



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 8

#### INVESTIGATIONS

### CHAPTER 3

#### SCOTLAND

#### *Customer information orders*

#### **397 Customer information orders**

- (1) The sheriff may, on an application made to him by the appropriate person, make a customer information order if he is satisfied that each of the requirements for the making of the order is fulfilled.
- (2) In making a customer information order in relation to property subject to a civil recovery investigation the sheriff shall act in the exercise of his civil jurisdiction.
- (3) The application for a customer information order must state that—
  - (a) a person specified in the application is subject to a confiscation investigation or a money laundering investigation, or
  - (b) property specified in the application is subject to a civil recovery investigation and a person specified in the application appears to hold the property.
- (4) The application must also state that—
  - (a) the order is sought for the purposes of the investigation;
  - (b) the order is sought against the financial institution or financial institutions specified in the application.
- (5) An application for a customer information order may specify—
  - (a) all financial institutions,

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*Status: This is the original version (as it was originally enacted).*

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- (b) a particular description, or particular descriptions, of financial institutions, or
  - (c) a particular financial institution or particular financial institutions.
- (6) A customer information order is an order that a financial institution covered by the application for the order must, on being required to do so by notice in writing given by the appropriate person, provide any such customer information as it has relating to the person specified in the application.
- (7) A financial institution which is required to provide information under a customer information order must provide the information to a proper person in such manner, and at or by such time, as that person requires.
- (8) If a financial institution on which a requirement is imposed by a notice given under a customer information order requires the production of evidence of authority to give the notice, it is not bound to comply with the requirement unless evidence of the authority has been produced to it.