

*These notes relate to the Criminal Justice and Licensing (Scotland)
Act 2010 (asp 13) which received Royal Assent on 6 August 2010*

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 - Evidence

Section 92 – European evidence warrants

458. This section provides an Order-making power to facilitate implementation of the Council of the European Union Framework Decision 2008/978/JHA of December 2008 on the European Evidence Warrant (EEW) for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters. Any order will be subject to the affirmative procedure, and may confer functions on the Scottish Ministers and the Lord Advocate to provide evidence requested by other Member States and to obtain evidence held by other Member States to assist with criminal investigations or proceedings. The power will permit the creation of new offences and penalties (subject to the limits set out in subsection (5)).