

*These notes refer to the Proceeds of Crime Act 2002  
(c.29) which received Royal Assent on 24 July 2002*

# PROCEEDS OF CRIME ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 5: Civil Recovery of the Proceeds etc. of Unlawful Conduct** Chapter 4: General

#### *Recoverable property*

#### **Delegation of enforcement functions**

#### *Section 312: Performance of functions of Scottish Ministers by constables in Scotland*

439. *Schedule 11* of the Act amends the Police (Scotland) Act 1967 to enable constables to undertake temporary service with the Scottish Ministers in connection with their functions under Part 5 (civil recovery) of the Act. On secondment, a constable will not bring with him his police powers. There are, however, certain of the functions bestowed by Part 5 on Scottish Ministers that it would not be appropriate for seconded constables to exercise. These are set out in *section 312* and include taking proceedings in the Court of Session and exercising the Scottish Ministers' order making powers.

#### *Section 313: Restriction on performance of Director's functions by police*

440. *Section 313* provides that police officers who are seconded to the Agency will not be able to undertake civil recovery work on behalf of the Director. Seconded officers will retain their police powers and it would not be appropriate for them to work on civil recovery cases.