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 disclosure orders

8.—(1) Paragraphs (2) to (5) apply where the Lord Advocate gives a notice under a Scottish disclosure order which requires a person in England and Wales to—

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

(2) Section 393 of the Act (offences) does not apply and section 359 of the Act (offences) applies as if the order were an English or Welsh disclosure order.

(3) Section 394 of the Act (statements) applies in relation to criminal proceedings brought in England and Wales, as well as criminal proceedings brought in Scotland, with the modifications in paragraph (4).

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

- (a) in paragraph (b), after "section 393(1) or (3)", there is inserted "or an offence under section 359(1) or (3)";
- (b) in paragraph (c), after "perjury", there is inserted "or an offence under section 5 of the Perjury Act 1911(1)".

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

(6) Paragraphs (7) and (8) apply where the Lord Advocate gives a notice under a Scottish disclosure order which requires a person in England and Wales to—

(a) answer questions in Scotland; or

(b) provide information or produce documents in Scotland.

(7) Section 359 of the Act (offences) applies as if the order were an English or Welsh disclosure order, as well as section 393 of the Act (offences) and, for the avoidance of doubt, section 361 of the Act does not apply in determining whether the person has committed an offence under section 359(1) or (3) of the Act.

(8) Section 394 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 England and Wales for an offence under section 359(1) or (3).