

SCHEDULES

SCHEDULE 4

FORFEITURE ORDERS

PART I

ENGLAND AND WALES

Restraint orders

- 5 (1) The High Court may make a restraint order under this paragraph where—
- (a) proceedings have been instituted in England and Wales for an offence under any of sections 15 to 18,
 - (b) the proceedings have not been concluded,
 - (c) an application for a restraint order is made to the High Court by the prosecutor, and
 - (d) a forfeiture order has been made, or it appears to the High Court that a forfeiture order may be made, in the proceedings for the offence.
- (2) The High Court may also make a restraint order under this paragraph where—
- (a) it is satisfied that a person is to be charged in England and Wales with an offence under any of sections 15 to 18,
 - (b) an application for a restraint order is made to the High Court by the person who the High Court is satisfied will have the conduct of the proposed proceedings for the offence, and
 - (c) it appears to the High Court that a forfeiture order may be made in those proceedings.
- (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 to a judge in chambers without notice.
- (5) In this paragraph a reference to dealing with property includes a reference to removing the property from Great Britain.
- 6 (1) A restraint order shall provide for notice of it to be given to any person affected by the order.
- (2) A restraint order may be discharged or varied by the High Court on the application of a person affected by it.

Status: This is the original version (as it was originally enacted).

- (3) In particular, a restraint order shall be discharged on an application under sub-paragraph (2)—
- (a) in the case of an order made under paragraph 5(2), if the proceedings in respect of the offence are not instituted within such time as the High Court considers reasonable, and
 - (b) in any case, if the proceedings for the offence have been concluded.
- 7 (1) A constable may seize any property subject to a restraint order for the purpose of preventing it from being removed from Great Britain.
- (2) Property seized under this paragraph shall be dealt with in accordance with the High Court's directions.
- 8 (1) The Land Charges Act 1972 and the Land Registration Act 1925—
- (a) shall apply in relation to restraint orders as they apply in relation to orders affecting land made by the court for the purpose of enforcing judgments or recognizances, and
 - (b) shall apply in relation to applications for restraint orders as they apply in relation to other pending land actions.
- (2) Where a restraint order is made under paragraph 5(1) or an application for such an order is made, the prosecutor in the proceedings for the offence shall be treated for the purposes of section 57 of the Land Registration Act 1925 (inhibitions) as a person interested in respect of any registered land to which the restraint order or the application for the restraint order relates.
- (3) Where a restraint order is made under paragraph 5(2) or an application for such an order is made, the person who the High Court is satisfied will have the conduct of the proposed proceedings shall be treated for the purposes of section 57 of that Act as a person interested in respect of any registered land to which the restraint order or the application for the restraint order relates.