

Status: Point in time view as at 06/11/2019.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 10. (See end of Document for details)

SCHEDULES

SCHEDULE 10

Section 77

DETAINED CASH INVESTIGATIONS: FURTHER PROVISION

Amendments to the Proceeds of Crime Act 2002

1 The Proceeds of Crime Act 2002 (c. 29) (investigations) is amended as follows.

Commencement Information

- I1** Sch. 10 para. 1 in force at 6.4.2008 for specified purposes by [S.I. 2008/755](#), **art. 17(1)(d)(i)**
- I2** Sch. 10 para. 1 in force at 18.6.2009 in so far as not already in force by [S.S.I. 2009/224](#), **art. 2(1)(d)(i)**

2 In section 342(1) (offences of prejudicing investigation) after “a civil recovery investigation” insert “, a detained cash investigation”.

Commencement Information

- I3** Sch. 10 para. 2 in force at 6.4.2008 by [S.I. 2008/755](#), **art. 17(1)(d)(ii)**

^{F13}

Textual Amendments

- F1** Sch. 10 paras. 3-6 repealed (1.6.2015 for E.W.S., 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), **Sch. 8 Pt. 5**; [S.I. 2015/983](#), art. 2(2)(g); [S.I. 2016/147](#), art. 3(1) (with art. 5)

^{F14}

Textual Amendments

- F1** Sch. 10 paras. 3-6 repealed (1.6.2015 for E.W.S., 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), **Sch. 8 Pt. 5**; [S.I. 2015/983](#), art. 2(2)(g); [S.I. 2016/147](#), art. 3(1) (with art. 5)

^{F15}

Textual Amendments

- F1** Sch. 10 paras. 3-6 repealed (1.6.2015 for E.W.S., 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), **Sch. 8 Pt. 5**; [S.I. 2015/983](#), art. 2(2)(g); [S.I. 2016/147](#), art. 3(1) (with art. 5)

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F16

Textual Amendments

F1 Sch. 10 paras. 3-6 repealed (1.6.2015 for E.W.S., 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\), s. 116\(1\), Sch. 8 Pt. 5](#); S.I. 2015/983, art. 2(2)(g); S.I. 2016/147, art. 3(1) (with art. 5)

- 7 (1) Section 352 (search and seizure warrants) is amended as follows.
- (2) In subsection (3)(c) after “(7)” insert “, (7A), (7B) ”.
- (3) After subsection (5)(b) insert—
 - “(c) a constable or an officer of Revenue and Customs, if the warrant is sought for the purposes of a detained cash investigation.”

Commencement Information

I4 Sch. 10 para. 7 in force at 6.4.2008 by [S.I. 2008/755, art. 17\(1\)\(d\)\(ii\)](#)

- 8 (1) Section 353 (requirements where production order not available) is amended as follows.
- (2) In subsection (5)(a) after “(7)” insert “, (7A), (7B) ”.
- (3) After subsection (10)(b) insert—
 - “(c) a constable or an officer of Revenue and Customs, if the warrant is sought for the purposes of a detained cash investigation.”

Commencement Information

I5 Sch. 10 para. 8 in force at 6.4.2008 by [S.I. 2008/755, art. 17\(1\)\(d\)\(ii\)](#)

F29

Textual Amendments

F2 Sch. 10 para. 9 repealed (1.6.2015 for E.W.S., 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\), s. 116\(1\), Sch. 8 Pt. 5](#); S.I. 2015/983, art. 2(2)(g); S.I. 2016/147, art. 3(1) (with art. 5)

- 10 In section 357(2) (investigations to which disclosure orders do not apply) after “to a” insert “ detained cash investigation or a ”.

Commencement Information

I6 Sch. 10 para. 10 in force at 6.4.2008 by [S.I. 2008/755, art. 17\(1\)\(d\)\(ii\)](#)

- 11 In section 363 (customer information orders) after subsection (1) insert—
 - “(1A) No application for a customer information order may be made in relation to a detained cash investigation.”

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Commencement Information

I7 Sch. 10 para. 11 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 17\(1\)\(d\)\(ii\)](#)

- 12 In section 370 (account monitoring orders) after subsection (1) insert—
- “(1A) No application for an account monitoring order may be made in relation to a detained cash investigation.”

Commencement Information

I8 Sch. 10 para. 12 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 17\(1\)\(d\)\(ii\)](#)

- 13 In section 378 (officers) after subsection (3) insert—
- “(3A) In relation to a detained cash investigation these are appropriate officers—
- (a) a constable;
 - (b) an officer of Revenue and Customs.”

Commencement Information

I9 Sch. 10 para. 13 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 17\(1\)\(d\)\(ii\)](#)

- 14 In section 380(2) (sheriff in Scotland to act in exercise of civil jurisdiction in making production orders in certain cases) after “a civil recovery investigation” insert “ or a detained cash investigation ”.

