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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 462**

**CRIMINAL PROCEDURE**

The Proceeds of Crime (Countries and Territories designated under the Criminal Justice Act 1988) (1998 Order) (Amendment) (Northern Ireland) Order 1998

*To be laid before Parliament*

Made - - - - 22nd December 1998  
Coming into operation 1st February 1999

The Secretary of State, in pursuance of Article 42 of the Proceeds of Crime (Northern Ireland) Order 1996(1), hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Proceeds of Crime (Countries and Territories designated under the Criminal Justice Act 1988) (1998 Order) (Amendment) (Northern Ireland) Order 1998 and shall come into operation on 1st February 1999.

(2) “the Order” means the Proceeds of Crime (Northern Ireland) Order 1996 and “the principal Order” means the Proceeds of Crime (Countries and Territories designated under the Criminal Justice Act 1988) Order (Northern Ireland) 1998(2).

2. There shall be inserted in Schedule 1 to the principal Order, at the appropriate places in alphabetical order, the entries for those countries specified in the Schedule to this Order being countries and territories designated under section 96 of the Criminal Justice Act 1988(3).

3. The Appendix set out at the end of paragraph 32 of Schedule 2 to the principal Order (institution of proceedings) shall be amended as follows—

(a) after the entry for Antigua and Barbuda, there shall be inserted the following entry—

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“Australia	when an information or a complaint has been laid before a justice of the peace or magistrate, or a person has been charged
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(1) S.I.1996/1299 (N.I. 9)

(2) S.R. 1998 No. 88

(3) 1988 c. 33; Section 96 was amended by Section 21 of the Criminal Justice Act 1993 (c. 36)

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*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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with an offence, or an indictment or a presentment has been preferred.”;

(b) the entry relating to the Isle of Man shall be deleted and replaced by the following—

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“Isle of Man

- (a) where a justice of the peace issues a summons under Section 4] of the Summary Jurisdiction Act 1989, when the complaint in relation to the offence is made to him;
- (b) where a justice of the peace issues a warrant for the arrest of any person under that section, when the complaint in relation to the offence is made to him;
- (c) where a person is charged with the offence after being taken into custody without a warrant, when he is taken into custody;
- (d) where an information is preferred by the Attorney General in a case where there have been no committal proceedings, when the information is lodged in the General Registry in accordance with section 4(1) of the Criminal Code Amendment Act 1917”.

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4. A like amendment to the amendment in Article 3 above shall be made to the Appendix to Article 4(2) of the Order, as set out in Schedule 3 to the principal Order.

Northern Ireland Office  
22nd December 1998

*Marjorie Mowlam*  
One of Her Majesty’s Principal Secretaries of  
State

SCHEDULE

Article 2

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<i>Designated country</i>	<i>Appropriate authority</i>
Australia	The Attorney General's Department
Austria	

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Proceeds of Crime (Countries and Territories designated under the Criminal Justice Act 1988) Order (Northern Ireland) 1998 ("the principal Order") which provides that, subject to certain modifications, the Proceeds of Crime (Northern Ireland) Order 1996 ("the Order") applies to an order made by a court in any of the countries and territories listed in Schedule 1 of the principal Order (being countries and territories designated under section 96 of the Criminal Justice Act 1988) for the purposes of recovering property obtained as a result of or in connection with conduct corresponding to certain offences, recovering the value of the property so obtained or of depriving a person of a pecuniary advantage so obtained.

Article 2 of this Order and the Schedule add to the list of countries to which the principal Order applies. Article 3 amends the Appendix set out at the end of paragraph 32 of Schedule 2 to the principal Order so that the point of institution of proceedings for Australia is included and that for the Isle of Man is revised. Article 4 of this Order makes a like amendment to the Order as modified in Schedule 3 to the principal Order.

By virtue of Article 1(1) this Order comes into operation on 1st February 1999.