



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 8

#### INVESTIGATIONS

### CHAPTER 3

#### SCOTLAND

#### *Production orders*

### **380** Production orders

- (1) The sheriff may, on an application made to him by the appropriate person, make a production order if he is satisfied that each of the requirements for the making of the order is fulfilled.
- (2) In making a production order in relation to <sup>F1</sup>... a civil recovery investigation [<sup>F2</sup>, a detained cash investigation, a detained property investigation or a frozen funds investigation], the sheriff shall act in the exercise of his civil jurisdiction.
- (3) The application for a production order must state that—
  - (a) a person specified in the application is subject to a confiscation investigation [<sup>F3</sup>, a civil recovery investigation ] or a money laundering investigation, or
  - (b) property specified in the application is subject to a civil recovery investigation [<sup>F4</sup>, a detained cash investigation, a detained property investigation or a frozen funds investigation].
- (4) The application must also state that—
  - (a) the order is sought for the purposes of the investigation;
  - (b) the order is sought in relation to material, or material of a description, specified in the application;

*Status: Point in time view as at 16/04/2018. This version of this provision has been superseded.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 380 is up to date with all changes known to be in force on or before 01 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)*

- (c) a person specified in the application appears to be in possession or control of the material.
- (5) A production order is an order either—
- (a) requiring the person the application for the order specifies as appearing to be in possession or control of material to produce it to a proper person for him to take away, or
  - (b) requiring that person to give a proper person access to the material, within the period stated in the order.
- (6) The period stated in a production order must be a period of seven days beginning with the day on which the order is made, unless it appears to the sheriff that a longer or shorter period would be appropriate in the particular circumstances.

#### Textual Amendments

- F1** Words in s. 380(2) omitted (1.6.2015) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 19 para. 14\(2\)](#); [S.I. 2015/964](#), art. 2(d) (with art. 3)
- F2** Words in s. 380(2) substituted (27.4.2017 for specified purposes, 31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 60](#); [S.I. 2018/78](#), reg. 5(3)(a)(i)(ii)
- F3** Words in s. 380(3)(a) inserted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 19 para. 14\(3\)](#); [S.I. 2015/964](#), art. 2(d) (with art. 3)
- F4** Words in s. 380(3)(b) substituted (27.4.2017 for specified purposes, 31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 60](#); [S.I. 2018/78](#), reg. 5(3)(a)(i)(ii)

#### Modifications etc. (not altering text)

- C1** S. 380(5) 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, [14\(3\)](#), (4)
- C2** S. 380(5) 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, [4\(3\)\(4\)](#), 14(3), (4)

#### Commencement Information

- I1** S. 380 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:**

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**Changes to legislation:**

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