



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 10

INFORMATION

Scotland

439 Disclosure of information to Lord Advocate and to Scottish Ministers

- (1) Information which is held by or on behalf of a permitted person (whether it was obtained before or after the coming into force of this section) may be disclosed to the Lord Advocate in connection with the exercise of any of his functions under Part 3 or to the Scottish Ministers in connection with the exercise of any of their functions under Part 5.
- (2) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (3) But nothing in this section authorises the making of a disclosure—
 - (a) which contravenes the Data Protection Act 1998;
 - (b) which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- (4) This section does not affect a power to disclose which exists apart from this section.
- (5) These are permitted persons—
 - (a) a constable;
 - ^[F1](b) ^[F2]^[F3]the National Crime Agency] but only so far as the information is held by it or on its behalf otherwise than in connection with its functions under this Act;]
 - (d) the Director of the Serious Fraud Office;
 - (e) the Commissioners of Inland Revenue;
 - (f) the Commissioners of Customs and Excise;
 - ^[F4](fa) the Director of Revenue and Customs Prosecutions;]

Status: Point in time view as at 07/10/2013. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 439 is up to date with all changes known to be in force on or before 14 July 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)

- (g) the Director of Public Prosecutions;
 - (h) the Director of Public Prosecutions for Northern Ireland.
- (6) The Scottish Ministers may by order designate as permitted persons other persons who exercise functions which they believe are of a public nature.
- (7) But an order under subsection (6) must specify the functions in respect of which the designation is made.
- (8) Information must not be disclosed under this section on behalf of the Commissioners of Inland Revenue or on behalf of the Commissioners of Customs and Excise unless the Commissioners concerned authorise the disclosure.
- (9) The power to authorise a disclosure under subsection (8) may be delegated (either generally or for a specified purpose)—
- (a) in the case of the Commissioners of Inland Revenue, to an officer of the Board of Inland Revenue;
 - (b) in the case of the Commissioners of Customs and Excise, to a customs officer.

Textual Amendments

- F1** S. 439(5)(b) substituted for s. 439(5)(b)(c) (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 177**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F2** Words in s. 439(5)(b) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 135(a)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F3** Words in s. 439(5)(b) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 147**; S.I. 2013/1682, art. 3(v)
- F4** S. 439(5)(fa) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 135(b)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Commencement Information

- I1** S. 439 in force at 24.2.2003 for specified purposes by [S.I. 2003/120](#), art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)
- I2** S. 439 in force at 24.3.2003 in so far as not already in force by [S.I. 2003/333](#), art. 2, **Sch.**

Status:

Point in time view as at 07/10/2013. This version of this provision has been superseded.

Changes to legislation:

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