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STATUTORY INSTRUMENTS

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**1993 No. 1807 (S.217)**

**CRIMINAL LAW, SCOTLAND**

The Criminal Justice (International Co-operation)  
Act 1990 (Enforcement of Overseas Forfeiture  
Orders) (Scotland) Amendment Order 1993

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

At the Court of 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 9 of the Criminal Justice (International Co-operation) Act 1990(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 Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (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 principal Order” means The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Scotland) Order 1991(2).

(3) This Order extends to Scotland only.

2. Schedule 1 to the principal Order (which defines the institution of proceedings for the purposes of Article 2(3)(a) of that Order) shall be amended as follows:—

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

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

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(1) 1990 c. 5.  
(2) S.I. 1991/1468, amended by S.I. 1992/1734.

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“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) after the entry relating to Montserrat, there shall be inserted the following–

“Panama	when a person has been charged with an offence.”;
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(d) after the entry relating to Saudi Arabia, there shall be inserted 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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3. Article 2 of the principal Order shall be amended by inserting, after sub-sub-paragraph (i) of sub-paragraph (3)(a), the following:–

“(ia) where no steps have been specified in relation thereto as mentioned in sub-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”.

4. Schedule 2 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 for Ecuador, the following entry:–  
“Consejo Nacional de Control de Sustancias Estupefacientes y Psicotropicas (CONSEP)”; and
- (c) by deleting the entries for Hungary and the Union of Soviet Socialist Republics (including the Byelorussian Soviet Socialist Republic).

5. In paragraph (1) of Article 21 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 Article 2(3)(a)(ia) above applies, that the accused has been notified as specified in that sub-sub-paragraph;”.

*N.H. Nicholls*  
Clerk of the Privy Council

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## SCHEDULE

Article 4

## 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 Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Scotland) Order 1991 (S.I.1991/1468).

The 1991 Order provides for the enforcement in Scotland of orders made by a court in a designated country or territory for the forfeiture and destruction or other disposal of property used in connection with the commission of a drug trafficking offence. The powers conferred by the 1991 Order also

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apply 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.

As well as amendments in respect of the countries and territories to which the 1991 Order applies, the Order provides in Articles 3 and 5 for definition and certification of the institution of proceedings in a designated country.