

*Status: Point in time view as at 30/11/2016.*

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## SCHEDULES

### SCHEDULE 4

Section 142

#### LIFESTYLE OFFENCES: SCOTLAND

##### *Money laundering*

- 1 An offence under either of the following provisions of this Act—
- (a) section 327 (concealing etc. criminal property);
  - (b) section 328 (assisting another person to retain criminal property).

##### **Commencement Information**

**II** Sch. 4 para. 1 in force at 24.3.2003 by [S.S.I. 2003/210](#), art. 2(1)(a)

##### *Drug trafficking*

- 2 (1) An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—
- (a) section 4(2) or (3) (unlawful production or supply of controlled drugs);
  - (b) section 5(3) (possession of controlled drug with intent to supply);
  - (c) section 8 (permitting certain activities relating to controlled drugs);
  - (d) section 20 (assisting in or inducing the commission outside the UK of an offence punishable under a corresponding law).
- (2) An offence under any of the following provisions of the Customs and Excise Management Act 1979 (c. 2) if it is committed in connection with a prohibition or restriction on importation or exportation which has effect by virtue of section 3 of the Misuse of Drugs Act 1971—
- (a) section 50(2) or (3) (improper importation of goods);
  - (b) section 68(2) (<sup>F1</sup>exportation] of prohibited or restricted goods);
  - (c) section 170 (fraudulent evasion).
- (3) An offence under either of the following provisions of the Criminal Justice (International Co-operation) Act 1990 (c. 5)—
- (a) section 12 (manufacture or supply of a substance for the time being specified in Schedule 2 to that Act);
  - (b) section 19 (using a ship for illicit traffic in controlled drugs).

##### **Textual Amendments**

**F1** Word in Sch. 4 para. 2(2)(b) substituted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, 4(a)

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#### Commencement Information

**I2** Sch. 4 para. 2 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

[<sup>F2</sup>2A An offence under any of the following provisions of the Psychoactive Substances Act 2016—

- (a) section 4 (producing a psychoactive substance);
- (b) section 5 (supplying, or offering to supply, a psychoactive substance);
- (c) section 7 (possession of psychoactive substance with intent to supply);
- (d) section 8 (importing or exporting a psychoactive substance).]

#### Textual Amendments

**F2** Sch. 4 para. 2A inserted (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), s. 63(2), **Sch. 5 para. 2(3)**; [S.I. 2016/553](#), reg. 2

#### Textual Amendments

- F1** Word in Sch. 4 para. 2(2)(b) substituted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(a)**
- F2** Sch. 4 para. 2A inserted (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), s. 63(2), **Sch. 5 para. 2(3)**; [S.I. 2016/553](#), reg. 2

#### Commencement Information

**I2** Sch. 4 para. 2 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

#### Directing terrorism

3 An offence under section 56 of the Terrorism Act 2000 (c. 11) (directing the activities of a terrorist organisation).

#### Commencement Information

**I3** Sch. 4 para. 3 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

#### People trafficking

- [<sup>F3</sup>4 (1) An offence under section 25, 25A or 25B of the Immigration Act 1971 (assisting unlawful immigration etc.).
- (2) An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation).
  - (3) An offence of human trafficking (see section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015).
  - (4) An offence to which section 5 of the Human Trafficking and Exploitation (Scotland) Act 2015 (offences aggravated by connection with human trafficking activity) applies.]

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#### Textual Amendments

- F3** Sch. 4 para. 4 substituted (S.) (31.5.2016) by [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) (asp 12), **ss. 15(a), 45(2)** (with s. 44); S.S.I. 2016/128, reg. 2, sch.

#### Commencement Information

- I4** Sch. 4 para. 4 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

### *Slavery, servitude and forced or compulsory labour*

- [<sup>F4</sup>4A An offence under section 4 of the Human Trafficking and Exploitation (Scotland) Act 2015 (slavery, servitude and forced or compulsory labour).]

#### Textual Amendments

- F4** Sch. 4 para. 4A inserted (S.) (31.5.2016) by [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) (asp 12), **ss. 15(b), 45(2)** (with s. 44); S.S.I. 2016/128, reg. 2, sch.

### *Arms trafficking*

- 5 (1) An offence under either of the following provisions of the Customs and Excise Management Act 1979 if it is committed in connection with a firearm or ammunition—
- (a) section 68(2) (exportation of prohibited goods);
  - (b) section 170 (fraudulent evasion).
- (2) An offence under section 3(1) of the Firearms Act 1968 (c. 27)(dealing in firearms or ammunition by way of trade or business).
- (3) In this paragraph “firearm” and “ammunition” have the same meanings as in section 57 of the Firearms Act 1968 (c. 27).

