
STATUTORY INSTRUMENTS

1992 No. 1733 (S.165)

CRIMINAL LAW, SCOTLAND

**The Confiscation of the Proceeds of Drug
Trafficking (Designated Countries and
Territories) (Scotland) Amendment Order 1992**

Made - - - - - *15th July 1992*
Coming into force - - - - - *20th July 1992*

At the Court at Buckingham Palace, the 15th day of July 1992

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 30 of the Criminal Justice (Scotland) Act 1987(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Confiscation of the Proceeds of Drug Trafficking (Designated Countries and Territories) (Scotland) Amendment Order 1992 and shall come into force on 20th July 1992.

(2) In this Order “the principal Order” means the Confiscation of the Proceeds of Drug Trafficking (Designated Countries and Territories) (Scotland) Order 1991(2).

2. Schedule 1 to the principal Order shall be amended by inserting, in the appropriate alphabetical position, the entries for those countries and territories specified in the Schedule to this Order.

3. The Appendix set out at the end of Schedule 3 to the principal Order (which defines when proceedings are instituted for the purposes of section 47(5)(a)(i) of the Criminal Justice (Scotland) Act 1987 as modified by article 3(2) and Schedule 2 to the principal Order) shall be amended as follows:—

(a) after the entry relating to Anguilla, there shall be inserted the following:—

(1) 1987 c. 41; section 30 was substituted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), section 63.
(2) S.I.1991/1467.

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“Argentina when a judge has ordered that a person be detained for the purpose of testifying in connection with the commission of an offence”;

(b) after the entry relating to the Cayman Islands, there shall be inserted the following:—

“Germany when a person is notified that he is accused of an offence and will be brought before a court”;

(c) after the following relating to Guernsey, there shall be inserted the following:—

“Guyana when a charge has been laid against a person for an offence”; and

(d) after the entry relating to the United States of America, there shall be inserted the following:—

“Uruguay when criminal proceedings are instituted by a judicial authority”;

G.I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 2

Designated Country	Appropriate Authority
Afghanistan	
Argentina	the Ministry of Foreign Affairs
Brazil	
Burma	
Cameroon	
Czechoslovakia	
Germany	
Greece	
Guyana	the Permanent Secretary, Ministry of Home Affairs
Honduras	
Hungary	
Ivory Coast	
Monaco	
Nepal	
Pakistan	
Peru	
Portugal	
Seychelles	
Sri Lanka	
Syria	
Uruguay	the Ministry of Education and Culture
Venezuela	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Confiscation of the Proceeds of Drug Trafficking (Designated Countries and Territories) (Scotland) Order 1991 (S.I 1991/1467) which provides that, subject to certain modifications, 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

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in connection with drug trafficking or their value, 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.

Article 2 of this Order amends the list of designated countries in the 1991 Order to include Afghanistan, Argentina, Brazil, Burma, Cameroon, Czechoslovakia, Germany, Greece, Guyana, Honduras, Hungary, Ivory Coast, Monaco, Nepal, Pakistan, Peru, Portugal, Seychelles, Sri Lanka, Syria, Uruguay and Venezuela for the purposes of the 1987 Act.

Article 3 amends Schedule 3 to the 1991 Order to specify when, for the purposes of section 47(5)(a)(i) of the 1987 Act (as modified by article 3(2) of and Schedule 2 to that Order), proceedings are instituted in, respectively, Argentina, Germany, Guyana and Uruguay.

By virtue of article 1(1) this Order comes into force on 20th July 1992.