

Status: Point in time view as at 01/04/2005.

Changes to legislation: Terrorism Act 2000, Cross Heading: Implementation of forfeiture orders is up to date with all changes known to be in force on or before 13 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 4

FORFEITURE ORDERS

PART I

ENGLAND AND WALES

Implementation of forfeiture orders

- 2 (1) Where a court in England and Wales makes a forfeiture order it may make such other provision as appears to it to be necessary for giving effect to the order, and in particular it may—
- (a) require any of the forfeited property 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) direct any of the forfeited property other than money or land to be sold or otherwise disposed of in such manner as the court may direct and the proceeds (if any) to be paid to the proper officer;
 - (c) appoint a receiver to take possession, subject to such conditions and exceptions as may be specified by the court, of any of the forfeited property, to realise it in such manner as the court may direct and to pay the proceeds to the proper officer;
 - (d) direct a specified part of any forfeited money, or of the proceeds of the sale, disposal or realisation of any forfeited property, to be paid by the proper officer to a specified person falling within section 23(7).
- (2) A forfeiture order shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).
- (3) In sub-paragraph (1)(b) and (d) a reference to the proceeds of the sale, disposal or realisation of property is a reference to the proceeds after deduction of the costs of sale, disposal or realisation.
- (4) Section 140 of the ^{M1}Magistrates' Courts Act 1980 (disposal of non-pecuniary forfeitures) shall not apply.

Modifications etc. (not altering text)

C1 Sch. 4 para. 2(1) extended (with modifications) (13.12.2001) by S.I. 2001/3927 art. 11(1)

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Marginal Citations

M1 1980 c. 43.

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- (1) A receiver appointed under paragraph 2 shall be entitled to be paid his remuneration and expenses by the proper officer out of the proceeds of the property realised by the receiver and paid to the proper officer under paragraph 2(1)(c).
 - (2) If and so far as those proceeds are insufficient, the receiver shall be entitled to be paid his remuneration and expenses by the prosecutor.
 - (3) A receiver appointed under paragraph 2 shall not be liable to any person in respect of any loss or damage resulting from action—
 - (a) which he takes in relation to property which is not forfeited property, but which he reasonably believes to be forfeited property,
 - (b) which he would be entitled to take if the property were forfeited property, and
 - (c) which he reasonably believes that he is entitled to take because of his belief that the property is forfeited property.
 - (4) Sub-paragraph (3) does not apply in so far as the loss or damage is caused by the receiver's negligence.

Modifications etc. (not altering text)

C2 Sch. 4 para. 3 applied (13.12.2001) by S.I. 2001/3927, art. 11(1)

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- (1) In paragraphs 2 and 3 “the proper officer” means—
 - (a) where the forfeiture order is made by a magistrates’ court, the [F¹designated officer] for that court,
 - (b) where the forfeiture order is made by the Crown Court and the defendant was committed to the Crown Court by a magistrates’ court, the [F¹designated officer] for the magistrates’ court, and
 - (c) where the forfeiture order is made by the Crown Court and the proceedings were instituted by a bill of indictment preferred by virtue of section 2(2)(b) of the ^{M2}Administration of Justice (Miscellaneous Provisions) Act 1933, the [F¹designated officer] for the magistrates’ court for the place where the trial took place.
 - (2) The proper officer shall issue a certificate in respect of a forfeiture order if an application is made by—
 - (a) the prosecutor in the proceedings in which the forfeiture order was made,
 - (b) the defendant in those proceedings, or
 - (c) a person whom the court heard under section 23(7) before making the order.
 - (3) The certificate shall state the extent (if any) to which, at the date of the certificate, effect has been given to the forfeiture order.

Textual Amendments

F1 Words in Sch. 4 para. 4(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 108(1), Sch. 8 para. 388(2); S.I. 2005/910, art. 3

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Marginal Citations

M2 1933 c. 36.

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