
STATUTORY INSTRUMENTS

2002 No. 3133

The Proceeds of Crime Act 2002 (Enforcement in different parts of the United Kingdom) Order 2002

PART II

ENFORCEMENT OF SCOTTISH AND NORTHERN IRELAND ORDERS IN ENGLAND AND WALES

Restraint orders

3.—(1) Any Northern Ireland restraint order or Scottish restraint order has effect in England and Wales.

(2) Proceedings for or with respect to the enforcement or contravention of a Northern Ireland restraint order or a Scottish restraint order may only be taken if the order is registered in accordance with article 6.

Administrators and receivers

4.—(1) Any Northern Ireland receivership order or Scottish administration order has effect in England and Wales and the functions of—

- (a) an administrator appointed in pursuance of Part 3 of the Act; and
- (b) a receiver appointed in pursuance of Part 4 of the Act,

are exercisable in England and Wales.

(2) Proceedings for or with respect to the enforcement or contravention of a Northern Ireland receivership order or a Scottish administration order may only be taken if the order is registered in accordance with article 6.

Enforcement

5.—(1) If any order is registered in accordance with article 6—

- (a) the Crown Court in England and Wales shall have, in relation to its enforcement, the same power;
- (b) proceedings for or with respect to its enforcement may be taken; and
- (c) proceedings for or with respect to any contravention of the order may be taken,

as if the Crown Court in England and Wales had made the order itself.

(2) Paragraph (1) shall have effect whether the contravention of the order occurs before or after the registration of the order.

Registration

6.—(1) Where an application for the registration of a Northern Ireland receivership order, a Northern Ireland restraint order, a Scottish administration order or a Scottish restraint order is made to the Crown Court in England and Wales, the Crown Court must direct that the order be registered in that court.

(2) Where the Crown Court has directed that an order be registered, it may make such order as it believes is appropriate for the purpose of—

- (a) ensuring that the order is effective; or
- (b) assisting an administrator appointed in pursuance of Part 3 of the Act or a receiver appointed in pursuance of Part 4 of the Act to exercise his functions.

Supplementary

7.—(1) Section 47 of the Act (which makes provision about land registration) applies in relation to restraint orders made under section 120(1) of the Act and section 190(1) of the Act as it applies in relation to restraint orders made under section 41(1) of the Act.

(2) A document purporting to be a copy of a Northern Ireland receivership order, a Northern Ireland restraint order, a Scottish administration order or a Scottish restraint order and certified as such by a proper officer of the court which made the order is admissible in evidence in the Crown Court in England and Wales without further proof.