



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 3

SCOTLAND

Customer information orders

398 Meaning of customer information

- (1) “Customer information”, in relation to a person and a financial institution, is information whether the person holds, or has held, an account or accounts at the financial institution (whether solely or jointly with another) and (if so) information as to—
 - (a) the matters specified in subsection (2) if the person is an individual;
 - (b) the matters specified in subsection (3) if the person is a company or limited liability partnership or a similar body incorporated or otherwise established outside the United Kingdom.
- (2) The matters referred to in subsection (1)(a) are—
 - (a) the account number or numbers;
 - (b) the person’s full name;
 - (c) his date of birth;
 - (d) his most recent address and any previous addresses;
 - (e) the date or dates on which he began to hold the account or accounts and, if he has ceased to hold the account or any of the accounts, the date or dates on which he did so;
 - (f) such evidence of his identity as was obtained by the financial institution under or for the purposes of any legislation relating to money laundering;

Changes to legislation: *Proceeds of Crime Act 2002, Section 398 is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes*

- (g) the full name, date of birth and most recent address, and any previous addresses, of any person who holds, or has held, an account at the financial institution jointly with him;
 - (h) the account number or numbers of any other account or accounts held at the financial institution to which he is a signatory and details of the person holding the other account or accounts.
- (3) The matters referred to in subsection (1)(b) are—
- (a) the account number or numbers;
 - (b) the person's full name;
 - (c) a description of any business which the person carries on;
 - (d) the country or territory in which it is incorporated or otherwise established and any number allocated to it under [^{F1}the Companies Act 2006] or corresponding legislation of any country or territory outside the United Kingdom;
 - (e) any number assigned to it for the purposes of value added tax in the United Kingdom;
 - (f) its registered office, and any previous registered offices, under [^{F2}the Companies Act 2006 (or corresponding earlier legislation)] or anything similar under corresponding legislation of any country or territory outside the United Kingdom;
 - (g) its registered office, and any previous registered offices, under the Limited Liability Partnerships Act 2000 (c. 12) or anything similar under corresponding legislation of any country or territory outside Great Britain;
 - (h) the date or dates on which it began to hold the account or accounts and, if it has ceased to hold the account or any of the accounts, the date or dates on which it did so;
 - (i) such evidence of its identity as was obtained by the financial institution under or for the purposes of any legislation relating to money laundering;
 - (j) the full name, date of birth and most recent address and any previous addresses of any person who is a signatory to the account or any of the accounts.
- (4) The Scottish Ministers may by order provide for information of a description specified in the order—
- (a) to be customer information, or
 - (b) no longer to be customer information.
- (5) Money laundering is an act which—
- (a) constitutes an offence under section 327, 328 or 329 of this Act or section 18 of the Terrorism Act 2000 (c. 11), or
 - [^{F3}(aa) constitutes an offence specified in section 415(1A) of this Act,]
 - (b) would constitute an offence specified in paragraph (a)[^{F4}or (aa)] if done in the United Kingdom.

Textual Amendments

- F1** Words in s. 398(3)(d) substituted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 196\(3\)\(a\)](#) (with art. 10)
- F2** Words in s. 398(3)(f) substituted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 196\(3\)\(b\)](#) (with art. 10)

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- F3** S. 398(5)(aa) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 107(3)(a)**, 178(7)(a); S.I. 2005/1521, art. 2(1)(e)
- F4** Words in s. 398(5)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 107(3)(b)**, 178(7)(a); S.I. 2005/1521, art. 2(1)(e)

Modifications etc. (not altering text)

- C1** S. 398 modified (11.6.2006) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 37(6)**, 94(3); S.S.I. 2006/281, art. 2
- C2** S. 398 modified (31.7.2017) by The Criminal Justice (European Investigation Order) Regulations 2017 (S.I. 2017/730), regs. 1(1), **44(9)(a)** (with reg. 3)
- C3** S. 398 modified (31.12.2020) by 2003 c. 32, s. 37(6) (as substituted by European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 3 para. 3(3)** (with Sch. 3 para. 3(4)); S.I. 2020/1662, reg. 2(dd))

Commencement Information

- I1** S. 398 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)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)