



Criminal Justice (International Co-operation) Act 1990

1990 CHAPTER 5

PART II **U.K.**

THE VIENNA CONVENTION

Commencement Information

- II** Part II partly in force for certain purposes at 23.4.1991 and wholly in force at 1.7.1991. See s. 32(2) and [S.I. 1991/1072](#), arts. 2(b), 3, [Schedule Pt. II](#)

Substances useful for manufacture of controlled drugs

12 **Manufacture and supply of scheduled substances.** **U.K.**

- (1) It is an offence for a person—
- (a) to manufacture a scheduled substance; or
 - (b) to supply such a substance to another person,
- knowing or suspecting that the substance is to be used in or for the unlawful production of a controlled drug.

[^{F1}(1A) A person does not commit an offence under subsection (1) above if he manufactures or, as the case may be, supplies the scheduled substance with the express consent of a constable.]

- (2) A person guilty of an offence under subsection (1) above is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both.

Status: Point in time view as at 15/11/2011.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Part II. (See end of Document for details)

- (3) In this section “a controlled drug” has the same meaning as in the ^{M1}Misuse of Drugs Act 1971 and “unlawful production of a controlled drug” means the production of such a drug which is unlawful by virtue of section 4(1)(a) of that Act.
- (4) In this section and elsewhere in this Part of this Act “a scheduled substance” means a substance for the time being specified in Schedule 2 to this Act.
- (5) Her Majesty may by Order in Council amend that Schedule (whether by addition, deletion or transfer from one Table to the other) but—
- (a) no such Order shall add any substance to the Schedule unless—
 - (i) it appears to Her Majesty to be frequently used in or for the unlawful production of a controlled drug; or
 - (ii) it has been added to the Annex to the Vienna Convention under Article 12 of that Convention; and
 - (b) no such Order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

Textual Amendments

F1 [S. 12\(1A\)](#) inserted (9.9.1998) by [1998 c. 27, ss.1, 2\(2\)](#).

Modifications etc. (not altering text)

C1 [Ss. 1-6, 8-10, 12-16, 18-21, 24-30, 32, Schs. 1-3](#) extended (with modifications) (to Anguilla) (14.7.1994) by [S.I. 1994/1635, art. 2, Sch. 1](#)

Commencement Information

I2 [S. 12](#) wholly in force; [s. 12\(5\)](#) in force for certain purposes at 23.4.1991, [s. 12](#) wholly in force 1.7.1991. See [s. 32\(2\)](#) and [S.I. 1991/1072, arts. 2\(b\), 3, Schedule Pt. II](#)

Marginal Citations

M1 [1971 c. 38](#).

13 Regulations about scheduled substances. **U.K.**

- (1) The Secretary of State may by regulations make provision—
- (a) imposing requirements as to the documentation of transactions involving scheduled substances;
 - (b) requiring the keeping of records and the furnishing of information with respect to such substances;
 - (c) for the inspection of records kept pursuant to the regulations;
 - (d) for the labelling of consignments of scheduled substances.
- (2) Regulations made by virtue of subsection (1)(b) may, in particular, require—
- (a) the notification of the proposed exportation of substances specified in Table I in Schedule 2 to this Act to such countries as may be specified in the regulations; and
 - (b) the production, in such circumstances as may be so specified, of evidence that the required notification has been given;
- and for the purposes of section 68 of the ^{M2}Customs and Excise Management Act 1979 (offences relating to exportation of prohibited or restricted goods) any such substance

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shall be deemed to be exported contrary to a restriction for the time being in force with respect to it under this Act if it is exported without the requisite notification having been given.

- (3) Regulations under this section may make different provision in relation to the substances specified in Table I and Table II in Schedule 2 to this Act respectively and in relation to different cases or circumstances.
- (4) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any person who fails to comply with any requirement imposed by the regulations or, in purported compliance with any such requirement, furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular is guilty of an offence and liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (6) No information obtained pursuant to the regulations shall be disclosed except for the purposes of criminal proceedings or of proceedings under the provisions of the ^{F2}...^{M3} relating to the confiscation of the proceeds of drug trafficking or corresponding provisions in force in Northern Ireland^{F3} or of proceedings under Part 2, 3 or 4 of the Proceeds of Crime Act 2002].

