

Changes to legislation: There are currently no known outstanding effects for the International Criminal Court (Scotland) Act 2001, Paragraph 8. (See end of Document for details)

SCHEDULE 6 FREEZING ORDERS IN RESPECT OF PROPERTY LIABLE TO FORFEITURE

Sequestration

- 8 (1) Where the estate of a person is sequestrated—
- (a) property for the time being subject to a freezing order made before the date of sequestration (within the meaning of section [F1 22(7) of the 2016] Act); and
 - (b) any proceeds of property realised by virtue of paragraph 5(2) above for the time being in the hands of a receiver appointed under that paragraph,
- is excluded from the debtor’s estate for the purposes of that Act.
- (2) Where an award of sequestration is made before a freezing order is made, the powers conferred on a receiver appointed under paragraph 5(2) above shall not be exercised in relation to—
- (a) property for the time being comprised in the whole estate of the debtor (within the meaning of section [F279(1) of the 2016] Act);
 - (b) any income of the debtor which has been ordered under section [F390] of that Act to be paid to the permanent trustee; or
 - (c) any estate which under section [F479(4) or 86(5) of that Act vests in the trustee in the sequestration];
- and it shall not be competent to submit a claim in relation to the freezing order to the interim trustee in accordance with section [F546 of that Act or the trustee in the sequestration in accordance with section 122] of that Act.
- (3) Nothing in the [F62016] Act shall be taken as restricting, or enabling the restriction of, the exercise of the powers conferred on a receiver so appointed.
- (4) Where, during the period before sequestration is awarded, an interim trustee stands appointed under section [F754(1) of the 2016] Act and any property in the debtor’s estate is subject to a freezing order, the powers conferred on the interim trustee by virtue of that Act do not apply to property for the time being subject to the freezing order.

^{F8}(5)

Textual Amendments

- F1** Words in sch. 6 para. 8(1)(a) substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), [sch. 8 para. 17\(2\)\(a\)](#) (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2
- F2** Words in sch. 6 para. 8(2)(a) substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), [sch. 8 para. 17\(2\)\(c\)](#) (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2
- F3** Word in sch. 6 para. 8(2)(b) substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), [sch. 8 para. 17\(2\)\(d\)](#) (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2
- F4** Words in sch. 6 para. 8(2)(c) substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), [sch. 8 para. 17\(2\)\(e\)](#) (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2
- F5** Words in sch. 6 para. 8(2) substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), [sch. 8 para. 17\(2\)\(b\)](#) (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2
- F6** Word in sch. 6 para. 8(3) substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), [sch. 8 para. 17\(2\)\(f\)](#) (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

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- F7** Words in sch. 6 para. 8(4) substituted (30.11.2016) by Bankruptcy (Scotland) Act 2016 (asp 21), s. 237(2), **sch. 8 para. 17(2)(g)** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2
- F8** Sch. 6 para. 8(5) omitted (30.11.2016) by virtue of Bankruptcy (Scotland) Act 2016 (asp 21), s. 237(2), **sch. 8 para. 17(2)(h)** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

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