
STATUTORY INSTRUMENTS

2003 No. 425

The Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) Order 2003

PART 4

ENFORCEMENT IN SCOTLAND OF ENGLISH, WELSH AND NORTHERN IRELAND ORDERS AND WARRANTS

English or Welsh account monitoring orders

31.—(1) This article applies where an English or Welsh account monitoring order is made in respect of a financial institution in Scotland.

(2) The account monitoring order may be served—

- (a) by sending it by post, facsimile transmission or electronic mail to the person in possession of the material; or
- (b) by an English or Welsh appropriate officer or a constable of a police force in Scotland serving the order personally,

and any rules of court as to the service of documents (other than rules of court made by virtue of section 446 of the Act) or other requirements in law as to the service of documents do not apply.

(3) Section 370(6) of the Act (definition of account monitoring order) has effect with the modification that for “an appropriate officer”, there is substituted, “whichever of an English or Welsh appropriate officer, a constable of a police force in Scotland or an English or Welsh appropriate officer and a constable of a police force in Scotland acting together the order specifies”.

(4) The sheriff has, in relation to the enforcement of the account monitoring order, the same powers as if he had made the order himself and proceedings for or with respect to any failure to comply with the order may be taken accordingly.

(5) Section 372 of the Act (statements) applies to criminal proceedings brought in Scotland, as well as criminal proceedings brought in England and Wales.

(6) Section 407 of the Act (further provisions) has effect as if the order were a Scottish account monitoring order.