
STATUTORY INSTRUMENTS

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

Giving effect to overseas restraint orders

9.—(1) Subject to paragraph (2), where the Crown Court receives a copy of an overseas restraint order sent by the relevant prosecutor in accordance with regulation 8, the Court must consider giving effect to the order no later than the end of the next working day after the relevant day.

(2) In exceptional circumstances, the Crown Court may delay its consideration of the overseas restraint order, provided that it does consider giving effect to the order no later than the end of the fifth working day after the relevant day.

(3) Subject to paragraph (4), the Crown Court may consider giving effect to the overseas restraint order—

- (a) at a hearing, which must be in private unless the Court directs otherwise; or
- (b) without a hearing.

(4) The Crown Court must not consider giving effect to the overseas restraint order unless the relevant prosecutor—

- (a) is present; or
- (b) has had a reasonable opportunity to make representations.

(5) The Crown Court may decide not to give effect to the overseas restraint order only if, in its opinion, giving effect to it would be—

- (a) impossible as a consequence of an immunity under the law of England and Wales; or
- (b) incompatible with any of the Convention rights (within the meaning of the Human Rights Act 1998⁽¹⁾).

(6) The Crown Court may postpone giving effect to an overseas restraint order in respect of any property—

- (a) in order to avoid prejudicing a criminal investigation which is taking place in the United Kingdom, or
- (b) if, under an order made by a court in criminal proceedings in the United Kingdom, the property may not be dealt with.

(7) In this regulation, “relevant day” means the day on which a copy of an overseas restraint order sent by the relevant prosecutor in accordance with regulation 8 is received by the court.