Subordinate Legislation Made

P1 S. 13: S. 13 power exercised by [S.I. 1991/1285](#)

Textual Amendments

F2 Words in s. 13(6) omitted (24.3.2003) by virtue of [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 21\(a\)](#), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

F3 Words in s. 13(6) inserted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 21\(b\)](#); [S.S.I. 2003/210](#), art. 2(1)(b)(2), [sch.](#) (with art. 7); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

Modifications etc. (not altering text)

C2 Ss. 1-6, 8-10, 12-16, 18-21, 24-30, 32, [Schs. 1-3](#) extended with modifications (to Anguilla) (14.7.1994) by [S.I. 1994/1635](#), art. 2, [Sch. 1](#)

C3 S. 13(2) applied (with modifications) by [S.I. 1991/1285](#), [reg. 3\(b\)](#).

C4 S. 13(5)(a) modified by [S.I. 1991/1285](#), [reg. 6\(d\)](#)
S. 13(5)(a) modified (6.10.1993) by [S.I. 1993/2166](#), [reg. 7](#).

C5 [S. 13\(5\)\(a\)](#) modified (7.3.2008) by [Controlled Drugs \(Drug Precursors\) \(Community External Trade\) Regulations 2008 \(S.I. 2008/296\)](#), [regs. 1\(1\)](#), [5\(2\)](#)

Commencement Information

I3 S. 13 wholly in force; s. 13 in force for certain purposes at 23.4.1991 and wholly in force at 1.7.1991.
See s. 32(2) and [S.I. 1991/1702](#), [arts. 2\(b\)](#), 3, [Schedule Pt. II](#)

Marginal Citations

M2 1979 c. 2.

M3 1987 c. 41.

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Proceeds of drug trafficking

^{F4}14 **Concealing or transferring proceeds of drug trafficking.** S

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Textual Amendments

- F4** S. 14 repealed (E.W.) (3.2.1995) by 1994 c. 37, s. 67(1), **Sch. 3** and repealed (N.I.) (25.8.1996) by S.I. 1996/1299 (N.I. 9), art. 57(3), **Sch.5** and expressed to be repealed (N.I.) (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(3), **Sch.7**; S.R. 1997/523, **art. 2(k)** and repealed (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 12**; S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)

^{F5}15 **Interest on sums unpaid under confiscation orders.** U.K.

- (1) If any sum required to be paid by a person under a confiscation order is not paid when it is required to be paid (whether forthwith on the making of the order or at a time specified ^{F6} . . . under section 396(1) of the ^{M4}Criminal Procedure (Scotland) Act 1975) that person shall be liable to pay interest on that sum for the period for which it remains unpaid and the amount of the interest shall for the purposes of enforcement be treated as part of the amount to be recovered from him under the confiscation order.
- ^{F7}(2) The sheriff may, on the application of the prosecutor, increase the term of imprisonment or detention fixed in respect of the confiscation order under section 396(2) of the said Act of 1975 (imprisonment in default of payment) if the effect of subsection (1) above is to increase the maximum period applicable in relation to the order under section 407(1A) of the said Act of 1975.]
- (3) The rate of interest under subsection (1) above ^{F8} . . . shall be the rate [^{F9}payable under a decree of] the Court of Session.

Textual Amendments

- F5** S. 15 repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5**.
- F6** Words in s. 15(1) repealed (3.2.1995) by 1994 c. 37, ss. 66(1), 67(1), 69(2), Sch. 1 para. 27(2), **Sch. 3**
- F7** S. 15(2) substituted (3.2.1995) by 1994 c. 37, ss. 65(1), 69(2), **Sch. 1 para. 27(3)**
- F8** Words in s. 15(3) repealed (3.2.1995) by 1994 c. 37, ss. 65(1), 67(1), 69(2), Sch. 1 para. 27(4), **Sch. 3**
- F9** Words in s. 15(3) substituted (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6 Pt. II para. 190(2)**; S.I. 1996/517, **art. 3(2)**.

Modifications etc. (not altering text)

- C6** S. 15 extended (with modifications) (to Anguilla) (14.7.1994) by S.I. 1994/1635, art. 2, **Sch. 1**.

Commencement Information

- I4** S. 15 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), **Schedule Pt. II**

Marginal Citations

- M4** 1975 c. 21.

