



# Crime (International Co-operation) Act 2003

## 2003 CHAPTER 32

### PART 1

#### MUTUAL ASSISTANCE IN CRIMINAL MATTERS

### CHAPTER 4

#### INFORMATION ABOUT BANKING TRANSACTIONS

*Requests for information about banking transactions in Scotland for use abroad*

#### **37 Customer information**

- (1) This section applies where the Lord Advocate receives a request from an authority mentioned in subsection (2) for customer information to be obtained in relation to a person who appears to him to be subject to an investigation in a participating country into serious criminal conduct.
- (2) The authority referred to in subsection (1) is the authority in that country which appears to the Lord Advocate to have the function of making requests of the kind to which this section applies.
- (3) The Lord Advocate may direct a procurator fiscal to apply for a customer information order.
- (4) A customer information order is an order made by a sheriff that a financial institution specified in the application for the order must, on being required to do so by notice in writing given by the applicant for the order, provide any such customer information as it has relating to the person specified in the application.

**Changes to legislation:** *Crime (International Co-operation) Act 2003, Section 37 is up to date with all changes known to be in force on or before 26 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) A financial institution which is required to provide information under a customer information order must provide the information to the applicant for the order in such manner, and at or by such time, as the applicant requires.
- [<sup>F1</sup>(6) Section 398 of the Proceeds of Crime Act 2002 (meaning of customer information) has effect for the purposes of this section as if—
- (a) this section were included in Chapter 3 of Part 8 of that Act;
  - (b) in subsection (1), after “accounts” there were inserted “ or any safe deposit box ”;
  - (c) in subsection (2)—
    - (i) in paragraph (a), after “numbers” there were inserted “ or the number of any safe deposit box ”;
    - (ii) in paragraph (e), at the beginning there were inserted “in the case of an account or accounts,”;
    - (iii) after that paragraph there were inserted—
      - “(ee) in the case of any safe deposit box, the date on which the box was made available to him and if the box has ceased to be available to him the date on which it so ceased;”;
    - (iv) paragraph (f) were omitted;
  - (d) in subsection (3)—
    - (i) in paragraph (a), after “numbers” there were inserted “ or the number of any safe deposit box ”;
    - (ii) in paragraph (h), at the beginning there were inserted “in the case of an account or accounts,”;
    - (iii) after that paragraph there were inserted—
      - “(hh) in the case of any safe deposit box, the date on which the box was made available to it and if the box has ceased to be available to it the date on which it so ceased;”;
    - (iv) paragraph (i) were omitted;
  - (e) after subsection (5) there were inserted—
    - “(6) A “safe deposit box” includes any procedure under which a financial institution provides a facility to hold items for safe keeping on behalf of another person.”]
- (7) A customer information order has effect in spite of any restriction on the disclosure of information (however imposed).
- (8) Customer information obtained in pursuance of a customer information order is to be given to the Lord Advocate and sent by him to the authority which made the request.

#### Textual Amendments

- F1** S. 37(6) substituted (31.12.2020) 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. 37 in force at 11.6.2006 by [S.S.I. 2006/281, art. 2](#)

**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. 4A4B inserted by [2003 c. 44 Sch. 36 para. 16](#)