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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 231**

**The Proceeds of Crime Act 2002  
Amendment (Scotland) Order 2011**

**Amendment of the Proceeds of Crime Act 2002**

- 4.** In Schedule 4 to the Proceeds of Crime Act 2002 (lifestyle offences: Scotland)(1)—
- (a) in paragraph 2(2)(b) (drug trafficking), for “exploration” substitute “exportation”;
  - (b) in paragraph 7(1) (intellectual property), after paragraph (c) insert—
    - “(ca) section 296ZB(1) or (2) (devices and services designed to circumvent technological measures);”;
  - (c) in paragraph 8 (pimps and brothels), after paragraph (a) insert—
    - “(aa) section 11(4) (aiding, abetting or compelling prostitution for gain);”;
  - (d) immediately before paragraph 9A insert—
    - “*Gangmasters*.”;
  - (e) after paragraph 9A insert—

**“Consumer credit**

**9B.** An offence under section 39(1) of the Consumer Credit Act 1974 (offences against Part III) if it concerns the carrying on of a consumer credit business (as defined in section 189(1) of that Act).

**Distribution of obscene material**

**9C.** An offence under section 51(2) of the Civic Government (Scotland) Act 1982(2) (obscene material).

**Unclassified video recordings**

**9D.** An offence under either of the following provisions of the Video Recordings Act 1984(3)—

- (a) section 9(1) (supplying video recording of unclassified work);

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(1) Schedule 4 has been amended by the Nationality and Asylum Act 2002 (c.41), Schedule 7, paragraph 32; the Gangmasters (Licensing) Act 2004 (c.11), section 14(4); the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19), section 5(8); and S.S.I. 2003/594, article 3.

(2) 1982 c.45. Section 51 has been amended by the Broadcasting Act 1990 (c.42), sections 4(6), 87(6), 163(3) and (4)(b) and 203(3) and Schedule 21; the Criminal Justice and Public Order Act 1994 (c.33), section 87; and the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 44(2) (subject to the transitional provisions, transitory modifications and savings specified in Schedule 3 to that Act).

(3) 1984 c.39.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (b) section 10(1) (possession of video recording of unclassified work for the purposes of supply)(4).

**Private security industry**

- 9E.** An offence under section 5(1) of the Private Security Industry Act 2001(5) (using an unlicensed security operative).

**Serious organised crime**

- 9F.**—(1) An offence under either of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010(6)—

- (a) section 28(1) (involvement in serious organised crime);
- (b) section 30(1) or (2) (directing serious organised crime).

- (2) An offence to which section 29(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (offences aggravated by connection with serious organised crime) applies.”; and
- (f) in paragraph 10(1) (inchoate offences), after “an offence of” insert “attempting.”.

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(4) Sections 9 and 10 of the Video Recordings Act 1984 were repealed and brought back into force by section 1(1) of the Video Recordings Act 2010 (c.1).

(5) 2001 c.12. Schedule 15 to the Serious Organised Crime and Police Act 2005 (c.15) extended the provisions of the Private Security Industry Act 2001 to Scotland.

(6) 2010 asp 13.