



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 [F1271(3) and (4)][F1271] 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).
 - [F2(k) section 303B(3) (listed asset);

Status: Point in time view as at 26/10/2023. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 312 is up to date with all changes known to be in force on or before 14 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)

- (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).]
- [^{F3}(q) section 303Z20(3) (cryptoassets);
- (r) section 303Z25 (codes of practice);
- (s) section 303Z28(5)(b) (further detention of seized cryptoasset-related items);
- (t) section 303Z32(5)(b) (further detention of seized cryptoassets);
- (u) section 303Z34(4) and (5)(b)(i) (release of cryptoassets and cryptoasset-related items);
- (v) section 303Z35(5) (crypto wallets);
- (w) section 303Z41(2)(b) (forfeiture of cryptoassets);
- (x) section 303Z42(10) (forfeiture of cryptoassets: supplementary);
- (y) section 303Z44 (agreements about associated and joint property);
- (z) section 303Z45(10) (associated and joint property: default of agreement);
- (z1) section 303Z46(2) (continuation of crypto wallet freezing order pending appeal);
- (z2) section 303Z47(1) (sections 303Z41 to 303Z45: appeals);
- (z3) section 303Z57(7)(b) (detained cryptoassets: detention of proceeds of conversion);
- (z4) section 303Z58(6)(b) (frozen crypto wallets: detention of proceeds of conversion);
- (z5) section 303Z60(2) (forfeiture of converted cryptoassets);
- (z6) section 303Z61(1) (appeal against decision under section 303Z60).]

Textual Amendments

- F1** Word in s. 312(2)(c) substituted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), [Sch. 9 para. 6\(7\)\(a\)](#); S.I. 2024/269, reg. 4(b)(i)(ii)
- F2** 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, 28.6.2021 for N.I. 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); S.I. 2021/724, reg. 4(g)
- F3** S. 312(2)(q)-(z6) inserted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), [Sch. 9 para. 6\(7\)\(b\)](#); S.I. 2024/269, reg. 4(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)

Status:

Point in time view as at 26/10/2023. This version of this provision has been superseded.

Changes to legislation:

Proceeds of Crime Act 2002, Section 312 is up to date with all changes known to be in force on or before 14 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.