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STATUTORY INSTRUMENTS

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**1996 No. 1299 (N.I. 9)**

**NORTHERN IRELAND**

**The Proceeds of Crime (Northern Ireland) Order 1996**

*Made* - - - - - *15th May 1996*

*Coming into operation* *25th August 1996*

**THE PROCEEDS OF CRIME (NORTHERN IRELAND) ORDER 1996**

PART I

INTRODUCTORY

1. Title and commencement
2. Interpretation
3. Meaning of “property” and related expressions

PART II

CONFISCATION ORDERS

4. Interpretation of Part II
5. Meaning of “amount that might be realised” and “realisable property”
6. Value of property, etc.
7. Gifts caught by this Order

*Confiscation orders*

8. Confiscation orders
9. Confiscation relating to a course of criminal conduct
10. Assessing the proceeds of drug trafficking
11. Postponed confiscation orders
12. Confiscation orders: supplementary provisions
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14. Interest on sums unpaid under confiscation orders

*Statements, etc., in connection with confiscation orders*

15. Provision of information by the prosecution
16. Provision of information by the defendant

*Status: This is the original version (as it was originally made).*

*Further proceedings in connection with confiscation orders*

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18. Re-assessment of proceeds of crime
19. Revised assessment of amount to be recovered
20. Provisions supplementary to Articles 17,18 and 19
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23. Compensation

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24. Powers of High Court where defendant has died or absconded
25. Effect of conviction where High Court has acted under Article 24
26. Variation of confiscation orders made under Article 24
27. Compensation, etc., where absconder is acquitted
28. Power to discharge confiscation order and order compensation where absconder returns
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*Restraint orders and charging orders*

30. Cases in which restraint orders and charging orders may be made
31. Restraint orders
32. Charging orders in respect of land, securities, etc.
33. Charging orders: supplementary provisions

*Realisation of property*

34. Realisation of property
35. Application of proceeds of realisation and other sums

*Exercise of powers for the realisation of property*

36. Exercise of powers by High Court or receiver

*Insolvency of defendants, etc.*

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38. Winding up of company holding realisable property

*Protection for insolvency officers, etc.*

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55. Prosecution by order of the Commissioners of Customs and Excise
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Signature

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#### SCHEDULES

##### SCHEDULE 1 — CONFISCATION ORDERS

###### PART I — OFFENCES IN RESPECT OF WHICH A COURT OF SUMMARY JURISDICTION MAY MAKE CONFISCATION ORDERS

###### PART II — ORDERS VARYING LIST OF OFFENCES

1. The Secretary of State may by order amend Part I...
2. An order under paragraph 1 shall be subject to annulment...

##### SCHEDULE 2 — FINANCIAL INVESTIGATIONS

#### *Preliminary*

1. (1) In this Schedule “the investigation”, in relation to a...

#### *Investigation powers*

2. (1) A financial investigator may by notice in writing require...
3. (1) Where it appears to a financial investigator that a...

#### *Restrictions*

4. (1) A person shall not under paragraph 2 or 3...

#### *Offences*

5. (1) A person shall be guilty of an offence if...

*Status:* This is the original version (as it was originally made).

*Admissibility of evidence*

6. Any answers given or information furnished by a person in...

*Restriction on disclosure of information*

7. (1) Information obtained by a person in his capacity as...

*Code of practice*

8. (1) The Secretary of State shall make a code of...

*Regulations*

9. Regulations under paragraphs 3(4) and 7(3) shall be subject to...

SCHEDULE 3 — AMENDMENTS

*The Misuse of Drugs Act 1971 (c. 38)*

1. In section 21 (offences by corporations) after “1994” insert “or...
2. In section 23(3A) (power to search and obtain evidence) after...
3. In section 27(1) (forfeiture on conviction of an offence) for...

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

4. In Article 3(2)(a) (failure to pay fines, etc., not to...

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

5. In section 30 (interpretation of Part I), after subsection (2)...

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

6. Article 31 (effect of order of discharge) shall have effect...

*The Criminal Justice Act 1988 (c. 33)*

7. For section 152(4) (remands of suspected drug offenders to customs...

*The Extradition Act 1989 (c. 33)*

8. For section 22(4)(h)(iii) (extradition offences under Conventions) substitute  
—
9. In Schedule 1 (extradition offences treated as within jurisdiction of...

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

10. In Article 53 (interpretation of Part VI)—
11. In Article 57(5A) (right to have someone informed when arrested)...
12. In Article 59(8A) (access to legal advice) for “Criminal Justice...
13. In Article 87(2)(aa) (arrestable offences that are always serious) for...

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

14. Article 255 (discharge of bankrupt not to release him from...

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

15. In section 24(2) (interpretation of Part II) for “Criminal Justice...

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

16. In Article 14(9)(b) (compensation orders against convicted persons)—  
17. In Article 16(a) (review of compensation orders) for “Criminal Justice...

*The Drug Trafficking Act 1994 (c. 37)*

18. In section 48(2)(b) (interpretation of Part II) for “Criminal Justice...

*The Criminal Appeal Act 1995 (c. 35)*

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

SCHEDULE 4 — TRANSITIONAL PROVISIONS AND SAVINGS

1. (1) Part II and Article 54 shall not apply—
2. In any case in which a petition in bankruptcy was...
3. In any case in which a winding up of a...
4. The provisions in this Schedule shall have effect without prejudice...

SCHEDULE 5 — REPEALS

Explanatory Note