

## 1994 No. 351

**CRIMINAL PROCEDURE****The Criminal Justice (Confiscation) (Designated Countries and Territories) (1992 Order) (Amendment No. 2) (Northern Ireland) Order 1994**

*Made* . . . . . 6th September 1994

*Coming into operation* . . . . . 1st November 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 No. 2) (Northern Ireland) Order 1994 and shall come into operation on 1st November 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. In Article 1(2) of the principal Order for the definition of “appropriate authority of a designated country” there shall be substituted the following definition—

“ “appropriate authority of a designated country” means—

- (a) the authority specified opposite that country in Schedule 1, or
- (b) where no authority is so specified, the authority appearing to the court to be the appropriate authority of that country for the purposes of this Order;”.

3. After Article 4 of the principal Order there shall be inserted the following Article—

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

(b) S.R. 1992 No. 198, amended by S.R. 1993 No. 359 and S.R. 1994 No. 165

*“Certificate as to appropriate authority of a designated country*

4A. Where in relation to any designated country no authority is specified in Schedule 1, a certificate made by the Secretary of State to the effect that the authority specified therein is the appropriate authority for the purposes of this Order shall be sufficient evidence of that fact.”.

4. There shall be inserted in Schedule 1 to the principal Order, after the entry for Switzerland, the entry for the country specified in the Schedule being a country designated under section 96 of the Criminal Justice Act 1988(a).

5. There shall be inserted in the Appendix set out at the end of paragraph 21 of Schedule 2 to the principal Order (institution of proceedings), after the entry for Switzerland, the following entry—

“United States of America                      when an indictment, information or complaint has been filed against a person in respect of an offence”.

6. A like amendment to that described in Article 5 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  
6th September 1994

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

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

| <i>Designated country</i> | <i>Appropriate authority</i>                         |
|---------------------------|--|
| United States of America  | The Attorney General of the United States of America |

## 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 provides for the court to determine the appropriate authority for a designated country or territory where no such authority is specified, and Article 3 enables evidence as to the appropriate authority to be given by means of a certificate made by the Secretary of State. Article 4 amends the list of designated countries in the principal Order by the addition of the United States of America, and Articles 5 and 6 make consequential amendments to the principal Order.

By virtue of Article 1(1) this Order comes into operation on 1st November 1994.