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Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Part II. (See end of Document for details)

F10 16 **U.K.**

Textual Amendments

F10 S. 16 repealed (3.2.1995) by 1994 c. 37, ss. 67(1), 69(2), **Sch.3**.

F11 17 **U.K.**

Textual Amendments

F11 S. 17 repealed (31.3.1996) by 1995 c. 20, s. 117, Sch. 6 Pt. II para. 190(3), **Sch. 7 Pt. II**; S.I. 1996/517, **art. 3(2)**

Offences at sea

18 **Offences on British ships.** **U.K.**

Anything which would constitute a drug trafficking offence if done on land in any part of the United Kingdom shall constitute that offence if done on a British ship.

Modifications etc. (not altering text)

C7 Ss. 1-6, 8-10, 12-16, 18-21, 24-30, 32, Schs. 1-3 extended (with modifications) (to Anguilla) (14.7.1994) by S.I. 1994/1635, art. 2, **Sch. 1**

Commencement Information

I5 S. 18 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), **Schedule Pt. II**

19 **Ships used for illicit traffic.** **U.K.**

- (1) This section applies to a British ship, a ship registered in a state other than the United Kingdom which is a party to the Vienna Convention (a “Convention state”) and a ship not registered in any country or territory.
- (2) A person is guilty of an offence if on a ship to which this section applies, wherever it may be, he—
 - (a) has a controlled drug in his possession; or
 - (b) is in any way knowingly concerned in the carrying or concealing of a controlled drug on the ship,
knowing or having reasonable grounds to suspect that the drug is intended to be imported or has been exported contrary to section 3(1) of the ^{M5}Misuse of Drugs Act 1971 or the law of any state other than the United Kingdom.
- (3) A certificate purporting to be issued by or on behalf of the government of any state to the effect that the importation or export of a controlled drug is prohibited by the law of that state shall be evidence, and in Scotland sufficient evidence, of the matters stated.
- (4) A person guilty of an offence under this section is liable—

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- (a) in a case where the controlled drug is a Class A drug—
 - (i) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
 - (ii) on conviction on indictment, to imprisonment for life or a fine or both;
 - (b) in a case where the controlled drug is a Class B drug [^{F12}or a temporary class drug]—
 - (i) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both;
 - (c) in a case where the controlled drug is a Class C drug—
 - (i) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum or both;
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding [^{F13}fourteen years] or a fine or both.
- (5) In this section “a controlled drug” and the references to controlled drugs of a specified Class have the same meaning as in the said Act of 1971; and an offence under this section shall be included in the offences to which section 28 of that Act (defences) applies.

Textual Amendments

F12 Words in s. 19 inserted (15.11.2011) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 17 para. 22](#); [S.I. 2011/2515](#), art. 3(g)

F13 Words in s. 19(4)(c)(ii) substituted (29.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 28 para. 3](#); [S.I. 2004/81](#), art. 4(1)(2)(k)

Modifications etc. (not altering text)

C8 Ss. 1-6, 8-10, 12-16, 18-21, 24-30, 32, Schs. 1-3 extended (with modifications) (to Anguilla) (14.7.1994) by [S.I. 1994/1635](#), art. 2, [Sch. 1](#)

Commencement Information

I6 S. 19 wholly in force at 1.7.1991 see s. 32(2) and [S.I. 1991/1072](#), art. 2(b), [Schedule Pt. II](#)

Marginal Citations

M5 1971 c. 38.

20 Enforcement powers. U.K.

- (1) The powers conferred on an enforcement officer by Schedule 3 to this Act shall be exercisable in relation to any ship to which section 18 or 19 above applies for the purpose of detecting and the taking of appropriate action in respect of the offences mentioned in those sections.
- ^{F14}(2) Those powers shall not be exercised outside the landward limits of the territorial sea of the United Kingdom in relation to a ship registered in a Convention state except with the authority of the [^{F14}Commissioners of Customs and Excise]; and [^{F14}they] shall not give [^{F14}their] authority unless that state has in relation to that ship—
- (a) requested the assistance of the United Kingdom for the purpose mentioned in subsection (1) above; or

