S C H E D U L E S

SCHEDULE 4

FORFEITURE ORDERS

PART II

SCOTLAND

Restraint orders

18   (1) The Court of Session, on an application made by the Lord Advocate, may make a restraint order under this paragraph where—

    (a)   proceedings have been instituted in Scotland for an offence under any of sections 15 to 18,

    (b)   the proceedings have not been concluded, and

    (c)   a forfeiture order has been made, or it appears to the court that a forfeiture order may be made, in the proceedings for the offence.

(2) The Court of Session may also, on such an application, make a restraint order under this paragraph where—

    (a)   it is satisfied that a person is to be prosecuted in Scotland for an offence under any of sections 15 to 18, and

    (b)   it appears to the Court of Session that a forfeiture order may be made in proceedings for the offence.

(3) A restraint order prohibits a person to whom notice of it is given, subject to any conditions and exceptions specified in the order, from dealing with property in respect of which a forfeiture order has been or could be made in the proceedings referred to in sub-paragraph (1) or (2).

(4) An application for a restraint order may be made ex parte in chambers.

(5) For the purposes of this paragraph, dealing with property includes removing the property from Great Britain.

Status:
Point in time view as at 19/02/2001. This version of this provision has been superseded.

Changes to legislation:
Terrorism Act 2000, Paragraph 18 is up to date with all changes known to be in force on or before 24 June 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.