



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

38 Making, varying or discharging customer information orders

- (1) A sheriff may make a customer information order, on an application made to him pursuant to a direction under section 37(3), if he is satisfied that—
 - (a) the person specified in the application is subject to an investigation in the country in question,
 - (b) the investigation concerns conduct which is serious criminal conduct,
 - (c) the conduct constitutes an offence in Scotland, or would do were it to occur in Scotland, and
 - (d) the order is sought for the purposes of the investigation.
- (2) The application may be made *ex parte* to a sheriff in chambers.
- (3) The application may specify—
 - (a) all financial institutions,
 - (b) a particular description, or particular descriptions, of financial institutions, or
 - (c) a particular financial institution or particular financial institutions.

Changes to legislation: *Crime (International Co-operation) Act 2003, Section 38 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*

- (4) The court may discharge or vary a customer information order on an application made by the procurator fiscal.
- (5) Section 409 of the Proceeds of Crime Act 2002 (jurisdiction of sheriff) has effect for the purposes of this section as if this section were included in Chapter 3 of Part 8 of that Act.

Commencement Information

II S. 38 in force at 11.6.2006 by [S.S.I. 2006/281](#), [art. 2](#)

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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](#)