

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Proceeds of Crime Act 2002 (External Investigations) (Scotland) Order 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2015 No. 206

The Proceeds of Crime Act 2002 (External Investigations) (Scotland) Order 2015

PROSPECTIVE

Interpretation

2.—(1) In this Order—

“the Act” means the Proceeds of Crime Act 2002;

“account monitoring order” has the same meaning as in article 29;

“customer information order” has the same meaning as in article 22;

“disclosure order” has the same meaning as in article 16;

“financial institution” means a person carrying on a business in the regulated sector, but a person who ceases to carry on a business in the regulated sector (whether by virtue of paragraph 5 of Schedule 9 to the Act or otherwise) is to continue to be treated as a financial institution for the purposes of any requirement under a customer information order or an account monitoring order to provide information which relates to a time when the person was a financial institution;

“legal privilege” means protection in legal proceedings from disclosure by virtue of any rule of law relating to the confidentiality of communications and “items subject to legal privilege” are—

- (a) communications between a professional legal advisor and their client;
- (b) communications made in connection with or in contemplation of legal proceedings and for the purposes of those proceedings,

which would be so protected;

“production order” has the same meaning as in article 6;

“search warrant” has the same meaning as in article 13;

(2) In this Order references to—

- (a) a “business in the regulated sector” must be construed in accordance with Schedule 9 to the Act;
- (b) a “constable” include references to an officer of Revenue and Customs and to an immigration officer;
- (c) “notice in writing” includes reference to notice given by electronic means;
- (d) “premises” include any place and in particular, include—
 - (i) any vehicle, vessel, aircraft or hovercraft,

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(ii) any offshore installation within the meaning of section 12(1) of the Mineral Workings (Offshore Installations) Act 1971⁽¹⁾ and any tent or moveable structure.

Commencement Information

II Art. 2 in force at 16.3.2015, see [art. 1\(b\)](#)

⁽¹⁾ 1971 c.61; the definition of “offshore installation” was substituted by the [Offshore Installations and Pipeline Works \(Management and Administration\) Regulations 1995/738](#).

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Changes and effects yet to be applied to :

- [art. 2 coming into force by S.I. 2015/206 art. 1\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [art. 23\(2\)\(ea\) inserted by 2020 c. 29 Sch. 3 para. 5\(3\)\(c\)](#)
- [art. 23\(3\)\(ha\) inserted by 2020 c. 29 Sch. 3 para. 5\(4\)\(c\)](#)
- [art. 23\(5\) inserted by 2020 c. 29 Sch. 3 para. 5\(5\)](#)