



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 5

CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

CHAPTER 4

GENERAL

Delegation of enforcement functions

312 Performance of functions of Scottish Ministers by constables in Scotland

- (1) In Scotland, a constable engaged in temporary service with the Scottish Ministers in connection with their functions under this Part may perform functions, other than those specified in subsection (2), on behalf of the Scottish Ministers.
- (2) The specified functions are the functions conferred on the Scottish Ministers by—
 - (a) sections 244(1) and (2) and 256(1) and (7) (proceedings in the Court of Session),
 - (b) section 267(2) (trustee for civil recovery),
 - (c) sections 271(3) and (4) and 272(5) (agreements about associated and joint property),
 - (d) section 275(3) (pension schemes),
 - (e) section 282(1) (exemptions),
 - (f) section 283(5) and (8) (compensation),
 - (g) section 287(2) (financial threshold),
 - (h) section 293(1) (code of practice),
 - (i) section 298(1) (forfeiture),
 - (j) section 303(1) (minimum amount).
 - [^{F1}(k) section 303B(3) (listed asset);

Status: Point in time view as at 12/02/2019.

Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Delegation of enforcement functions is up to date with all changes known to be in force on or before 14 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)

- (l) section 303H(1) (code of practice);
- (m) section 303O(1)(b) (forfeiture);
- (n) section 303Y(3) (minimum value);
- (o) section 303Z8(3) (minimum amount);
- (p) section 303Z14(2)(b) (forfeiture).]

Textual Amendments

F1 S. 312(2)(k)-(p) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017](#) (c. 22), s. 58(5)(6), [Sch. 5 para. 35](#); S.I. 2018/78, reg. 5(3)(b)(i)(ii)

Commencement Information

I1 S. 312 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)

F2 313 Restriction on performance of Director’s functions by police

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Textual Amendments

F2 S. 313 repealed (1.4.2008) by [Serious Crime Act 2007](#) (c. 27), s. 94(1), Sch. 8 para. 90, [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)

Commencement Information

I2 S. 313 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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