

SCHEDULES

SCHEDULE 2

POWERS OF ENTRY, SEARCH AND SEIZURE

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](#).