
STATUTORY INSTRUMENTS

2001 No. 953

The Proceeds of Crime (Scotland) Act 1995 (Enforcement of Scottish Confiscation Orders in England and Wales) Order 2001

Recognition and enforcement of orders under the 1995 Act

3.—(1) An order to which this article applies shall, subject to the following provisions of this Order, have effect in the law of England and Wales, but shall be enforced in England and Wales only in accordance with the provisions of this Order and any provision made by rules of court as to the manner in which, and conditions subject to which, such orders are to be enforced there.

(2) The functions of a person appointed under Schedule 1 to the 1995 Act shall, subject to the following provisions of this Order, have effect in the law of England and Wales.

(3) If an order to which this article applies is registered under article 4 of this Order—

- (a) the High Court shall have, in relation to its enforcement, the same power,
- (b) proceedings for or with respect to its enforcement may be taken, 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 that Court.

(4) The orders to which this article applies are orders of a Scottish court—

- (a) made:
 - (i) under or for the purposes of sections 20, 28, 29, 30, 31, 33(1) and 34 of, and paragraphs 1, 2(3), 4 and 12 of Schedule 1 to, the 1995 Act; and
 - (ii) in connection with an offence (other than a drug-trafficking offence) to which Part I of the 1995 Act applies;
- (b) relating to the exercise by the court of its powers under those sections; or
- (c) relating to administrators in the performance of their functions under the 1995 Act,

but not including an order in proceedings for enforcement of any such order.

(5) In this article and in article 4 below “order” means any order, direction or judgment (by whatever name called).