

SCHEDULE 3

THE DRUG TRAFFICKING ACT 1994 AS MODIFIED

Cases in which restraint orders and charging orders may be made

25.—(1) The powers conferred on the High Court by sections 26(1) and 27(1) of this Act are exercisable where—

- (a) proceedings have been instituted against the defendant in a designated country;
- (b) the proceedings have not been concluded; and
- (c) the court is satisfied that there is reasonable cause to believe that the defendant has benefited from drug trafficking.

(3) The powers contained in subsection (1) above are also exercisable where it appears to the High Court that proceedings are to be instituted against the defendant in a designated country and that there are reasonable grounds for believing that an external confiscation order may be made in them.

(5) Where the court has made an order under section 26(1) or 27(1) of this Act by virtue of subsection (3) above, the court shall discharge the order if the proposed proceedings are not instituted within such time as the court considers reasonable.