

SCHEDULES

SCHEDULE 3

Article 57(1).

AMENDMENTS

The Misuse of Drugs Act 1971 (c. 38)

1. In section 21 (offences by corporations) after “1994” insert “or Article 47 of the Proceeds of Crime (Northern Ireland) Order 1996”.
2. In section 23(3A) (power to search and obtain evidence) after “1994” insert “or Article 47 of the Proceeds of Crime (Northern Ireland) Order 1996”.
3. In section 27(1) (forfeiture on conviction of an offence) for “Criminal Justice (Confiscation) (Northern Ireland) Order 1990” substitute “Proceeds of Crime (Northern Ireland) Order 1996”.

The Rehabilitation of Offenders (Northern Ireland) Order 1978 (NI 27)

4. In Article 3(2)(a) (failure to pay fines, etc., not to prevent person becoming rehabilitated) the reference to a fine or other sum adjudged to be paid by or imposed on a conviction does not include a reference to an amount payable under a confiscation order.

The Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

5. In section 30 (interpretation of Part I), after subsection (2) insert—
 - “(3) In this Part of this Act “sentence” also includes—
 - (a) a confiscation order made by the Crown Court under the Proceeds of Crime (Northern Ireland) Order 1996;
 - (b) an order varying such an order; and
 - (c) an order made by the Crown Court varying a confiscation order which was made by the High Court by virtue of Article 24 of the Order of 1996.”.

The Bankruptcy Amendment (Northern Ireland) Order 1980 (NI 4)

6. Article 31 (effect of order of discharge) shall have effect as if amounts payable under confiscation orders were debts excepted under paragraph (1)(a) of that Article.

The Criminal Justice Act 1988 (c. 33)

7. For section 152(4) (remands of suspected drug offenders to customs detention) substitute—
 - “(4) In the application of this section to Northern Ireland, “drug trafficking offence” means a drug trafficking offence as defined by 88 Article 2(2) of the Proceeds of Crime (Northern Ireland) Order 1996 (other than offences under Article 46 of that Order (assisting another to retain the benefit of criminal conduct)).”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Extradition Act 1989 (c. 33)

- 8.** For section 22(4)(h)(iii) (extradition offences under Conventions) substitute—
“(iii) any drug trafficking offence within the meaning of the Proceeds of Crime (Northern Ireland) Order 1996;”.
- 9.** In Schedule 1 (extradition offences treated as within jurisdiction of foreign states) for paragraph 15(1) substitute—
“(m) a drug trafficking offence within the meaning of the Proceeds of Crime (Northern Ireland) Order 1996;”.

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

- 10.** In Article 53 (interpretation of Part VI)—
(a) in the definition of “drug trafficking”, for “Criminal Justice (Confiscation) (Northern Ireland) Order 1990” substitute “Proceeds of Crime (Northern Ireland) Order 1996”;
(b) for “Criminal Justice (Confiscation) (Northern Ireland) Order 1990” in the second place where it occurs substitute “Proceeds of Crime (Northern Ireland) Order 1996”.
- 11.** In Article 57(5A) (right to have someone informed when arrested) for “Criminal Justice (Confiscation) (Northern Ireland) Order 1990” substitute “Proceeds of Crime (Northern Ireland) Order 1996”.
- 12.** In Article 59(8A) (access to legal advice) for “Criminal Justice (Confiscation) (Northern Ireland) Order 1990” substitute “Proceeds of Crime (Northern Ireland) Order 1996”.
- 13.** In Article 87(2)(aa) (arrestable offences that are always serious) for “Criminal Justice (Confiscation) (Northern Ireland) Order 1990” substitute “Proceeds of Crime (Northern Ireland) Order 1996”.

The Insolvency (Northern Ireland) Order 1989 (NI 19)

- 14.** Article 255 (discharge of bankrupt not to release him from liabilities in respect of fines, etc.) shall have effect as if the reference to a fine included a reference to a confiscation order.

The Criminal Justice (International Co-operation) Act 1990 (c. 5)

- 15.** In section 24(2) (interpretation of Part II) for “Criminal Justice (Confiscation) (Northern Ireland) Order 1990” substitute “Proceeds of Crime (Northern Ireland) Order 1996”.

The Criminal Justice (Northern Ireland) Order 1994 (NI 15)

- 16.** In Article 14(9)(b) (compensation orders against convicted persons)—
(a) for “Criminal Justice (Confiscation) (Northern Ireland) Order 1990” substitute “Proceeds of Crime (Northern Ireland) Order 1996”;
(b) for “8(3),” substitute “12(8)”.
- 17.** In Article 16(a) (review of compensation orders) for “Criminal Justice (Confiscation) (Northern Ireland) Order 1990” substitute “Proceeds of Crime (Northern Ireland) Order 1996”.

The Drug Trafficking Act 1994 (c. 37)

- 18.** In section 48(2)(b) (interpretation of Part II) for “Criminal Justice (Confiscation) (Northern Ireland) Order 1990” substitute “Proceeds of Crime (Northern Ireland) Order 1996”.

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The Criminal Appeal Act 1995 (c. 35)

19. In section 22(5) (meaning of public body) after paragraph (b) add

“and

- (c) a person authorised under Article 49 of the Proceeds of Crime (Northern Ireland) Order 1996 to exercise the powers conferred by Schedule 2 to that Order shall be treated as if he were the appropriate person in relation to the body.”