



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 3

SCOTLAND

Account monitoring orders

404 Account monitoring orders

(1) The sheriff may, on an application made to him by the appropriate person, make an account monitoring order if he is satisfied that each of the requirements for the making of the order is fulfilled.

[^{F1}(1A) No application for an account monitoring order may be made in relation to a detained cash investigation [^{F2}, a detained property investigation [^{F3} or a frozen funds investigation][^{F3}, a frozen funds investigation or a cryptoasset investigation]].]

(2) In making an account monitoring order in relation to ^{F4}... a civil recovery investigation, the sheriff shall act in the exercise of his civil jurisdiction.

(3) The application for an account monitoring order must state that—

(a) a person specified in the application is subject to a confiscation investigation [^{F5}, a civil recovery investigation] or a money laundering investigation, ^{F6}...

^{F6}(b)

(4) The application must also state that—

(a) the order is sought for the purposes of the investigation;

(b) the order is sought against the financial institution specified in the application in relation to account information of the description so specified.

Changes to legislation: Proceeds of Crime Act 2002, Section 404 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

- (5) Account information is information relating to an account or accounts held at the financial institution specified in the application by the person so specified (whether solely or jointly with another).
- (6) The application for an account monitoring order may specify information relating to—
- (a) all accounts held by the person specified in the application for the order at the financial institution so specified,
 - (b) a particular description, or particular descriptions, of accounts so held, or
 - (c) a particular account, or particular accounts, so held.
- (7) An account monitoring order is an order that the financial institution specified in the application for the order must, for the period stated in the order, provide account information of the description specified in the order to the proper person in the manner, and at or by the time or times, stated in the order.
- (8) The period stated in an account monitoring order must not exceed the period of 90 days beginning with the day on which the order is made.

Textual Amendments

- F1** S. 404(1A) inserted (18.6.2009) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(3), **Sch. 10 para. 22**; S.S.I. 2009/224, art. 2(1)(d)(ii)
- F2** Words in s. 404(1A) 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. 69**; S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F3** Words in s. 404(1A) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), **Sch. 9 para. 8(27)**
- F4** Words in s. 404(2) omitted (1.6.2015) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 19 para. 22(2)**; S.I. 2015/964, art. 2(d) (with art. 3)
- F5** Words in s. 404(3) inserted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 19 para. 22(3)(a)**; S.I. 2015/964, art. 2(d) (with art. 3)
- F6** S. 404(3)(b) and word omitted (1.6.2015) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 19 para. 22(3)(b)**; S.I. 2015/964, art. 2(d) (with art. 3)

Modifications etc. (not altering text)

- C1** S. 404(7) modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **12(3)**, 22(3)
- C2** S. 404(7) modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **22(3)**

Commencement Information

- I1** S. 404 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:

Proceeds of Crime Act 2002, Section 404 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.

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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\(4\)](#)