



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 9

INSOLVENCY ETC.

Sequestration in Scotland

420 Modifications of the 1985 Act

- (1) This section applies if an award of sequestration is made in Scotland.
- (2) The following property is excluded from the debtor's estate for the purposes of the 1985 Act—
 - (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the award of sequestration;
 - (b) any property in respect of which an order under section 50 or 52 is in force;
 - (c) any property in respect of which an order under section 128(3) is in force;
 - (d) any property in respect of which an order under section 198 or 200 is in force.
- (3) Subsection (2)(a) applies to heritable property in Scotland only if the restraint order is recorded in the General Register of Sasines or registered in the Land Register of Scotland before the award of sequestration.
- (4) It shall not be competent to submit a claim in relation to a confiscation order to the permanent trustee in accordance with section 48 of the 1985 Act; and the reference here to a confiscation order is to any confiscation order that has been or may be made against the debtor under Part 2, 3 or 4 of this Act.
- (5) If at any time in the period before the award of sequestration is made an interim trustee stands appointed under section 2(5) of the 1985 Act and any property in the debtor's estate is at that time subject to a restraint order made under section 41, 120 or 190, the powers conferred on the trustee by virtue of that Act do not apply to property then subject to the restraint order.