
STATUTORY INSTRUMENTS

2003 No. 425

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

PART 4

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

English or Welsh disclosure orders

27.—(1) Paragraphs (2) to (5) apply where the Director gives a notice under an English or Welsh disclosure order which requires a person in Scotland to—

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

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

(3) Section 360 of the Act (statements) applies in relation to criminal proceedings brought in Scotland, as well as criminal proceedings brought in England and Wales, with the modifications in paragraph (4).

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

- (a) in paragraph (b), after “section 359(1) or (3)”, there is inserted “or an offence under section 393(1) or (3)”;
- (b) in paragraph (c), after “prosecution for”, there is inserted “perjury in the law of Scotland”.

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

(6) Paragraphs (7) and (8) apply where the Director gives a notice under an English or Welsh disclosure order which requires a person in Scotland to—

- (a) answer questions in England and Wales; or
- (b) provide information or produce documents in England and Wales.

(7) Section 393 of the Act (offences) applies as if the order were a Scottish disclosure order, as well as section 359 of the Act (offences) and, for the avoidance of doubt, section 395 of the Act does not apply in determining whether the person has committed an offence under section 393(1) or (3) of the Act.

(8) Section 360 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 Scotland for an offence under section 393(1) or (3).