

Draft Order laid before the Scottish Parliament under section 459(6)(b) of the Proceeds of Crime Act 2002 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Amendment Order 2014

Made - - - - 2014
Coming into force - - 2014

The Scottish Ministers make the following Order in exercise of the powers conferred by section 441(9) of the Proceeds of Crime Act 2002(1) and all other powers enabling them to do so. In accordance with section 459(6)(b) of that Act(2), a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Amendment Order 2014 and comes into force on the day after the day on which it is made.

Amendment of the Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Order 2003

2.—(1) The Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Order 2003(3) is amended as follows.

(2) In article 3 (disclosure of information by Lord Advocate and by Scottish Ministers), after paragraph (b), insert—

“(c) the regulatory functions of the Council of the Law Society of Scotland as defined by sections 3F and 3G of the Solicitors (Scotland) Act 1980(4);

(1) 2002 c.29.
(2) Section 459(6)(b) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).
(3) S.S.I. 2003/93, amended by S.I. 2013/472.
(4) 1980 c.46; sections 3F and 3G were inserted by section 133(2) of the Legal Services (Scotland) Act 2010 (asp 16).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Amendment Order 2014 No. 49

- (d) the functions of the Law Society of Scotland as a supervisory authority under the Money Laundering Regulations 2007⁽⁵⁾.”.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

⁽⁵⁾ [S.I. 2007/2157](#), relevantly amended by [S.I. 2012/2298](#).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Order 2003 (“the principal Order”), which provides for the disclosure of information to and by the Lord Advocate and the Scottish Ministers in connection with their functions under the Proceeds of Crime Act 2002 (“the 2002 Act”). It has effect throughout the United Kingdom.

Article 3 of the principal Order designates certain functions, which the Scottish Ministers think are of a public nature, for the purposes of section 441(2)(j) and (9) of the 2002 Act. Article 2 of this Order amends the list of designated functions to include the regulatory functions of the Council of the Law Society of Scotland as defined by sections 3F and 3G of the Solicitors (Scotland) Act 1980, and the functions of the Law Society of Scotland as a supervisory authority under the Money Laundering Regulations 2007.

By virtue of section 441(7) of the 2002 Act, this Order has effect subject to the provisions of the Data Protection Act 1998 (c.29) and Part 1 of the Regulation of Investigatory Powers Act 2000 (c.23).