

## 1994 No. 165

## CRIMINAL PROCEDURE

**The Criminal Justice (Confiscation)  
(Designated Countries and Territories) (1992 Order)  
(Amendment) (Northern Ireland) Order 1994**

*Made* . . . . . 22nd April 1994

*Coming into operation* . . . . . 17th June 1994

*To be laid before Parliament*

The Secretary of State, in pursuance of Article 27 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990(a), hereby makes the following Order:—

*Citation, commencement and interpretation*

1.—(1) This Order may be cited as the Criminal Justice (Confiscation) (Designated Countries and Territories) (1992 Order) (Amendment) (Northern Ireland) Order 1994 and shall come into operation on 17th June 1994.

(2) In this Order—

“the Order” means the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 and “the principal Order” means the Criminal Justice (Confiscation) (Designated Countries and Territories) (Northern Ireland) Order 1992(b).

2. There shall be inserted in Schedule 1 to the principal Order, at the appropriate places in alphabetical order, the entries for those countries specified in the Schedule being countries and territories designated under section 96 of the Criminal Justice Act 1988(c).

3. The Appendix set out at the end of paragraph 21 of Schedule 2 to the principal Order (institution of proceedings) shall be amended as follows—

(a) after the entry for India, there shall be inserted the following entry—

“Isle of Man (a) where a justice of the peace issues a summons under section 13 of the Petty Sessions and Summary Jurisdiction Act 1927, when the complaint in relation to the offence is made to him;

(a) S.I. 1990/2588 (N.I. 17)

(b) S.R. 1992 No. 198, as amended by S.R. 1993 No. 359

(c) 1988 c. 33, as amended by section 21 of the Criminal Justice Act 1993 (c. 36)

- (b) where a justice of the peace issues a warrant for the arrest of any person under that section, when the complaint in relation to the offence is made to him;
- (c) where a person is charged with the offence after being taken into custody without a warrant, when he is taken into custody;
- (d) where an information is preferred by the Attorney General in a case where there have been no committal proceedings, when the information is lodged in the General Registry in accordance with section 4(1) of the Criminal Code Amendment Act 1917.”;

(b) after the entry for Italy, there shall be inserted the following entry—

- “Netherlands
- (a) when a pre-trial financial investigation has been initiated;
  - (b) when the provisional measure has been ordered by an investigating magistrate;
  - (c) when a public prosecutor has requested a pre-trial criminal investigation by an investigating magistrate to be instituted;
  - (d) when a public prosecutor has laid an indictment.”;

(c) after the entry for Sweden, there shall be inserted the following entry—

- “Switzerland when proceedings for an offence are brought before an examining magistrate.”.

4. Like amendments to those described in Article 3(a) to (c) shall be made to the Appendix to Article 2(13) of the Order as set out in Schedule 3 to the principal Order.

Northern Ireland Office  
22nd April 1994

*P. B. B. Mayhew*  
One of Her Majesty's Principal  
Secretaries of State

<i>Designated Country</i>	<i>Appropriate Authority</i>
Bulgaria	
Isle of Man	Her Majesty's Attorney General for the Isle of Man
Netherlands	Afdeling Internationale Rechtshulp
Switzerland	Office fédéral de la police

### EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order further amends the Criminal Justice (Confiscation) (Designated Countries and Territories) (Northern Ireland) Order 1992 ("the principal Order") which provides that, subject to certain modifications, the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 applies to an order made by a court in any of the countries or territories listed in Schedule 1 to the principal Order (being countries and territories designated under section 96 of the Criminal Justice Act 1988) for the purposes of recovering property obtained as a result of or in connection with conduct corresponding to certain offences, recovering the value of the property so obtained or of depriving a person of a pecuniary advantage so obtained.

Article 2 of this Order amends the list of designated countries in the principal Order by the addition of Bulgaria, Isle of Man, Netherlands and Switzerland, and Articles 3 and 4 make consequential amendments to the principal Order.

By virtue of Article 1(1) this Order comes into operation on 17th June 1994.