
STATUTORY INSTRUMENTS

1993 No. 1806 (S.216)

CRIMINAL LAW, SCOTLAND

**The Confiscation of the Proceeds of Drug
Trafficking (Designated Countries and
Territories) (Scotland) Amendment Order 1993**

Made - - - - - *20th July 1993*
Coming into force - - - - - *30th July 1993*

At the Court at Buckingham Palace, the 20th day of July 1993

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 1993 and shall come into force on the tenth day after the day on which it is made.

(2) In this Order “the Act” means the Criminal Justice (Scotland) Act 1987 and “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 as follows:—

(a) by inserting, in the appropriate alphabetical position, the entries for those countries and territories specified in the Schedule to this Order (including where so specified the appropriate authority for a country or territory);

(b) by inserting, opposite the entry in the said Schedule 1 for Ecuador, the following entry:—

“Consejo Nacional de Control de Sustancias Estupefacientes y Psico-tropicas (CONSEP)”; and

(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, amended by S.I. 1992/1733.

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- (c) by deleting the entries for Hungary and the Union of Soviet Socialist Republics (including the Byelorussian Soviet Socialist Republic).

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 Act as modified by Article 3(2) of and Schedule 2 to the principal Order) shall be amended as follows:—

- (a) by inserting, after the entry relating to the Cayman Islands, the following—

“Ecuador	when a writ is issued by a judge initiating criminal proceedings.”;
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- (b) by inserting, after the entry relating to Hong Kong, the following—

“India	<p>(a) when information relating to commission of any crime is received by any law enforcement agency empowered to investigate such crime under the law for the time being in force and laid before a court of law;</p> <p>(b) when any allegation is made orally or in writing to a court of law that a person has committed an offence;</p> <p>(c) when a person is charged with an offence;</p> <p>(d) when any investigation or inquiry into the commission of any offence is directed by a court of law.”;</p>
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- (c) by inserting, after the entry relating to Montserrat, the following—

“Panama	when a person has been charged with an offence.”;
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- (d) by inserting, after the entry relating to Saudi Arabia, the following—

“South Africa	<p>(a) when a summons is issued in respect of an offence;</p> <p>(b) when a person is charged with an offence;</p> <p>(c) when a bill of indictment is preferred.”.</p>
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4.—(1) In the modification of section 47(5) of the Act (which defines when proceedings in a designated country are instituted and concluded) which is specified in paragraph 25(c) of Schedule 2 to the principal Order, there shall be inserted after sub-paragraph (i) of paragraph (a) of the said section 47(5), the following:—

- “(ia) where no steps have been specified in relation thereto as mentioned in sub-paragraph (i) above, the accused has been notified in writing in accordance with the laws of the designated

country that the competent authorities of that country have begun proceedings against him in respect of an offence; or”,

and Part I of the Act as set out in Schedule 3 to the principal Order shall be amended accordingly.

(2) In Article 5(1) of the principal Order (evidence in relation to proceedings and orders in a designated country) there shall be inserted after sub-paragraph (a) the following sub-paragraph:–

“(ia) in a case to which section 47(5)(a)(ia) of the Act, as modified by Article 3(2) of and Schedule 2 to this Order, applies, that the accused has been notified as specified in that sub-paragraph;”.

N.H. Nicholls
Clerk of the Privy Council

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SCHEDULE

Article 2

DESIGNATED COUNTRIES

Designated Country	Appropriate authority
Antigua and Barbuda	
Belarus	
Bulgaria	
Burkina Faso	
Burundi	
Denmark	
Fiji	
Iran	
Japan	
Kenya	
Luxembourg	
Morocco	
Niger	
Panama	The Ministry of Government and Justice
Romania	
The Russian Federation	
Slovenia	
South Africa	The Department of Foreign Affairs
Suriname	
Ukraine	

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 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.

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As well as amendments in respect of the countries and territories to which the Order applies, the Order provides in article 4 for definition and certification of the institution of proceedings in a designated country.