

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 26. (See end of Document for details)

SCHEDULES

SCHEDULE 2

POWERS OF ENTRY, SEARCH AND SEIZURE

Modifications etc. (not altering text)

- C1** Sch. 2 applied (20.12.2023) by 1989 c. 6, s. 11(3) (as substituted by National Security Act 2023 (c. 32), s. 100(1), Sch. 18 para. 6(3)(a) (with s. 97); S.I. 2023/1272, reg. 2(f))

PART 2

SCOTLAND

Explanations

- 26 (1) The procurator fiscal may apply to a sheriff for an order under [this paragraph](#) requiring any person specified in the order to provide an explanation of material—
- (a) seized under a warrant under paragraph 25, or
 - (b) produced or made available to a constable under paragraph 19 or 20.
- (2) An application for an order under this paragraph may be made without notice to a sheriff in chambers.
- (3) Without prejudice to paragraph 30, an order under [this paragraph](#) may require a lawyer to provide the name and address of their client.
- (4) A statement by a person in response to a requirement imposed by an order under [this paragraph](#) may only be used in evidence against the person—
- (a) on a prosecution for an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995, or
 - (b) on a prosecution for some other offence where in giving evidence they make a statement inconsistent with it.
- (5) Paragraphs 23 and 24 apply to orders under [this paragraph](#) as they apply to orders made under paragraph 19 or 20.

Commencement Information

- I1** Sch. 2 para. 26 not in force at Royal Assent, see 100(1)
- I2** Sch. 2 para. 26 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

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