



Criminal Justice Act 1988

1988 CHAPTER 33

PART VI

CONFISCATION OF THE PROCEEDS OF AN OFFENCE

Enforcement in Scotland

90 Recognition and enforcement of orders in Scotland

- (1) An order to which this section applies shall, subject to this section and section 91 below, have effect in the law of Scotland but shall be enforced in Scotland only in accordance with this section and that section.
- (2) A receiver's functions under or for the purpose of section 77, 80 or 81 above shall, subject to this section and section 91 below, have effect in the law of Scotland.
- (3) If an order to which this section applies is registered under this section—
 - (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 such an order (whether before or after such registration) may be taken,as if the order had originally been made in that Court.
- (4) Nothing in this section enables any provision of an order which empowers a receiver to do anything in Scotland under section 80(3)(a) above to have effect in the law of Scotland.
- (5) The orders to which this section applies are orders of the High Court—
 - (a) made under section 77, 78 or 81 above;
 - (b) relating to the exercise by that Court of its powers under those sections; or
 - (c) relating to receivers in the performance of their functions under any of them, but not including an order in proceedings for enforcement of any such order.

Status: This is the original version (as it was originally enacted).

- (6) References in this section to an order under section 77 above include references to a discharge under section 76(4) above of such an order.
- (7) In this section and in sections 91 and 93 below, “order” means any order, direction or judgment by whatever name called.
- (8) Nothing in any order of the High Court under section 80(6) above 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.