
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 production orders

23.—(1) This article applies where—

- (a) an English or Welsh production order requires a person in Scotland in possession or control of material in Scotland to produce the material or give access to the material; or
- (b) an order to grant entry to premises in Scotland is made in respect of an English or Welsh production order under section 347 of the Act.

(2) The production order or the order to grant entry, as the case may be, may be served—

- (a) by sending it by post, facsimile transmission or electronic mail to the person in possession of the material; or
- (b) by a constable of a police force in Scotland or an English or Welsh appropriate officer serving the order personally,

and any rules of court as to the service of documents (other than rules of court made by virtue of section 446 of the Act) or other requirements in law as to the service of documents do not apply.

(3) Sections 345(4), 347(3), 348(5) and (7) and 349 of the Act have effect with the modifications in paragraph (4).

(4) The modifications are that for “an appropriate officer” in each place where it occurs, there is substituted, “whichever of an English or Welsh appropriate officer, a constable of a police force in Scotland or an English or Welsh appropriate officer and a constable of a police force in Scotland acting together the order specifies”.

(5) The sheriff has, in relation to the enforcement of the production order, the same powers as if he had made the order himself and proceedings for or with respect to any failure to comply with the order may be taken accordingly.

(6) Section 348(1) to (4) of the Act (further provisions) does not apply and section 383(1) and (2) of the Act (further provisions) has effect as if the production order were a Scottish production order.

(7) Section 350 of the Act (government departments) does not apply and section 385 of the Act (government departments) has effect as if the production order were a Scottish production order and, in particular, if the order is not brought to the attention of the officer concerned within the period stated in the order (in pursuance of section 345(4) of the Act) the person on whom it is served must report the reasons for the failure to the sheriff.