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STATUTORY INSTRUMENTS

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**2014 No. 3141**

The Criminal Justice and Data Protection  
(Protocol No. 36) Regulations 2014

PART 2

Proceeds of Crime (Foreign Property and Foreign Orders)

CHAPTER 2

England and Wales

**Registration and enforcement of overseas restraint orders**

- 10.**—(1) Where the Crown Court decides to give effect to an overseas restraint order, it must—
- (a) direct its registration as an order in that court, and
  - (b) give directions for notice of the order to be given to any person affected by it.
- (2) For the purpose of enforcing an overseas restraint order registered in the Crown Court, the order is to have effect as if it were an order made by that court.
- (3) Subject to paragraph (4), the Crown Court may cancel the registration of the order, or vary the property to which the order applies, on an application by a relevant prosecutor, or any other person affected by it, if or to the extent that—
- (a) the Crown Court is of the opinion mentioned in regulation 9(5), or
  - (b) the Crown Court is of the opinion that the order has ceased to have effect in the member State.
- (4) To make an application to cancel the registration of the order, or vary the property to which the order applies, the relevant prosecutor or person affected by the order must—
- (a) apply in writing as soon as practicable after becoming aware of the grounds for doing so;
  - (b) serve the application on—
    - (i) the Crown Court;
    - (ii) the relevant prosecutor (if the applicant is not the relevant prosecutor); and
    - (iii) any person who will or may be affected by the application;
  - (c) explain why it is appropriate for the registration of the order to be cancelled or varied;
  - (d) set out the proposed terms of any variation; and
  - (e) if a hearing is requested in relation to the application, explain why a hearing is necessary.
- (5) Subject to paragraph (6), Part 2 of the 2002 Act (confiscation: England and Wales) applies (with the appropriate modifications and subject to the preceding provisions of this Chapter) in relation to an overseas restraint order registered in the Crown Court as it applies in relation to a domestic restraint order.

(6) No challenge to the substantive reasons in relation to which an overseas restraint order has been made by an appropriate court or authority in a member State may be considered by the court.