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- (b) authorised the United Kingdom to act for that purpose.
- (3) In giving [^{F14}their] authority pursuant to a request or authorisation from a Convention state the [^{F14}Commissioners of Customs and Excise] shall impose such conditions or limitations on the exercise of the powers as may be necessary to give effect to any conditions or limitations imposed by that state.
- (4) The [^{F14}Commissioners of Customs and Excise] may, either of [^{F14}their] own motion or in response to a request from a Convention state, authorise a Convention state to exercise, in relation to a British ship, powers corresponding to those conferred on enforcement officers by Schedule 3 to this Act but subject to such conditions or limitations, if any, as [^{F14}they] may impose.
- (5) Subsection (4) above is without prejudice to any agreement made, or which may be made, on behalf of the United Kingdom whereby the United Kingdom undertakes not to object to the exercise by any other state in relation to a British ship of powers corresponding to those conferred by that Schedule.
- (6) The powers conferred by that Schedule shall not be exercised in the territorial sea of any state other than the United Kingdom without the authority of the [^{F14}Commissioners of Customs and Excise] and [^{F14}they] shall not give [^{F14}their] authority unless that state has consented to the exercise of those powers.

Textual Amendments

F14 Words in s. 20 substituted (1.12.1993) by 1993 c. 36, s. 23(2)(a) (with s. 78(6)); S.I. 1993/2734, art. 2, Sch.

Modifications etc. (not altering text)

C9 S. 20: transfer of functions (1.12.1993) by 1993 c. 36, s. 23(1) (with s. 78(6)); S.I. 1993/2734, art. 2, Sch.

C10 Ss. 1-6, 8-10, 12-16, 18-21, 24-30, 32, Schs. 1-3 extended (with modifications) (to Anguilla) (14.7.1994) by S.I. 1994/1635, art. 2, Sch. 1

Commencement Information

I7 S. 20 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), Schedule Pt. II

21 Jurisdiction and prosecutions. U.K.

- (1) Proceedings under this Part of this Act or Schedule 3 in respect of an offence on a ship may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (2) No such proceedings shall be instituted—
- in England or Wales except by or with the consent of the Director of Public Prosecutions or [^{F15}the Director of Revenue and Customs Prosecutions];
 - in Northern Ireland except by or with the consent of the Director of Public Prosecutions for Northern Ireland or those Commissioners.
- (3) Without prejudice to subsection (2) above no proceedings for an offence under section 19 above alleged to have been committed outside the landward limits of the territorial sea of the United Kingdom on a ship registered in a Convention state shall be instituted except in pursuance of the exercise with the authority of the

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[^{F16}Commissioners of Customs and Excise] of the powers conferred by Schedule 3 to this Act; and section 3 of the ^{M6}Territorial Waters Jurisdiction Act 1878 (consent of Secretary of State for certain prosecutions) shall not apply to those proceedings.

Textual Amendments

- F15** Words in s. 21(2)(a) substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 41](#); S.I. 2005/1126, art. 2(2)(h)
- F16** Words in s. 21(3) substituted (1.12.1993) by [1993 c. 36, s. 23\(2\)\(b\)](#) (with s. 78(6)); S.I. 1993/2734, [art. 2](#), Sch.

Modifications etc. (not altering text)

- C11** S. 21 extended (with modifications) (to Anguilla) (14.7.1994) by [S.I. 1994/1635, art. 2, Sch. 1](#).

Commencement Information

- I8** S. 21 wholly in force at 1.7.1991 see s. 32(2) and [S.I. 1991/1072, art. 2\(b\)](#), [Schedule Pt. II](#)

Marginal Citations

- M6** [1878 c. 73](#).

Supplementary

^{F17}22 **Extradition.** U.K.

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Textual Amendments

- F17** S. 22(1) repealed (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), s. 221, Sch. 3 para. 6, [Sch. 4](#); [S.I. 2003/3103, art. 2](#) (with [arts. 3-5](#)) (as amended (11.12.2003) by [S.I. 2003/3258, art. 2](#) and (18.12.2003) by [S.I. 2003/3312, art. 2](#))

23 **Application of ancillary provisions of Misuse of Drugs Act 1971.** U.K.

