



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 3

SCOTLAND

Production orders

385 Government departments

- (1) A production order may be made in relation to material in the possession or control of an authorised government department.
- (2) An order so made may require any officer of the department (whether named in the order or not) who may for the time being be in possession or control of the material to comply with it.
- (3) If an order contains such a requirement—
 - (a) the person on whom it is served must take all reasonable steps to bring it to the attention of the officer concerned;
 - (b) any other officer of the department who is in receipt of the order must also take all reasonable steps to bring it to the attention of the officer concerned.
- (4) If the order is not brought to the attention of the officer concerned within the period stated in the order (in pursuance of section 380(5)) the person on whom it is served must report the reasons for the failure to—
 - (a) the sheriff in the case of an order made for the purposes of a confiscation investigation or a money laundering investigation;
 - (b) the sheriff exercising a civil jurisdiction in the case of an order made for the purposes of a civil recovery investigation [^{F1}or a detained cash investigation] .

Status: Point in time view as at 28/05/2013. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 385 is up to date with all changes known to be in force on or before 06 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) In this section, “authorised government department” includes a government department which is an authorised department for the purposes of the Crown Proceedings Act 1947 (c. 44) and the Scottish Administration.

Textual Amendments

- F1** Words in s. 385(4)(b) inserted (18.6.2009) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(3), **Sch. 10 para. 15**; [S.S.I. 2009/224](#), art. 2(1)(d)(ii)

Modifications etc. (not altering text)

- C1** S. 385 modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **23(7)**, 24(7)
- C2** S. 385 excluded (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **14(7)**
- C3** S. 385 excluded (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **4(7)**, 14(7)
- C4** S. 385 modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **24(7)**

Commencement Information

- I1** S. 385 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

Status:

Point in time view as at 28/05/2013. This version of this provision has been superseded.

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