



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 8

#### INVESTIGATIONS

#### CHAPTER 3

#### SCOTLAND

#### *Search warrants*

#### **387 Search warrants**

- (1) The sheriff may, on an application made to him by the appropriate person, issue a search warrant if he is satisfied that either of the requirements for the issuing of the warrant is fulfilled.
- (2) In issuing a search warrant in relation to <sup>F1</sup>... a civil recovery investigation [<sup>F2</sup>, a detained cash investigation, a detained property investigation or a frozen funds investigation], the sheriff shall act in the exercise of his civil jurisdiction.
- (3) The application for a search warrant must state that—
  - (a) a person specified in the application is subject to a confiscation investigation [<sup>F3</sup>, a civil recovery investigation] or a money laundering investigation, or
  - (b) property specified in the application is subject to a civil recovery investigation [<sup>F4</sup>, a detained cash investigation, a detained property investigation or a frozen funds investigation].
- (4) A search warrant is a warrant authorising a proper person—
  - (a) to enter and search the premises specified in the application for the warrant, and

*Status: Point in time view as at 01/12/2020. This version of this provision has been superseded.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 387 is up to date with all changes known to be in force on or before 01 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) to seize and retain any material specified in the warrant which is found there and which is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the application is made.

[<sup>F5</sup>(4A) A proper person may, if necessary, use reasonable force in executing a search warrant.]

- (5) The requirements for the issue of a search warrant are—
- (a) that a production order made in relation to material has not been complied with and there are reasonable grounds for believing that the material is on the premises specified in the application for the warrant, or
- (b) that section 388 is satisfied in relation to the warrant.
- (6) An application for a search warrant may be made ex parte to a sheriff in chambers.

#### Textual Amendments

- F1** Words in s. 387(2) omitted (1.6.2015) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 19 para. 16\(2\)](#); [S.I. 2015/964](#), art. 2(d) (with art. 3)
- F2** Words in s. 387(2) substituted (27.4.2017 for specified purposes, 31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 64](#); [S.I. 2018/78](#), reg. 5(3)(a)(i)(ii)
- F3** Words in s. 387(3)(a) inserted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 19 para. 16\(3\)](#); [S.I. 2015/964](#), art. 2(d) (with art. 3)
- F4** Words in s. 387(3)(b) substituted (27.4.2017 for specified purposes, 31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 64](#); [S.I. 2018/78](#), reg. 5(3)(a)(i)(ii)
- F5** S. 387(4A) inserted (28.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [ss. 86](#), 94(3); [S.S.I. 2008/152](#), art. 2

#### Modifications etc. (not altering text)

- C1** S. 387(4) modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, [16\(2\)](#)
- C2** S. 387(4) modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, [6\(2\)](#), 16(2)

#### Commencement Information

- I1** S. 387 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

**Status:**

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**Changes to legislation:**

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