production order does not require a person to produce, or give access to, privileged material.

(2) 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.

(3) A production order does not require a person to produce, or give access to, excluded material.

(4) A production order has effect in spite of any restriction on the disclosure of information (however imposed).

(5) An appropriate officer may take copies of any material which is produced, or to which access is given, in compliance with a production order.

(6) Material produced in compliance with a production order may be retained for so long as it is necessary to retain it (as opposed to copies of it) in connection with the external investigation.

(7) But if an appropriate officer has reasonable grounds for believing that—

- (a) the material may need to be produced for the purposes of any legal proceedings, and
- (b) it might otherwise be unavailable for those purposes,

it may be retained until the proceedings are concluded.

(8) Material produced in compliance with a production order may be sent to the overseas authority which made the request for assistance or to the Secretary of State for forwarding to that overseas authority.

Commencement Information

II Art. 9 in force at 11.11.2013, see [art. 1\(1\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Proceeds of Crime Act 2002 (External Investigations) Order 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- art. 9 coming into force by S.I. 2013/2605 art. 1(1)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Pt. A1 heading substituted for Pt. heading by S.I. 2021/638 art. 37(1)
- art. 2(1)(b) words omitted by S.I. 2021/638 art. 39(a)
- art. 2(1)(c) words omitted by S.I. 2021/638 art. 39(a)
- art. 2(5A) inserted by S.I. 2018/1078 art. 10(b)
- art. 2(7A) inserted by S.I. 2018/1078 art. 9(2)(a)
- art. 2(11)(c) words omitted by S.I. 2021/638 art. 39(b)
- art. 2(12) inserted by S.I. 2018/1078 art. 9(2)(b)
- art. 2(12) words omitted by S.I. 2021/638 art. 39(c)(i)
- art. 2(12) words substituted by S.I. 2021/638 art. 39(c)(ii)
- art. 14(6A) inserted by S.I. 2015/1751 art. 7(4)
- art. 21A-21G inserted by S.I. 2018/1078 art. 7
- art. 21A heading words omitted by S.I. 2021/638 art. 44(a)
- art. 21A(2) words omitted by S.I. 2021/638 art. 44(b)
- art. 21B(4)(b)(i) words substituted by S.I. 2021/638 art. 45(a)
- art. 21B(8)(a) words omitted by S.I. 2021/638 art. 45(b)(iii)
- art. 21B(8)(a) words substituted by S.I. 2021/638 art. 45(b)(i)
- art. 21B(8)(a) words substituted by S.I. 2021/638 art. 45(b)(ii)
- art. 21E(2)(a) words inserted by S.I. 2021/638 art. 46(a)(ii)
- art. 21E(2)(a) words substituted by S.I. 2021/638 art. 46(a)(i)
- art. 21E(2)(b) words inserted by S.I. 2021/638 art. 46(a)(ii)
- art. 21E(2)(b) words substituted by S.I. 2021/638 art. 46(a)(i)
- art. 21E(2)(c) words inserted by S.I. 2021/638 art. 46(b)
- art. 21I(6)(d) words substituted by S.I. 2021/638 art. 48(a)
- art. 21I(9)(a) words inserted by S.I. 2021/638 art. 48(b)
- art. 21J(6)(b)(i)(ii) substituted for words in art. 21J(6)(b) by S.I. 2021/638 art. 49
- art. 21M(4)(a) words substituted by S.I. 2021/638 art. 50
- art. 21M(5) words substituted by S.I. 2021/638 art. 50
- art. 21GA inserted by S.I. 2021/638 art. 47
- art. 36(9)(10) inserted by S.I. 2018/1078 art. 15
- art. 46A-46H inserted by S.I. 2018/1078 art. 13
- art. 46B(4)(b)(i) words substituted by S.I. 2021/638 art. 51(a)
- art. 46B(8)(a) words omitted by S.I. 2021/638 art. 51(b)(iii)
- art. 46B(8)(a) words substituted by S.I. 2021/638 art. 51(b)(i)
- art. 46B(8)(a) words substituted by S.I. 2021/638 art. 51(b)(ii)
- art. 46I-46R inserted by S.I. 2018/1078 art. 14
- art. 48(6A) inserted by S.I. 2015/1751 art. 19(4)
- art. 57(2)(ea) inserted by 2020 c. 29 Sch. 3 para. 4(3)(c)
- art. 57(3)(ha) inserted by 2020 c. 29 Sch. 3 para. 4(4)(c)

– [art. 57\(5\) inserted by 2020 c. 29 Sch. 3 para. 4\(5\)](#)