

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)

- 72 (1) The Prevention of Terrorism (Temporary Provisions) Act 1989 shall be amended as follows.
- (2) In section 15 (supplementary provisions relating to arrest and detention)—
- (a) in subsection (7) for paragraph (a) there shall be substituted the following paragraph—
- “(a) section 135(3) of the Criminal Procedure (Scotland) Act 1995;” and
- (b) in subsection (8) for the words “Section 295(1) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “Section 22(1) and (3) of the Criminal Procedure (Scotland) Act 1995”.
- (3) In Schedule 4—
- (a) in paragraph 16—
- (i) in sub-paragraph (1), paragraph (b) shall cease to have effect;
- (ii) in sub-paragraph (2)(b), the words “where granted under sub-paragraph (1)(a) above,” shall cease to have effect; and
- (iii) in sub-paragraphs (5) and (6), the words “or arrestment”, in each place where they occur, shall cease to have effect; and
- (b) after paragraph 16 there shall be inserted the following paragraph—
- “16A (1) On the application of the prosecutor, the court may, in respect of moveable property affected by a restraint order (whether such property generally or particular such property), grant warrant for arrestment if the property would be arrestable if the person entitled to it were a debtor.
- (2) A warrant under sub-paragraph (1) above shall have effect as if granted on the dependence of an action for debt at the instance of the prosecutor against the person and may be executed, recalled, loosed or restricted accordingly.
- (3) The fact that an arrestment has been executed under sub-paragraph (2) above in respect of property shall not prejudice the exercise of an administrator’s powers under or for the purposes of this Part of this Schedule in respect of that property.
- (4) No arrestment executed under sub-paragraph (2) above shall have effect once, or in so far as, the restraint order affecting the property in respect of which the warrant for such arrestment has been granted has ceased to have effect in respect of that

Status: This is the original version (as it was originally enacted).

property; and the prosecutor shall apply to the court for an order recalling, or as the case may be, restricting the arrestment accordingly.”

(c) in paragraph 19 (enforcement in Scotland of orders made elsewhere in the British Isles)—

(i) in sub-paragraph (5), for the words “and 16” there shall be substituted “, 16 and (subject to sub-paragraph (5A) below) 16A”;
and

(ii) after sub-paragraph (5) there shall be inserted the following sub-paragraph—

“(5A) In its application by virtue of sub-paragraph (5) above paragraph 16A above shall have effect with the following modifications—

(a) for the references to the prosecutor there shall be substituted references to the Lord Advocate; and

(b) for the references to the court there shall be substituted references to the Court of Session.”