



# Criminal Justice (Scotland) Act 1995

## 1995 CHAPTER 20

### PART II

#### PROCEEDS OF CRIME AND PROPERTY USED IN CRIME

#### CHAPTER IV

##### RECIPROCAL ARRANGEMENTS FOR ENFORCEMENT OF ORDERS

#### **104 Arrestment of Scottish property affected by order registered under section 101**

- (1) On the application of the Lord Advocate, the Court of Session may, in respect of moveable property affected by a restraint order registered under section 101 of this Act (whether such property generally or particular such property), grant warrant for arrestment if the property would be arrestable if the person entitled to it were a debtor.
- (2) A warrant under subsection (1) above shall have effect as if granted on the dependence of an action for debt at the instance of the Lord Advocate against the person and may be executed, recalled, loosed or restricted accordingly.
- (3) The fact that an arrestment has been executed under subsection (2) above in respect of property shall not prejudice the exercise of a receiver's powers under or for the purposes of section 77, 80 or 81 of the 1988 Act in respect of that property.
- (4) No arrestment executed under subsection (2) above shall have effect once, or in so far as, the restraint order affecting the property in respect of which the warrant for such arrestment has been granted has ceased to have effect in respect of that property; and the Lord Advocate shall apply to the Court of Session for an order recalling, or as the case may be, restricting the arrestment accordingly.
- (5) Any power of the Court of Session to recall, loose or restrict arrestments shall, in relation to an arrestment proceeding upon a warrant under subsection (1) above and without prejudice to any other consideration lawfully applying to the exercise of the

**Status:** *This is the original version (as it was originally enacted).*

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power, be exercised with a view to achieving the purposes specified in section 80 of the 1988 Act.