- (1) The ^{M7}Misuse of Drugs Act 1971 shall be amended as follows.
- (2) In section 12(1) (prohibition direction on practitioner etc. in consequence of conviction) after paragraph (b) there shall be inserted—
 - “(c) of an offence under section 12 or 13 of the Criminal Justice (International Co-operation) Act 1990;”.
- (3) In section 21 (offences by bodies corporate) after the words “any offence under this Act” there shall be inserted the words “ or Part II of the Criminal Justice (International Co-operation) Act 1990 ”.
- (4) In section 23 (power to search and obtain evidence) after subsection (3) there shall be inserted—
 - “(3A) The powers conferred by subsection (1) above shall be exercisable also for the purposes of the execution of Part II of the Criminal Justice (International Co-operation) Act 1990 and subsection (3) above (excluding paragraph (a)) shall

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Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Part II. (See end of Document for details)

apply also to offences under section 12 or 13 of that Act, taking references in those provisions to controlled drugs as references to scheduled substances within the meaning of that Part.”

Commencement Information

I9 S. 23 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), Schedule Pt. II

Marginal Citations

M7 1971 c. 38.

[^{F18}23A ^{F19} Extension of certain offences to Crown servants and exemptions for regulators etc. **S**

- (1) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, section 14(2) above shall apply to such persons in the public service of the Crown, or such categories of person in that service, as may be prescribed.
- (5) In this section—
 - “the Crown” includes the Crown in right of Her Majesty’s Government in Northern Ireland; and
 - “prescribed” means prescribed by regulations made by the Secretary of State.
- (6) The power to make regulations under this section shall be exercisable by statutory instrument.
- (7) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F18** S. 23A inserted (1.4.1994) by virtue of 1993 c. 36, s. 77, Sch. 4 paras. 1, 5; S.I. 1994/700, arts. 2, 3(1), Sch. (s. 23A being the same section as inserted in 1986 c. 32 as s. 36B but with the substitution of certain words in subsection (1) and the omission of subsections (2) to (4)).
- F19** S. 23A repealed (E.W.) (3.2.1995) by 1994 c. 37, ss. 67, 69(2), Sch. 3 and repealed (N.I.) (25.8.1996) by S.I. 1996/1299 (N.I. 9), art. 57(3), Sch. 5

24 Interpretation of Part II. **U.K.**

- (1) In this Part of this Act—
 - “British ship” means a ship registered in the United Kingdom or a colony;
 - “Convention state” has the meaning given in section 19(1) above;
 - “scheduled substance” has the meaning given in section 12(4) above;
 - “ship” includes any vessel used in navigation;
 - “the territorial sea of the United Kingdom” includes the territorial sea adjacent to any of the Channel Islands, the Isle of Man or any colony;
 - “the Vienna Convention” means the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances which was signed in Vienna on 20th December 1988.

Status: Point in time view as at 15/11/2011.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Part II. (See end of Document for details)

- (2) Any expression used in this Part of this Act which is also used in the [F20Drug Trafficking Act 1994] has the same meaning as in that Act [F21and, in section 22(1), “drug trafficking offences” includes drug trafficking offences within the meaning of the [F22Proceeds of Crime (Northern Ireland) Order 1996]].
- (3) In relation to Scotland, any expression used in this Part of this Act which is also used in the M8Criminal Justice (Scotland) Act 1987 has the same meaning as in that Act and “drug trafficking offence” means an offence to which section 1 of that Act relates.
- (4) If in any proceedings under this Part of this Act any question arises whether any country or territory is a state or is a party to the Vienna Convention, a certificate issued by or under the authority of the Secretary of State shall be conclusive evidence on that question.

Textual Amendments

F20 Words in s. 24(2) substituted (3.2.1995) by 1994 c. 37, ss. 65, 69(2), **Sch. 1 para. 28**.

F21 Words inserted (N.I.) (1.7.1991) by S.I. 1990/2588, (N.I. 17), art. 38(1), Sch. 2 para. 8; S.R. 1991/220 (N.I.), art. 2

F22 Words in s. 24(2) substituted (25.8.1996) by S.I. 1996/1299 (N.I. 9), art. 57(1), **Sch. 3 para. 15**.

Modifications etc. (not altering text)

C12 S. 24 extended (with modifications) (to Anguilla) (14.7.1994) by S.I. 1994/1635, art. 2, **Sch. 1**.

Commencement Information

I10 S. 24 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, **art. 2(b) Schedule Pt. II**

Marginal Citations

M8 1987 c. 41.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Part II.