

## SCHEDULE 2

### MODIFICATIONS OF PART I OF THE CRIMINAL JUSTICE (SCOTLAND) ACT 1987 IN ITS APPLICATION TO EXTERNAL CONFISCATION ORDERS

**24.** In section 45–

- (a) in subsection (1) the word “external” shall be inserted before the word “confiscation”;
- (b) in subsections (4), (5)(a)(i), and (5)(c) for the words “a confiscation” there shall be substituted the words “an external confiscation”;
- (c) in subsection (5)–
  - (i) for paragraph (a)(ii) there shall be substituted the following:–
    - “(ii) at the end there shall be added the words “; and in the foregoing provisions of this subsection “external confiscation order” has the meaning assigned by section 1(1) of the Criminal Justice (Scotland) Act 1987”;
  - (ii) for paragraph (b) there shall be substituted the following:–
    - “(b) in section 7(1) (constitution of apparent insolvency)–
      - (i) in paragraph (b), at the beginning there shall be inserted the words “not being a person whose property is for the time being affected by a restraint order or subject to an external confiscation order.”;
      - (ii) in paragraph (c), after the words “became due” there shall be inserted the words “or that but for his property being affected by a restraint order or subject to an external confiscation order, he would be able to do so”; and
      - (iii) at the end there shall be added the words “In paragraph (d) above liquid debt” does not include a sum payable under an external confiscation order, and in the foregoing provisions of this subsection–
        - “external confiscation order” has the meaning assigned by section 1(1) of the Criminal Justice (Scotland) Act 1987; and
        - “restraint order” has the meaning assigned by section 9 of the said Act of 1987.”;
- (d) subsections (2), (3), (6) and (7) shall be omitted.