
STATUTORY INSTRUMENTS

1999 No. 673

The Confiscation of the Proceeds of Crime (Designated Countries and Territories) (Scotland) Order 1999

Evidence in relation to proceedings and orders in a designated country

6.—(1) For the purposes of sections 40 and 41 of the Act, and of the other provisions of the Act as applied by article 4 of this Order, a certificate purporting to be issued by or on behalf of the appropriate authority of a designated country stating—

- (a) that proceedings have been instituted and have not been concluded, or that proceedings are to be instituted, there;
- (b) in a case to which article 2(2)(b) applies, that the accused has been notified as specified in that article;
- (c) that an external confiscation order is in force and is not subject to appeal;
- (d) that all or a certain amount of the sum payable under an external confiscation order remains unpaid in the designated country, or that other property recoverable under an external confiscation order remains unrecovered there;
- (e) that any person has been notified of any proceedings in accordance with the law of the designated country; or
- (f) that an order (however described) made by or to be made by a court of the designated country is for, or, as the case may be, will be for recovering payments or other rewards or property or other economic advantage received in connection with:—
 - (i) an offence corresponding with or similar to an offence to which Part I of the Act applies; or
 - (ii) drug trafficking,or the value of such payments, property, reward or economic advantage,

shall, in any proceedings in the Court of Session or the High Court, be sufficient evidence of the facts so stated.

(2) In any such proceedings a statement contained in a document, duly authenticated, which purports to have been received in evidence or to be a copy of a document so received, or to set out or summarise evidence given in proceedings in a court in a designated country, shall be sufficient evidence of any fact stated therein.

(3) A document is duly authenticated for the purposes of paragraph (2) above if it purports to be certified by any person in his capacity as a judge, magistrate or officer of the court in the designated country, or by or on behalf of the appropriate authority of the designated country, to have been received in evidence or to be a copy of a document so received, or, as the case may be, to be the original document containing or summarising the evidence or a true copy of that document.