Commencement Information

I10 Sch. 10 para. 14 in force at 18.6.2009 by [S.S.I. 2009/224](#), [art. 2\(1\)\(d\)\(ii\)](#)

- 15 In section 385(4)(b) (government departments: Scotland) after “a civil recovery investigation” insert “ or a detained cash investigation ”.

Commencement Information

I11 Sch. 10 para. 15 in force at 18.6.2009 by [S.S.I. 2009/224](#), [art. 2\(1\)\(d\)\(ii\)](#)

- 16 In section 386(3)(b) (rules of court in connection with production orders and orders to grant entry: Scotland) after “a civil recovery investigation” insert “ or a detained cash investigation ”.

Commencement Information

I12 Sch. 10 para. 16 in force at 18.6.2009 by [S.S.I. 2009/224](#), [art. 2\(1\)\(d\)\(ii\)](#)

- 17 In section 387(2) (sheriff in Scotland to act in exercise of civil jurisdiction in issuing search warrants in certain cases) after “a civil recovery investigation” insert “ or a detained cash investigation ”.

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Commencement Information

I13 Sch. 10 para. 17 in force at 18.6.2009 by [S.S.I. 2009/224](#), [art. 2\(1\)\(d\)\(ii\)](#)

- 18 In section 388(5)(a) (requirements where production order not available: Scotland) after “(7)” insert “, (7A), (7B)”.

Commencement Information

I14 Sch. 10 para. 18 in force at 18.6.2009 by [S.S.I. 2009/224](#), [art. 2\(1\)\(d\)\(ii\)](#)

- 19 (1) Section 390 (further provisions: confiscation, civil recovery and money laundering: Scotland) is amended as follows.
- (2) In the heading after “civil recovery” insert “, detained cash”.
- (3) In subsection (1) after “civil recovery investigations” insert “, detained cash investigations”.
- (4) In subsection (5) after “a civil recovery investigation” insert “ or a detained cash investigation”.
- (5) In subsection (6) after “a civil recovery investigation” insert “ or a detained cash investigation”.
- (6) In subsection (7) after “a civil recovery investigation” insert “ or a detained cash investigation”.

Commencement Information

I15 Sch. 10 para. 19 in force at 18.6.2009 by [S.S.I. 2009/224](#), [art. 2\(1\)\(d\)\(ii\)](#)

- 20 In section 391(2) (investigations to which disclosure orders do not apply: Scotland) after “to a” insert “ detained cash investigation or a”.

Commencement Information

I16 Sch. 10 para. 20 in force at 18.6.2009 by [S.S.I. 2009/224](#), [art. 2\(1\)\(d\)\(ii\)](#)

- 21 In section 397 (customer information orders: Scotland) after subsection (1) insert—
- “(1A) No application for a customer information order may be made in relation to a detained cash investigation.”

Commencement Information

I17 Sch. 10 para. 21 in force at 18.6.2009 by [S.S.I. 2009/224](#), [art. 2\(1\)\(d\)\(ii\)](#)

- 22 In section 404 (account monitoring orders: Scotland) after subsection (1) insert—
- “(1A) No application for an account monitoring order may be made in relation to a detained cash investigation.”

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Commencement Information

I18 Sch. 10 para. 22 in force at 18.6.2009 by [S.S.I. 2009/224](#), [art. 2\(1\)\(d\)\(ii\)](#)

- 23 (1) Section 412 (interpretation: Scotland) is amended as follows.
- (2) In the definition of “appropriate person”, in paragraph (b), after “a civil recovery investigation” insert “ or a detained cash investigation ”.
- (3) In the definition of “proper person”, in paragraph (b), after “a civil recovery investigation” insert “ or a detained cash investigation ”.

Commencement Information

I19 Sch. 10 para. 23 in force at 18.6.2009 by [S.S.I. 2009/224](#), [art. 2\(1\)\(d\)\(ii\)](#)

- 24 (1) Section 416 (other interpretative provisions) is amended as follows.
- (2) In subsection (1) after “confiscation investigation: section 341(1)” insert— “
detained cash investigation: section 341(3A) ”.
- (3) After subsection (7) insert—
“(7A) “Unlawful conduct” has the meaning given by section 241.”

Commencement Information

I20 Sch. 10 para. 24 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 17\(1\)\(d\)\(ii\)](#)

- 25 In section 450(1)(a) (pseudonyms: Scotland) after “a civil recovery investigation” insert “ or a detained cash investigation ”.

Commencement Information

I21 Sch. 10 para. 25 in force at 6.4.2008 in so far as it does not extend to S. by [S.I. 2008/755](#), [art. 17\(1\)\(d\)\(iii\)](#)

I22 Sch. 10 para. 25 in force at 18.6.2009 for S. by [S.S.I. 2009/224](#), [art. 2\(1\)\(d\)\(iii\)](#)

FIF3 Other amendments

Textual Amendments

F3 Sch. 10 paras. 26-28 repealed (1.6.2015 for E.W.S., 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 8 Pt. 5](#); [S.I. 2015/983](#), art. 2(2)(g); [S.I. 2016/147](#), art. 3(1) (with art. 5)

- FIF3**26
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