



# Criminal Justice (Scotland) Act 1987

## 1987 CHAPTER 41

### <sup>F1</sup>PART I

#### CONFISCATION OF PROCEEDS OF DRUG TRAFFICKING ETC.

##### *Investigations and disclosure of information*

#### **38 Order to make material available.**

<sup>F1</sup> .....

##### **Textual Amendments**

**F1** Pt. I (ss. 1-47) repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 paras. 1, 3, 6, 16 and 17)

#### **39 Authority for search.**

<sup>F2</sup> .....

##### **Textual Amendments**

**F2** Pt. I (ss. 1-47) repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 paras. 1, 3, 6, 16 and 17)

#### **40 Interpretation of sections 38 and 39.**

<sup>F3</sup> .....

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1987, Cross Heading: Investigations and disclosure of information. (See end of Document for details)*

**Textual Amendments**  
**F3** Pt. I (ss. 1-47) repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 paras. 1, 3, 6, 16 and 17)

**40A** <sup>F4</sup> **Prosecution by order of the Commissioners of Customs and Excise.**

<sup>F5</sup> .....

**Textual Amendments**  
**F4** S. 40A inserted (1.12.1993) by 1993 c. 36, s. 20(2) (with s. 78(6)); S.I. 1993/2734, art. 2, Sch.  
**F5** Pt. I (ss. 1-47) repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 paras. 1, 3, 6, 16 and 17)

[<sup>F6</sup>41 **Disclosure of information held by government departments.**

- <sup>F6</sup>(1) .....
- <sup>F6</sup>(2) .....
- <sup>F6</sup>(3) .....
- <sup>F6</sup>(4) .....
- <sup>F6</sup>(5) .....
- <sup>F6</sup>(6) .....
- <sup>F6</sup>(7) .....
- <sup>F6</sup>(8) .....
- <sup>F6</sup>(9) .....

(10) Material may be produced or disclosed in pursuance of this section notwithstanding any obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise.

(11) An order under subsection (1) above and, in the case of material in the possession of an authorised government department, an order under section 38(2) of this Act may require any officer of the department (whether named in the order or not) who may for the time being be in possession of the material concerned to comply with such order; and any such order shall be served as if the proceedings were civil proceedings against the department.

(12) The person on whom an order under subsection (1) above is served—  
(a) shall take all reasonable steps to bring it to the attention of the officer concerned, and  
(b) if the order is not brought to that officer’s attention within the period referred to in subsection (1) above, shall report the reasons for the failure to the Court of Session;

and it shall also be the duty of any other officer of the department in receipt of the order to take such steps as are mentioned in paragraph (a) above.]

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**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1987, Cross Heading: Investigations and disclosure of information. (See end of Document for details)*

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**Textual Amendments**

**F6** S. 41 repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6(1), 7(2), **Sch. 5** (with Sch. 3 paras. 1, 3, 6, 16, 17)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1987,  
Cross Heading: Investigations and disclosure of information.