#### Commencement Information

- I5** Sch. 4 para. 5 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

### *Counterfeiting*

- 6 An offence under any of the following provisions of the Forgery and Counterfeiting Act 1981 (c. 45)—
- (a) section 14 (making counterfeit notes or coins);
  - (b) section 15 (passing etc counterfeit notes or coins);
  - (c) section 16 (having counterfeit notes or coins);
  - (d) section 17 (making or possessing materials or equipment for counterfeiting).

#### Commencement Information

- I6** Sch. 4 para. 6 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

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### Intellectual property

- 7 (1) An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)—
- (a) section 107(1) (making or dealing in an article which infringes copyright);
  - (b) section 107(2) (making or possessing an article designed or adapted for making a copy of a copyright work);
  - (c) section 198(1) (making or dealing in an illicit recording);
  - [<sup>F5</sup>(ca) section 296ZB(1) or (2) (devices and services designed to circumvent technological measures);]
  - (d) section 297A (making or dealing in unauthorised decoders).
- (2) An offence under section 92(1), (2), or (3) of the Trade Marks Act 1994 (c. 26) (unauthorised use etc of trade mark).

#### Textual Amendments

- F5** Sch. 4 para. 7(1)(ca) inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(b)**

#### Commencement Information

- I7** Sch. 4 para. 7 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

### Pimps and brothels

- 8 An offence under either of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)—
- (a) section 11(1) (living on earnings of prostitution or soliciting for immoral purposes);
  - [<sup>F6</sup>(aa) section 11(4) (aiding, abetting or compelling prostitution for gain);]
  - (b) section 11(5) (running of brothels).

#### Textual Amendments

- F6** Sch. 4 para. 8(aa) inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(c)**

#### Commencement Information

- I8** Sch. 4 para. 8 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

### Traffic in prostitution etc.

- [<sup>F7</sup>8A. An offence under section 22 of the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) (traffic in prostitution etc.).]

#### Textual Amendments

- F7** Sch. 4 para. 8A inserted (30.11.2003) by [Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2003 \(S.S.I. 2003/594\)](#), arts. 1(1), **3**

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### Blackmail

9 An offence of blackmail or extortion.

#### Commencement Information

**I9** Sch. 4 para. 9 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

### [<sup>F8</sup>Gangmasters]

[<sup>F9</sup>9A An offence under section 12(1) or (2) of the Gangmasters (Licensing) Act 2004 (acting as a gangmaster other than under the authority of a licence, possession of false documents etc).]

#### Textual Amendments

- F8** Sch. 4 para. 9A cross-heading inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(d)**
- F9** Sch. 4 para. 9A inserted (1.10.2006) by [Gangmasters \(Licensing\) Act 2004 \(c. 11\)](#), **ss. 14(4)**, 29(1); [S.I. 2006/2406](#), **art. 2(e)**

### Consumer credit

[<sup>F10</sup>9AA. An offence under section 23(1) of the Financial Services and Markets Act 2000 (contravention of the general prohibition) if it concerns the carrying on, or purported carrying on, of a credit-related regulated activity (as defined by section 23(1B) of that Act).]

#### Textual Amendments

- F10** Sch. 4 para. 9AA inserted (S.) (27.6.2014) by [The Proceeds of Crime Act 2002 \(Amendment of Schedule 4\) \(Scotland\) Order 2014 \(S.S.I. 2014/187\)](#), arts. 1, **3** (with art. 2)

*F11* ...

[<sup>F11</sup>9B. ....]

#### Textual Amendments

- F11** Sch. 4 para. 9B and heading omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 8**

### Distribution of obscene material

[<sup>F12</sup>9C. An offence under section 51(2) of the Civic Government (Scotland) Act 1982 (obscene material).

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#### Textual Amendments

**F12** Sch. 4 paras. 9B-9F inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(e)**

#### *Unclassified video recordings*

- 9D. An offence under either of the following provisions of the Video Recordings Act 1984—
- (a) section 9(1) (supplying video recording of unclassified work);
  - (b) section 10(1) (possession of video recording of unclassified work for the purposes of supply).

#### Textual Amendments

**F12** Sch. 4 paras. 9B-9F inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(e)**

#### *Private security industry*

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

#### Textual Amendments

**F12** Sch. 4 paras. 9B-9F inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(e)**

#### *Serious organised crime*

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

#### Textual Amendments

**F12** Sch. 4 paras. 9B-9F inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(e)**

#### *Inchoate offences*

- 10 (1) An offence of [<sup>F13</sup>attempting,] conspiring or inciting the commission of an offence specified in this Schedule.

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- (2) An offence of aiding, abetting, counselling or procuring the commission of such an offence.

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**Textual Amendments**

**F13** Word in Sch. 4 para. 10(1) inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(f)**

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**Commencement Information**

**I10** Sch. 4 para. 10 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

**Status:**

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