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## SCHEDULES

### SCHEDULE 4

#### FORFEITURE ORDERS

#### PART III

#### NORTHERN IRELAND

##### *Enforcement of orders made elsewhere in the British Islands*

- 42 In the following provisions of this Part of this Schedule—
- “an England and Wales order” means—
    - (a) an order made in England and Wales under section 23 (“an England and Wales forfeiture order”),
    - (b) an order made under paragraph 5 (“an England and Wales restraint order”), or
    - (c) an order made under any other provision of Part I of this Schedule in relation to an England and Wales forfeiture or restraint order;
  - “a Scottish order” means—
    - (a) an order made in Scotland under section 23 (“a Scottish forfeiture order”),
    - (b) an order made under paragraph 18 (“a Scottish restraint order”), or
    - (c) an order made under any other provision of Part II of this Schedule in relation to a Scottish forfeiture or restraint order;
  - “an Islands order” means an order made in any of the Islands under a provision of the law of that Island corresponding to—
    - (a) section 23 (“an Islands forfeiture order”),
    - (b) paragraph 33 (“an Islands restraint order”), or
    - (c) any other provision of this Part of this Schedule.
- 43 (1) Subject to the provisions of this paragraph, an England and Wales, Scottish or Islands order shall have effect in the law of Northern Ireland.
- (2) But such an order shall be enforced in Northern Ireland only in accordance with—
- (a) the provisions of this paragraph, and
  - (b) any provision made by rules of court as to the manner in which, and the conditions subject to which, such orders are to be enforced there.
- (3) On an application made to it in accordance with rules of court for registration of an England and Wales, Scottish or Islands order, the High Court shall direct that the order shall, in accordance with such rules, be registered in that court.

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- (4) Rules of court shall also make provision—
- (a) for cancelling or varying the registration of an England and Wales, Scottish or Islands forfeiture order when effect has been given to it, whether in Northern Ireland or elsewhere, in respect of all or, as the case may be, part of the money or other property to which the order applies;
  - (b) for cancelling or varying the registration of an England and Wales, Scottish or Islands restraint order which has been discharged or varied by the court by which it was made.
- (5) If an England and Wales, Scottish or Islands forfeiture order is registered under this paragraph the High Court shall have, in relation to that order, the same powers as a court has under paragraph 30(1) to give effect to a forfeiture order made by it and—
- (a) paragraph 31 shall apply accordingly,
  - (b) any functions of the clerk of petty sessions or the appropriate officer of the Crown Court shall be exercised by the appropriate officer of the High Court, and
  - (c) after making any payment required by virtue of paragraph 30(1)(d) or 31, the balance of any sums received by the appropriate officer of the High Court by virtue of an order made under this sub-paragraph shall be paid into the Consolidated Fund.
- (6) If an England and Wales, Scottish or Islands restraint order is registered under this paragraph—
- (a) paragraphs 35 and 38 shall apply as they apply to a restraint order under paragraph 33, and
  - (b) the High Court shall have the like power to make an order under section 21 of the <sup>M1</sup>Administration of Justice Act 1969 (extended power to order inspection of property, &c.) in relation to proceedings brought or likely to be brought for an England and Wales, Scottish or Islands restraint order as if those proceedings had been brought or were likely to be brought in the High Court.
- (7) In addition, if an England and Wales, Scottish or Islands order is registered under this paragraph—
- (a) the High Court shall have, in relation to its enforcement, the same power as if the order had originally been made in the High Court,
  - (b) proceedings for or with respect to its enforcement may be taken as if the order had originally been made in the High Court, 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 the High Court.
- (8) The High Court may also make such orders or do otherwise as seems to it appropriate for the purpose of—
- (a) assisting the achievement in Northern Ireland of the purposes of an England and Wales, Scottish or Islands order, or
  - (b) assisting any receiver or other person directed by any such order to sell or otherwise dispose of property.
- (9) The following documents shall be received in evidence in Northern Ireland without further proof—

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- (a) a document purporting to be a copy of an England and Wales, Scottish or Islands order and to be certified as such by a proper officer of the court by which it was made, and
- (b) a document purporting to be a certificate for purposes corresponding to those of paragraph 32(2) and (3) and to be certified by a proper officer of the court concerned.

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**Commencement Information**

**II** Sch. 4 wholly in force at 19.2.2001; Sch. 4 not in force at Royal Assent see s. 128; Sch. 4 para. 43(2)(b)(3)(4) in force at 31.10.2000 by S.I. 2000/2944, art. 2(h)(iii); Sch. 4 para. 43 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, art. 2

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**Marginal Citations**

**M1** 1969 c. 58.

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