

SCHEDULE 2

Proceeds of Crime (Foreign Property and Foreign Orders): Northern Ireland

Domestic restraint orders: certification

2.—(1) If any of the property to which an application for a domestic restraint order relates is property in a member State other than the United Kingdom, the relevant prosecutor may ask the court to make a certificate under this paragraph.

(2) The court may make a certificate under this paragraph if—

- (a) it makes a domestic restraint order in relation to property in the other member State, and
- (b) it is satisfied that there is a good arguable case that the property—
 - (i) has been or is likely to be used for the purposes of an offence, or
 - (ii) is the proceeds of an offence.

(3) A certificate under this paragraph is a certificate which—

- (a) is made for the purposes of the 2003 Framework Decision, and
- (b) gives the specified information.

(4) If the court makes a certificate under this paragraph, the domestic restraint order must provide for notice of the certificate to be given to the person affected by it.

(5) A court which has relevant powers in respect of a domestic restraint order is to have the same relevant powers in respect of a certificate under this paragraph.

(6) For that purpose “relevant powers” means the powers—

- (a) to consider an appeal,
- (b) to consider an application for reconsideration, variation or discharge, and
- (c) to make an order on any such appeal or application.