



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 4

### EVIDENCE

#### 92 European evidence warrants

- (1) The Scottish Ministers may by order make provision for the purposes of and in connection with implementing any obligations of the United Kingdom created by or arising under the Framework Decision (so far as they have effect in or as regards Scotland).
- (2) The provision may, in particular, confer functions—
  - (a) on the Scottish Ministers,
  - (b) on the Lord Advocate,
  - (c) on other persons.
- (3) An order under subsection (1) may modify any enactment.
- (4) An order under subsection (1) may contain provision creating offences and a person who commits such an offence is liable to such penalties, not exceeding those mentioned in subsection (5), as are provided for in the order.
- (5) Those penalties are—
  - (a) on conviction on indictment, imprisonment for a period not exceeding 2 years, or a fine, or both,
  - (b) on summary conviction, imprisonment for a period not exceeding 12 months, or a fine not exceeding the statutory maximum, or both.
- (6) In this section, the “Framework Decision” means Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters.