



# Proceeds of Crime (Scotland) Act 1995

## 1995 CHAPTER 43

### PART IV

#### RECIPROCAL ARRANGEMENTS FOR ENFORCEMENT OF ORDERS

#### **42 Enforcement of Scottish orders in England and Wales.**

- (1) Her Majesty may by Order in Council make such provision as Her Majesty considers expedient for the purpose—
- (a) <sup>F1</sup> .....
  - (b) <sup>F2</sup> .....
  - (c) of enabling the enforcement in England and Wales of restraint orders, suspended forfeiture orders and forfeiture orders under any enactment other than the [<sup>F3</sup>Terrorism Act 2000] .
- (2) Without prejudice to the generality of the power conferred by subsection (1) above, an Order in Council under this section may—
- (a) provide that, subject to any specific conditions, such description of orders made under or for the purposes of [<sup>F4</sup>Part]II or III of this Act so far as it relates to realisable property shall have effect in the law of England and Wales;
  - (b) provide that, subject to any specified conditions, the functions of a person appointed under Schedule 1 to this Act shall have effect in the law of England and Wales;
  - (c) make provision—
    - (i) for the registration in the High Court of such descriptions of orders made under or for the purposes of [<sup>F5</sup>Part] II or III of this Act so far as it relates to realisable property as may be specified; and
    - (ii) for the High Court to have, in relation to the enforcement of orders made under or for the purposes of [<sup>F6</sup>Part] Part II or III of this Act so far as it so relates which are so registered, such powers as may be specified; and
  - (d) make provision as to the proof in England and Wales of orders made under or for the purposes of [<sup>F7</sup>Part] II or III of this Act so far as it so relates.

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*Changes to legislation: There are currently no known outstanding effects for the  
 Proceeds of Crime (Scotland) Act 1995, Section 42. (See end of Document for details)*

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- (3) In subsection (2) above “specified” means specified in an Order in Council under this section.
- (4) An Order in Council under this section may amend or apply, with or without modifications, any enactment.
- (5) An Order in Council under this section may contain such incidental, consequential and transitional provisions as Her Majesty considers expedient.
- (6) An Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Textual Amendments**

- F1** S. 42(1)(a) repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456-458(1), [Sch. 11 para. 28\(2\)\(g\)](#), [Sch. 12](#); S.I. 2003/333, [art. 2](#), [Sch.](#) (with transitional provisions in [arts. 3-13](#)) (as amended by S.I. 2003/531)
- F2** S. 42(1)(b) repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456-458(1), [Sch. 11 para. 28\(2\)\(g\)](#), [Sch. 12](#); S.I. 2003/333, [art. 2](#), [Sch.](#) (with transitional provisions in [arts. 3-13](#)) (as amended by S.I. 2003/531)
- F3** Words in s. 42(1)(c) substituted (19.2.2001) by [2000 c. 11](#), s. 125, [Sch. 15 para. 11](#); S.I. 2001/421, [art. 2](#)
- F4** Words in s. 42(2)(a) substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 458(1), [Sch. 11 para. 28\(6\)](#); S.S.I. 2003/210, [art. 2](#), [Sch.](#) (subject to [arts. 3-7](#))
- F5** Words in s. 42(2)(c)(i) substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 458(1), [Sch. 11 para. 28\(6\)](#); S.S.I. 2003/210, [art. 2](#), [Sch.](#) (subject to [arts. 3-7](#))
- F6** Words in s. 42(2)(c)(ii) substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 458(1), [Sch. 11 para. 28\(6\)](#); S.S.I. 2003/210, [art. 2](#), [Sch.](#) (subject to [arts. 3-7](#))
- F7** Words in s. 42(2)(d) substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 458(1), [Sch. 11 para. 28\(6\)](#); S.S.I. 2003/210, [art. 2](#), [Sch.](#) (subject to [arts. 3-7](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Proceeds of Crime (Scotland) Act 1995, Section 42.