
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 152 (C. 15)

PROCEEDS OF CRIME

The Serious Crime Act 2007 (Commencement
No. 1) (Scotland) Order 2008

Made - - - - 14th April 2008

The Scottish Ministers make the following Order in exercise of the powers conferred by section 94(3) and (4)(c) of the Serious Crime Act 2007⁽¹⁾ and all other powers enabling them to do so.

Citation

1. This Order may be cited as the Serious Crime Act 2007 (Commencement No. 1) (Scotland) Order 2008.

Appointed day

2. The day appointed for the coming into force of section 86 of the Serious Crime Act 2007 is 28th April 2008.

St Andrew's House,
Edinburgh
14th April 2008

KENNY MACASKILL
A member of the Scottish Executive

Status: This is the original version (as it was originally made).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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 28th April 2008 section 86 of the Serious Crime Act 2007. This amends section 387 of the Proceeds of Crime Act 2002 (c. 29) (issue of search warrants in Scotland in connection with certain investigations) to provide that, in Scotland, a proper person may use reasonable force in executing a search warrant issued under that section where such force is necessary. “Proper person” is defined in section 412 of the Proceeds of Crime Act 2002. It means a constable, in relation to a confiscation investigation or a money laundering investigation, or the Scottish Ministers or a person named by them, in relation to a civil recovery investigation. “Constable” is further defined in that section as including a customs and excise officer.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Serious Crime Act 2007 have been brought into force by commencement order made before the date of this Order. Various provisions do not extend to Scotland. For the extent of the commenced provisions see section 93 of the Serious Crime Act 2007–

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. Number</i> |
|--|-----------------------------|--------------------|
| Sections 85, 88, 92 (partially), Schedule 12 and Schedule 14 (partially) | 15th February 2008 | 2008/219 |
| Sections 24(9) and (10), 37 (partially), 40(1), (2) and (4), 68(8), 71(1), (2), (4) and (5), 73 (partially), 74(1), 74(2)(d) and (g) (partially), 74(3), Schedule 2 (partially), Schedule 7 (partially), Schedule 8 (partially) and Schedule 9 | 1st March 2008 | 2008/219 |
| Section 74(2)(a), (b), (c), (d) (insofar as not already commenced) (e), (f) and (g) (insofar as not already commenced), 74(4), 77 (partially), 92 (partially), Schedule 8 (insofar as not already commenced), Schedule 10 (partially) and Schedule 14 (partially) | 1st April 2008 | 2008/755 |
| Sections 1 to 23, 24(1) to (8), (11) and (12), 25 to 36, 37 (insofar as not already | 6th April 2008 | 2008/755 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. Number</i> |
|--|-----------------------------|--------------------|
| commenced), 38 and 39, 40(3) and (5) to (8), 41 to 43, 73 (insofar as not already commenced), 75(1) to (3), 76(1) to (3), 77 (partially), 78 to 84, 87, 91(1) (partially), Schedule 1, Schedule 2 (partially), Schedule 7 (insofar as not already commenced), Schedule 10 (partially), Schedule 11 and Schedule 13 (partially) | | |