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## SCHEDULES

### SCHEDULE 4

#### FORFEITURE ORDERS

#### PART I

#### ENGLAND AND WALES

##### *Enforcement of orders made elsewhere in the British Islands*

- 12 In the following provisions of this Part of this Schedule—
- “a Scottish order” means—
    - (a) an order made in Scotland under section 23 (“a Scottish forfeiture order”),
    - (b) an order made under paragraph 18 (“a Scottish restraint order”), or
    - (c) an order made under any other provision of Part II of this Schedule in relation to a Scottish forfeiture or restraint order;
  - “a Northern Ireland order” means—
    - (a) an order made in Northern Ireland under section 23 (“a Northern Ireland forfeiture order”),
    - (b) an order made under paragraph 33 (“a Northern Ireland restraint order”), or
    - (c) an order made under any other provision of Part III of this Schedule in relation to a Northern Ireland forfeiture or restraint order;
  - “an Islands order” means an order made in any of the Islands under a provision of the law of that Island corresponding to—
    - (a) section 23 (“an Islands forfeiture order”),
    - (b) paragraph 5 (“an Islands restraint order”), or
    - (c) any other provision of this Part of this Schedule.
- 13 (1) Subject to the provisions of this paragraph, a Scottish, Northern Ireland or Islands order shall have effect in the law of England and Wales.
- (2) But such an order shall be enforced in England and Wales only in accordance with—
  - (a) the provisions of this paragraph, and
  - (b) any provision made by rules of court as to the manner in which, and the conditions subject to which, such orders are to be enforced there.
- (3) On an application made to it in accordance with rules of court for registration of a Scottish, Northern Ireland or Islands order, the High Court shall direct that the order shall, in accordance with such rules, be registered in that court.

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- (4) Rules of court shall also make provision—
- (a) for cancelling or varying the registration of a Scottish, Northern Ireland or Islands forfeiture order when effect has been given to it, whether in England and Wales or elsewhere, in respect of all or, as the case may be, part of the money or other property to which the order applies;
  - (b) for cancelling or varying the registration of a Scottish, Northern Ireland or Islands restraint order which has been discharged or varied by the court by which it was made.
- (5) If a Scottish, Northern Ireland or Islands forfeiture order is registered under this paragraph the High Court shall have, in relation to that order, the same powers as a court has under paragraph 2(1) to give effect to a forfeiture order made by it and—
- (a) paragraph 3 shall apply accordingly,
  - (b) any functions of [<sup>F1</sup>the designated officer for a magistrates' court] shall be exercised by the appropriate officer of the High Court, and
  - (c) after making any payment required by virtue of paragraph 2(1)(d) or 3, the balance of any sums received by the appropriate officer of the High Court by virtue of an order made under this sub-paragraph shall be paid by him to the Secretary of State.
- (6) If a Scottish, Northern Ireland or Islands restraint order is registered under this paragraph—
- (a) paragraphs 7 and 8 shall apply as they apply to a restraint order under paragraph 5, and
  - (b) the High Court shall have power to make an order under section 33 of the <sup>M1</sup>Supreme Court Act 1981 (extended power to order inspection of property, &c.) in relation to proceedings brought or likely to be brought for a Scottish, Northern Ireland or Islands restraint order as if those proceedings had been brought or were likely to be brought in the High Court.
- (7) In addition, if a Scottish, Northern Ireland or Islands order is registered under this paragraph—
- (a) the High Court shall have, in relation to its enforcement, the same power as if the order had originally been made in the High Court,
  - (b) proceedings for or with respect to its enforcement may be taken as if the order had originally been made in the High Court, and
  - (c) proceedings for or with respect to contravention of such an order, whether before or after such registration, may be taken as if the order had originally been made in the High Court.
- (8) The High Court may also make such orders or do otherwise as seems to it appropriate for the purpose of—
- (a) assisting the achievement in England and Wales of the purposes of a Scottish, Northern Ireland or Islands order, or
  - (b) assisting a receiver or other person directed by a Scottish, Northern Ireland or Islands order to sell or otherwise dispose of property.
- (9) The following documents shall be received in evidence in England and Wales without further proof—

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- (a) a document purporting to be a copy of a Scottish, Northern Ireland or Islands order and to be certified as such by a proper officer of the court by which it was made, and
- (b) a document purporting to be a certificate for purposes corresponding to those of paragraph 4(2) and (3) and to be certified by a proper officer of the court concerned.

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**Textual Amendments**

- F1** Words in Sch. 4 para. 13(5)(b) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 388(3)**; S.I. 2005/910, **art. 3**
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**Commencement Information**

- I1** Sch. 4 para. 13 wholly in force at 19.2.2001; Sch. 4 para. 13 not in force at Royal Assent see s. 128; Sch. 4 para. 13(2)(b)(3)(4) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(h)(i)**; Sch. 4 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**
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**Marginal Citations**

- M1** 1981 c. 54.

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