

SCHEDULES

SCHEDULE 4

FORFEITURE ORDERS

PART II

SCOTLAND

Implementation of forfeiture orders

- 16 (1) Where a court in Scotland 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) 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;
 - (b) appoint an administrator to take possession, subject to such conditions and exceptions as may be specified by the court, of any of the forfeited property and to realise it in such manner as the court may direct;
 - (c) 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 to a specified person falling within section 23(7).
- (2) A forfeiture order shall not come into force so long as an appeal is pending against the order or against the conviction on which it was made; and for this purpose where an appeal is competent but has not been brought it shall be treated as pending until the expiry of a period of fourteen days from the date when the order was made.
- (3) Any balance remaining after making any payment required under sub-paragraph (1) (c) or paragraph 17 shall be treated for the purposes of section 211(5) of the Criminal Procedure (Scotland) Act 1995 (fines payable to the Treasury) as if it were a fine imposed in the High Court of Justiciary.
- (4) The clerk of court shall, on the application of—
- (a) the prosecutor in the proceedings in which a forfeiture order is made,
 - (b) the accused in those proceedings, or
 - (c) a person whom the court heard under section 23(7) before making the order,
- certify in writing the extent (if any) to which, at the date of the certificate, effect has been given to the order in respect of the money or other property to which it applies.
- (5) In sub-paragraph (1) references to the proceeds of the sale, disposal or realisation of property are references to the proceeds after deduction of the costs of sale, disposal or realisation.