

*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Prevention of Terrorism (Temporary Provisions) Act 1989 (repealed), Paragraph 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

#### FORFEITURE ORDERS

##### **Modifications etc. (not altering text)**

**C1** Sch. 4 applied (with modifications) by 1998 c. 40, s. 4(7)

#### PART I

##### ENGLAND AND WALES

##### *Implementation of forfeiture orders*

- 1 (1) Where a court in England and Wales makes an order under section 13(2), (3) or (4) of this Act (in this Part of this Schedule referred to as a “forfeiture order”) it may make an order—
- (a) requiring any money or other property to which the forfeiture order applies to be paid or handed over to the proper officer or to a constable designated for the purpose by the chief officer of police of a police force specified in the order;
  - (b) directing any such property other than money or land to be sold or otherwise disposed of in such manner as the court may direct and the proceeds to be paid to the proper officer;
  - (c) appointing a receiver to take possession, subject to such conditions and exceptions as may be specified by the court, of any such property which is land, to realise it in such manner as the court may direct and to pay the proceeds to the proper officer;
  - (d) directing a specified part of any money, or of the proceeds of the sale, disposal or realisation of any property, to which the forfeiture order applies to be paid by the proper officer to or for a specified person falling within section 13(6) of this Act;
  - (e) making such other provision as appears to the court to be necessary for giving effect to the forfeiture order or to any order made by virtue of paragraph (a), (b), (c) or (d) above.
- (2) A forfeiture order shall not come into force until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of the order being set aside.
- (3) Any balance in the hands of the proper officer after making any payment required under sub-paragraph (1)(d) above or paragraph 2 below shall be treated for the

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purposes of section 61 of the Justices of the <sup>M1</sup>Peace Act 1979 (application of fines etc.) as if it were a fine imposed by a magistrates' court.

- (4) The proper officer shall, on the application of the prosecutor or defendant in the proceedings in which a forfeiture order is made, certify in writing the extent (if any) to which, at the date of the certificate, effect has been given to the order in respect of the money or other property to which it applies.
- (5) In this paragraph “the proper officer” means, where the forfeiture order is made by a magistrates' court, the clerk of that court and, where the order is made by the Crown Court —
- (a) the clerk of the magistrates' court by which the defendant was committed to the Crown Court; or
  - (b) if the proceedings were instituted by a bill of indictment preferred by virtue of section 2(2)(b) of the <sup>M2</sup>Administration of Justice (Miscellaneous Provisions) Act 1933, the clerk of the magistrates' court for the place where the trial took place;
- and in this sub-paragraph references to the clerk of a magistrates' court shall be construed in accordance with section 141 of the <sup>M3</sup>Magistrates' Courts Act 1980 taking references to that Act as references to this Act.
- (6) In this paragraph references to the proceeds of the sale, disposal or realisation of property are references to the proceeds after deduction of the costs of sale, disposal or realisation.
- (7) This paragraph has effect to the exclusion of section 140 of the said Act of 1980.

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**Marginal Citations**

**M1** 1979 c. 55.

**M2** 1933 c. 36.

**M3** 1980 c. 43.

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