



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 3

SCOTLAND

Search warrants

387 Search warrants

- (1) The sheriff may, on an application made to him by the appropriate person, issue a search warrant if he is satisfied that either of the requirements for the issuing of the warrant is fulfilled.
- (2) In issuing a search warrant in relation to property subject to a civil recovery investigation, the sheriff shall act in the exercise of his civil jurisdiction.
- (3) The application for a search warrant must state that—
 - (a) a person specified in the application is subject to a confiscation investigation or a money laundering investigation, or
 - (b) property specified in the application is subject to a civil recovery investigation.
- (4) A search warrant is a warrant authorising a proper person—
 - (a) to enter and search the premises specified in the application for the warrant, and
 - (b) to seize and retain any material specified in the warrant which is found there and which is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the application is made.
- (5) The requirements for the issue of a search warrant are—

Status: This is the original version (as it was originally enacted).

- (a) that a production order made in relation to material has not been complied with and there are reasonable grounds for believing that the material is on the premises specified in the application for the warrant, or
 - (b) that section 388 is satisfied in relation to the warrant.
- (6) An application for a search warrant may be made ex parte to a sheriff in chambers.