



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).

Status: This is the original version (as it was originally enacted).

313 Restriction on performance of Director’s functions by police

- (1) In spite of section 1(6), nothing which the Director is authorised or required to do for the purposes of this Part may be done by—
- (a) a member of a police force,
 - (b) a member of the Police Service of Northern Ireland,
 - (c) a person appointed as a police member of the National Criminal Intelligence Service under section 9(1)(b) of the Police Act 1997 (c. 50),
 - (d) a person appointed as a police member of the National Crime Squad under section 55(1)(b) of that Act.
- (2) In this section—
- (a) “member of a police force” has the same meaning as in the Police Act 1996 (c. 16) and includes a person who would be a member of a police force but for section 97(3) of that Act (police officers engaged on service outside their force),
 - (b) “member of the Police Service of Northern Ireland” includes a person who would be a member of the Police Service of Northern Ireland but for section 27(3) of the Police (Northern Ireland) Act 1998 (c. 32) (members of that service engaged on other police service).