
STATUTORY INSTRUMENTS

2002 No. 3133

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

PART III

**ENFORCEMENT OF ENGLISH, WELSH AND
NORTHERN IRELAND ORDERS IN SCOTLAND**

Restraint orders

8.—(1) Any English or Welsh restraint order or Northern Ireland restraint order has effect in Scotland.

(2) Proceedings for or with respect to the enforcement or contravention of an English or Welsh restraint order or a Northern Ireland restraint order may only be taken if the order is registered in accordance with article 11.

Receivers

9.—(1) Any English or Welsh receivership order or Northern Ireland receivership order has effect in Scotland and the functions of a receiver appointed in pursuance of Part 2 or Part 4 of the Act are exercisable in Scotland.

(2) Proceedings for or with respect to the enforcement or contravention of an English or Welsh receivership order or a Northern Ireland receivership order may only be taken if the order is registered in accordance with article 11.

Enforcement

10.—(1) If any order is registered in accordance with article 11—

- (a) the Court of Session 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 Court of Session 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

11.—(1) Where an application for the registration of an English or Welsh receivership order, an English or Welsh restraint order, a Northern Ireland receivership order or a Northern Ireland restraint order is made to the Court of Session, the Court of Session must direct that the order be registered in that court.

(2) Where the Court of Session 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 a receiver appointed in pursuance of Part 2 or Part 4 of the Act to exercise his functions.

Supplementary

12.—(1) Section 123 of the Act (inhibition of property affected by order) applies in relation to restraint orders made under section 41(1) of the Act and section 190(1) of the Act as it applies in relation to restraint orders made under section 120(1) of the Act.

(2) Section 124 of the Act (arrestment of property affected by order) applies in relation to restraint orders made under section 41(1) of the Act and section 190(1) of the Act as it applies in relation to restraint orders made under section 120(1) of the Act.

(3) Nothing in section 49(6), 51(6), 53 (6), 197(6), 199(6) or 201(6) of the Act prejudices any enactment or rule of law in respect of the recording of deeds relating to heritable property in Scotland or the registration of interests in such property.

(4) A document purporting to be a copy of an English or Welsh receivership order, an English or Welsh restraint order, a Northern Ireland receivership order or a Northern Ireland restraint order, and to be certified as such by a proper officer of the court which made the order shall, in Scotland, be sufficient evidence of the order.