
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 461

CRIMINAL PROCEDURE

The Proceeds of Crime (Countries and Territories designated under the Drug Trafficking Act 1994) (1997 Order) (Amendment) (Northern Ireland) Order 1998

To be laid before Parliament

		<i>22nd December</i>
<i>Made</i>	- - - -	<i>1998</i>
<i>Coming into operation</i>		<i>1st February 1999</i>

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 Drug Trafficking Act 1994) (1997 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 Drug Trafficking Act 1994) Order (Northern Ireland) 1997(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 for the purposes of section 39 and 40 of the Drug Trafficking Act 1994(3).

3. In Schedule 2 to the principal Order (Modifications of the Proceeds of Crime (Northern Ireland) Order 1996) in sub-paragraph (c) of paragraph 11 there shall be substituted the word “believing” for the word “thinking” and like amendment shall be made to Article 30(1)(c) of the Order as set out in Schedule 3 to the principal Order.

4. 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) the entry relating to Australia shall be deleted and replaced by the following—

(1) S.I.1996/1299 (N.I. 9)
(2) S.R. 1997 No. 270
(3) 1994 c. 37

Status: This is the original version (as it was originally made).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

“Australia when an information or a complaint has been laid before a justice of the peace or a magistrate, or a person has been charged with an offence, or indictment or a presentment has been preferred”.

(b) after the entry for Thailand there shall be inserted the following entry—

“Trinidad and Tobago (a) when an information or complaint is laid before a magistrate;
(b) when a person is charged with an offence;
(c) when a bill of indictment is preferred;
(d) when a warrant of arrest is executed against a person”.

5. A like amendment to the amendment in Article 4 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 1

Article 2(1)

<i>Designated country</i>	<i>Appropriate authority</i>
Austria	
Benin	
Botswana	
Hong Kong	The Department of Justice
Hungary	
Kazakhstan	
Tonga	
Trinidad and Tobago	The Attorney General or a person designated by him
United Republic of Tanzania	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Proceeds of Crime (Countries and Territories designated under the Drug Trafficking Act 1994) Order (Northern Ireland) 1997 (“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 (being countries and territories designated under section 39 of the Drug Trafficking Act 1994) for the purpose of recovering payments or other rewards received in connection with drug trafficking or their value, and to proceedings which have been or are to be instituted in a designated country and may result in such an order being made there.

Article 2 of this Order and the Schedule add to the list of countries to which the principal Order applies. In addition it amends the schedule to the principal Order so that the appropriate authority for Trinidad and Tobago is included and that for Hong Kong is revised. Article 3 of this Order amends a modification of the Order in the principal Order by the substitution of the word “believing” for the word “thinking” at Article 30(1)(c) in Schedule 3 of the principal Order. Article 4 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 Trinidad and Tobago is included and that for Australia is revised. Article 5 of this Order makes a like amendment to the Order as modified in Schedule 3 of the principal Order.

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