
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 search and seizure warrants

25.—(1) This article applies where an English or Welsh search and seizure warrant authorises entry into and search of premises in Scotland.

(2) Section 352(4) of the Act (definition of search and seizure warrant) has effect with the modification that for “an appropriate person”, there is substituted “one or more appropriate persons, as the warrant specifies”.

(3) Section 352(5) of the Act (definition of appropriate person) has effect with the modifications in paragraph (4).

(4) The modifications are that for paragraphs (a) and (b), there are substituted—

“(a) a constable of a police force in England and Wales; or

(b) a constable of a police force in Scotland.”.

(5) Section 354 of the Act (further provisions) does not apply and section 389 of the Act (further provisions) applies as if the warrant were a Scottish search warrant.

(6) Article 3 of the Police and Criminal Evidence Order (application of section 16 of the Police and Criminal Evidence Act 1984) does not apply to the execution of the warrant in Scotland.

(7) Section 20 of the Police and Criminal Evidence Act 1984 (extension of powers to computerised information) does not apply to a power of seizure under the warrant exercised in Scotland.

(8) Section 390(3) of the Act (which deals with computerised information in relation to Scottish search warrants) has effect in relation to the execution of the warrant in Scotland as it has effect in relation to the execution of a Scottish search warrant.

(9) Articles 4 and 5 of the Police and Criminal Evidence Order (application of sections 21 and 22 of the Police and Criminal Evidence Act 1984) have effect as if the warrant had been executed in England and Wales.

(10) Section 390(4) of the Act (which states that copies may be taken of material seized under a Scottish search warrant) does not apply.