



Proceeds of Crime (Scotland) Act 1995

1995 CHAPTER 43

PART III

RESTRAINT ORDERS

31 Variation and recall of restraint orders.

- (1) Subject to subsections (2) and (3) below, the court may, at the instance of—
 - (a) the prosecutor, at any time vary or recall a restraint order in relation to any person or to any property;
 - (b) any person having an interest, at any time vary or recall a restraint order in relation to the person or to any property.
- (2) ^{F1}
- (3) Where an application has been made under subsection (1) above for the variation or recall of a restraint order, any property in relation to which the restraint order was made shall not be realised during the period beginning with the making of the application and ending with the determination of the application by the court.
- (4) The court may, where it has recalled a restraint order as mentioned in subsection (1) (b) ^{F2} . . . above, order that property of the person at whose instance it was recalled shall cease to be realisable or, as the case may be, liable to forfeiture.
- (5) The prosecutor or any person having an interest may reclaim or appeal to the Court of Session against an interlocutor refusing, varying or recalling or refusing to vary or recall a restraint order, within such period as may be prescribed by Act of Sederunt.
- (6) Where, in relation to a restraint order which is recalled, interdict has been granted under section 28(8) of this Act, the clerk of court shall, on the restraint order being recalled, forthwith so inform each person so interdicted.

Changes to legislation: There are currently no known outstanding effects for the
Proceeds of Crime (Scotland) Act 1995, Section 31. (See end of Document for details)

Textual Amendments

- F1** S. 31(2) repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 456-458(1), Sch. 11 para. 28(2)(d), **Sch. 12**; S.S.I. 2003/210, **art. 2**, Sch. (subject to arts. 3-7)
- F2** Words in s. 31(4) repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 456-458(1), Sch. 11 para. 28(2)(d), **Sch. 12**; S.S.I. 2003/210, **art. 2**, Sch. (subject to arts. 3-7)

Changes to legislation:

There are currently no known outstanding effects for the Proceeds of Crime (Scotland) Act 1995, Section 31.