



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 8

#### INVESTIGATIONS

### CHAPTER 3

#### SCOTLAND

#### *Search warrants*

### **390 Further provisions: confiscation, civil recovery and money laundering**

- (1) This section applies to search warrants sought for the purposes of confiscation investigations, civil recovery investigations or money laundering investigations.
- (2) A warrant continues in force until the end of the period of one month starting with the day on which it is issued.
- (3) A warrant authorises the person executing it to require any information which is held in a computer and is accessible from the premises specified in the application for the warrant, and which the proper person believes relates to any matter relevant to the investigation, to be produced in a form—
  - (a) in which it can be taken away, and
  - (b) in which it is visible and legible.
- (4) Copies may be taken of any material seized under a warrant.
- (5) A warrant issued in relation to a civil recovery investigation may be issued subject to conditions.
- (6) A warrant issued in relation to a civil recovery investigation may include provision authorising the person executing it to do other things which—
  - (a) are specified in the warrant, and

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*Status: Point in time view as at 01/04/2003. This version of this provision has been superseded.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 390 is up to date with all changes known to be in force on or before 12 July 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)*

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- (b) need to be done in order to give effect to it.
- (7) Material seized under a warrant issued in relation to a civil recovery investigation may be retained for so long as it is necessary to retain it (as opposed to copies of it) in connection with the investigation for the purposes of which the warrant was issued.
- (8) But if the Scottish Ministers have reasonable grounds for believing that—
  - (a) the material may need to be produced for the purposes of any legal proceedings, and
  - (b) it might otherwise be unavailable for those purposes,
 it may be retained until the proceedings are concluded.

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

- C1** S. 390(3) excluded (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(5)**, 16(5)
- C2** S. 390(3) applied (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, **25(8)**, 26(8)
- C3** S. 390(4) excluded (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, **25(10)**, 26(10)
- C4** S. 390(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(7)**, 16(7)

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**Commencement Information**

- I1** S. 390 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:**

Point in time view as at 01/04/2003. This version of this provision has been superseded.

**Changes to legislation:**

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