

SCHEDULE 3

MODIFICATION OF PARTS II, III AND V OF THE ACT IN ITS APPLICATION TO EXTERNAL FORFEITURE ORDERS

PART V

MISCELLANEOUS AND GENERAL

- 13.** In section 44–
- (a) in subsection (1) the words “realisable or” shall be omitted;
 - (b) in subsection (2) for the words “a suspended” there shall be substituted the words “an external”.
- 14.** In section 45–
- (a) subsection (1) (a) shall be omitted;
 - (b) for the word “court” wherever it appears there shall be substituted the words “Court of Session”.
- 15.** Section 46 to 48 shall be omitted.
- 16.** In section 49–
- (a) for subsection (1) there shall be substituted the following subsection–
 - “(1) In this Act, unless the context otherwise requires–
 - “the 1999 Order” means the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Scotland) Order 1999;
 - “the accused” means a person against whom an external forfeiture order has been made, or a person against whom proceedings which may result in an external forfeiture order being made have been, or are to be, instituted in a court of a designated country;
 - “designated country” means a country or territory designated by virtue of article 3 of the 1999 Order;
 - “interest” in relation to property, includes right;
 - “property” means any property wherever situated, whether heritable or moveable or whether corporeal or incorporeal;
 - “restraint order” means an order made under section 28 of this Act;
 - “external forfeiture order” has the meaning assigned by article 2(1) of the 1999 Order.”;
 - (b) in subsection (5) for the words “means any of the following” there shall be substituted the words “means any offence corresponding to or similar to”;
 - (c) for subsection (6) there shall be substituted the following subsection–
 - “(6) For the purpose of this Act proceedings for an offence are instituted against a person in the circumstances set out in Article 2(2) of the 1999 Order.”.
- 17.** Section 50 shall be omitted.
- 18.** In Schedule 1–
- (a) in paragraph 1(1) for the words “prosecutor the court” there shall be substituted the words “Lord Advocate the Court of Session”;

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- (b) in paragraph 1(1) (b) for the word “made” there shall be substituted the word “registered”;
- (c) for the word “court” wherever else it appears there shall be substituted the words “Court of Session”;
- (d) for the words “a suspended” and “the suspended” there shall be substituted the words “an external” and “the external” respectively;
- (e) the words “or a confiscation order” and “or confiscation order” in paragraphs 1(1) and (3) shall be omitted;
- (f) in paragraph 2(1) (a) the words “and if appointed (or empowered) under paragraph 1(1) (b) above where a confiscation order has been made shall as soon as practicable take possession of,” shall be omitted;
- (g) paragraph 4 shall be omitted;
- (h) paragraph 5 shall be omitted;
- (i) in paragraph 8(2) the words “, unless in a case where a confiscation order has been made there are sums available to be applied in payment of it under paragraph 4(4) (b) above,” shall be omitted;
- (j) paragraphs 10 and 11 shall be omitted.

19. In Schedule 2–

- (a) the words “realisable or” wherever they appear shall be omitted;
- (b) for the words “sections 28 to 33 and 33 to 38” wherever they appear there shall be substituted the words “section 28 and 30 to 33”;
- (c) in paragraph 1(2) the words “and it shall not be competent to submit a claim in relation to the confiscation order to the permanent trustee in accordance with section 48 of that Act” shall be omitted;
- (d) paragraphs 1(5) and 2(5) shall be omitted;
- (e) paragraph 6(1) (a) shall be omitted.