

Status: Point in time view as at 13/10/2003.

Changes to legislation: Terrorism Act 2000, Cross Heading: Restraint orders is up to date with all changes known to be in force on or before 31 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

Restraint orders

- 5 (1) The High Court may make a restraint order under this paragraph where—
- (a) proceedings have been instituted in England and Wales for an offence under any of sections 15 to 18,
 - (b) the proceedings have not been concluded,
 - (c) an application for a restraint order is made to the High Court by the prosecutor, and
 - (d) a forfeiture order has been made, or it appears to the High Court that a forfeiture order may be made, in the proceedings for the offence.
- [^{F1}(2) The High Court may also make a restraint order under this paragraph where—
- (a) a criminal investigation has been started in England and Wales with regard to an offence under any of sections 15 to 18,
 - (b) an application for a restraint order is made to the High Court by the person who the High Court is satisfied will have the conduct of any proceedings for the offence, and
 - (c) it appears to the High Court that a forfeiture order may be made in any proceedings for the offence.]
- (3) A restraint order prohibits a person to whom notice of it is given, subject to any conditions and exceptions specified in the order, from dealing with property in respect of which a forfeiture order has been or could be made in [^{F2}any proceedings] referred to in sub-paragraph (1) or (2).
- (4) An application for a restraint order may be made to a judge in chambers without notice.
- (5) In this paragraph a reference to dealing with property includes a reference to removing the property from Great Britain.
- [^{F3}(6) In this paragraph “criminal investigation” means an investigation which police officers or other persons have a duty to conduct with a view to it being ascertained whether a person should be charged with an offence.]

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Textual Amendments

- F1** Sch. 4 Pt. 1 para. 5(2) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 2(2)**; S.I. 2001/4019, **art. 2(1)(c)**
- F2** Words in Sch. 4 Pt. 1 para. 5(3) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 2(3)**; S.I. 2001/4019, **art. 2(1)(c)**
- F3** Sch. 4 Pt. 1 para. 5(6) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para 2(4)**; S.I. 2001/4019, **art. 2(1)(c)**

- 6 (1) A restraint order shall provide for notice of it to be given to any person affected by the order.
- (2) A restraint order may be discharged or varied by the High Court on the application of a person affected by it.
- [^{F4}(3) A restraint order made under paragraph 5(1) shall in particular be discharged on an application under sub-paragraph (2) if the proceedings for the offence have been concluded.
- (4) A restraint order made under paragraph 5(2) shall in particular be discharged on an application under sub-paragraph (2)—
- if no proceedings in respect of offences under any of sections 15 to 18 are instituted within such time as the High Court considers reasonable, and
 - if all proceedings in respect of offences under any of sections 15 to 18 have been concluded.]

Textual Amendments

- F4** Sch. 4 para. 6(3)(4) substituted for Sch. 4 para. 6(3) (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 2(5)**; S.I. 2001/4019, **art. 2(1)(c)**

- 7 (1) A constable may seize any property subject to a restraint order for the purpose of preventing it from being removed from Great Britain.
- (2) Property seized under this paragraph shall be dealt with in accordance with the High Court's directions.

Modifications etc. (not altering text)

- C1** Sch. 4 para. 7 applied (13.12.2001) by S.I. 2001/3927, **art. 12**

- 8 (1) The ^{M1}Land Charges Act 1972 and the [^{F5}Land Registration Act 2002]—
- shall apply in relation to restraint orders as they apply in relation to orders affecting land made by the court for the purpose of enforcing judgments or recognizances, and [^{F6}, except that no notice may be entered in the register of title under the Land Registration Act 2002 in respect of such orders]
 - shall apply in relation to applications for restraint orders as they apply in relation to other pending land actions.
- (2) ^{F7}

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(3) ^{F7}

Textual Amendments

- F5** Words in Sch. 4 para. 8(1) substituted (13.10.2003) by 2002 c. 9, s. 133, Sch. 11 para. 38(a) (with s. 129); S.I. 2003/1725, **art. 2**
- F6** Words in Sch. 4 para. 8(1)(a) inserted (13.10.2003) by 2002 c. 9, s. 133, Sch. 11 para. 38(b) (with s. 129); S.I. 2003/1725, **art. 2**
- F7** Sch. 4 para. 8(2)(3) repealed (13.10.2003) by 2002 c. 9, s. 135, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, **art. 2**

Modifications etc. (not altering text)

- C2** Sch. 4 para. 8 applied (13.12.2001) by S.I. 2001/3927, **art. 12**

Marginal Citations

- M1** 1972 c. 61.

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