

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made in exercise of the powers conferred by section 293(4) of the Proceeds of Crime Act 2002 (“the Act”). The Order brings into operation a code of practice which is required by section 293(1) of the Act for cash searches conducted by constables in relation to Scotland under section 289. Copies of the code of practice will be available at all police stations for consultation by the police and members of the public.

Section 289 allows constables and customs officers to search for cash, which is recoverable property or is intended by any person for use in unlawful conduct. A code of practice in respect of searches by customs officers is to be made by the Secretary of State pursuant to section 292(4) of the Act.