



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 3

SCOTLAND

Production orders

386 Supplementary

- (1) An application for a production order or an order to grant entry may be made ex parte to a sheriff in chambers.
- (2) Provision may be made by rules of court as to the discharge and variation of production orders and orders to grant entry.
- (3) Rules of court under subsection (2) relating to production orders and orders to grant entry—
 - (a) made in a confiscation investigation or a money laundering investigation shall, without prejudice to section 305 of the Criminal Procedure (Scotland) Act 1995 (c. 46) be made by act of adjournal;
 - (b) made in a civil recovery investigation [F1[F2 or a detained cash investigation]]F1, a detained cash investigation, a detained property investigation or a frozen funds investigation] shall, without prejudice to section 32 of the Sheriff Courts (Scotland) Act 1971 (c. 58) be made by act of sederunt.
- (4) An application to discharge or vary a production order or an order to grant entry may be made to the sheriff by—
 - (a) the person who applied for the order;

Status: Point in time view as at 27/04/2017. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 386 is up to date with all changes known to be in force on or before 04 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)

- (b) any person affected by the order.
- (5) The sheriff may—
- (a) discharge the order;
 - (b) vary the order.

Textual Amendments

- F1** Words in s. 386(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. 63](#); [S.I. 2018/78](#), reg. 5(3)(a)(i)(ii)
- F2** Words in s. 386(3)(b) inserted (18.6.2009) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(3), [Sch. 10 para. 16](#); [S.S.I. 2009/224](#), art. 2(1)(d)(ii)

Commencement Information

- I1** S. 386 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Point in time view as at 27/04/2017. This version of this provision has been superseded.

Changes to legislation:

Proceeds of Crime Act 2002, Section 386 is up to date with all changes known to be in force on or before 04 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.