
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that, subject to certain modifications, Part I of the Criminal Justice (Scotland) Act 1987 applies to an order made by a court in a designated country or territory for the purpose of recovering payments or other rewards received in connection with drug trafficking or their value (an external confiscation order), and to proceedings which have been or are to be instituted in a designated country or territory and may result in such an order being made there. It also provides, in Article 8, that the value of any property recovered in a designated country or territory in response to a request by the government of the United Kingdom for assistance in the enforcement of a confiscation order abroad is to be treated as reducing the amount payable in Scotland under a confiscation order made by the High Court.

Article 3 of the Order designates the countries and territories listed in Schedule 1 for the purposes of enforcement of confiscation orders abroad and of external confiscation orders in Scotland, and applies the provisions of Part I of the Criminal Justice (Scotland) Act 1987 with modifications, to confiscation orders of courts in those countries and territories and proceedings which may lead to such an order being made. The modifications to Part I of the Act are set out in Schedule 2 to the Order, and Schedule 3 sets out in full Part I of the Act as so modified.