

SCHEDULE 3

MODIFICATION OF PARTS II, III AND V OF THE ACT IN ITS APPLICATION TO EXTERNAL FORFEITURE ORDERS

PART II

FORFEITURE OF PROPERTY USED IN CRIME

2. In section 21–
- (a) for subsection (1) there shall be substituted the following subsection–

“(1) This section applies where an external forfeiture order has been registered in the Court of Session under article 5 of the 1999 Order.”;
 - (b) subsection (2) to (9) shall be omitted;
 - (c) for subsection (10) there shall be substituted the following subsection–

“(10) As soon as may be after an external forfeiture order has been registered, the Lord Advocate–

 - (a) shall notify in writing any person named in the order, other than the person in respect of whom the order has been made, who is the owner of, or otherwise has an interest in, the property to which the external forfeiture order relates;
 - (b) if the property in respect of which the order has been made includes heritable property in Scotland, shall cause a certified copy of the order to be recorded in the General Register of Sasines or, as the case may be, registered in the Land Register of Scotland; and
 - (c) if the Court of Session direct him to do so, shall insert a notice in the Edinburgh Gazette or in such other newspaper or journal as appears to the Court to be appropriate specifying the terms of the external forfeiture order.”;
 - (d) for subsection (11) there shall be substituted the following subsection–

“(11) Any property in respect of which an external forfeiture order is registered shall be taken into the possession of or placed under the control of the clerk of court until–

 - (a) an order is made under section 25 of the Act that the property should not be forfeited under section 24; or
 - (b) the property is forfeited to the Crown and disposed of under section 24 of the Act or forfeited to another person under that section.”;
 - (e) subsections (12) and (13) shall be omitted.