



# Criminal Justice (International Co-operation) Act 1990

## 1990 CHAPTER 5

### PART II

#### THE VIENNA CONVENTION

#### *Supplementary*

#### **F122 Extradition.**

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#### **Textual Amendments**

**F1** S. 22(1) repealed (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), s. 221, Sch. 3 para. 6, [Sch. 4](#); [S.I. 2003/3103](#), art. 2 (with [arts. 3-5](#)) (as amended (11.12.2003) by [S.I. 2003/3258](#), art. 2 and (18.12.2003) by [S.I. 2003/3312](#), art. 2)

#### **23 Application of ancillary provisions of Misuse of Drugs Act 1971.**

- (1) The <sup>M1</sup>Misuse of Drugs Act 1971 shall be amended as follows.
- (2) In section 12(1) (prohibition direction on practitioner etc. in consequence of conviction) after paragraph (b) there shall be inserted—
  - “(c) of an offence under section 12 or 13 of the Criminal Justice (International Co-operation) Act 1990;”.
- (3) In section 21 (offences by bodies corporate) after the words “any offence under this Act” there shall be inserted the words “ or Part II of the Criminal Justice (International Co-operation) Act 1990 ”.

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Cross Heading: Supplementary. (See end of Document for details)*

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- (4) In section 23 (power to search and obtain evidence) after subsection (3) there shall be inserted—

“(3A) The powers conferred by subsection (1) above shall be exercisable also for the purposes of the execution of Part II of the Criminal Justice (International Co-operation) Act 1990 and subsection (3) above (excluding paragraph (a)) shall apply also to offences under section 12 or 13 of that Act, taking references in those provisions to controlled drugs as references to scheduled substances within the meaning of that Part.”

#### Commencement Information

**II** S. 23 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), **Schedule Pt. II**

#### Marginal Citations

**M1** 1971 c. 38.

### [<sup>F2</sup>23A <sup>F3</sup> Extension of certain offences to Crown servants and exemptions for regulators etc.

- (1) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, section 14(2) above shall apply to such persons in the public service of the Crown, or such categories of person in that service, as may be prescribed.
- (5) In this section—  
“the Crown” includes the Crown in right of Her Majesty’s Government in Northern Ireland; and  
“prescribed” means prescribed by regulations made by the Secretary of State.
- (6) The power to make regulations under this section shall be exercisable by statutory instrument.
- (7) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F2** S. 23A inserted (1.4.1994) by virtue of 1993 c. 36, s. 77, **Sch. 4 paras. 1, 5**; S.I. 1994/700, arts. 2, 3(1), **Sch.** (s. 23A being the same section as inserted in 1986 c. 32 as s. 36B but with the substitution of certain words in subsection (1) and the omission of subsections (2) to (4)).

**F3** S. 23A repealed (E.W.) (3.2.1995) by 1994 c. 37, ss. 67, 69(2), **Sch. 3** and repealed (N.I.) (25.8.1996) by S.I. 1996/1299 (N.I. 9), art. 57(3), **Sch. 5**

## 24 Interpretation of Part II.

- (1) In this Part of this Act—  
“British ship” means a ship registered in the United Kingdom or a colony;  
“Convention state” has the meaning given in section 19(1) above;  
“scheduled substance” has the meaning given in section 12(4) above;

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“ship” includes any vessel used in navigation;

“the territorial sea of the United Kingdom” includes the territorial sea adjacent to any of the Channel Islands, the Isle of Man or any colony;

“the Vienna Convention” means the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances which was signed in Vienna on 20th December 1988.

- (2) Any expression used in this Part of this Act which is also used in the [<sup>F4</sup>Drug Trafficking Act 1994] has the same meaning as in that Act [<sup>F5</sup>and, in section 22(1), “drug trafficking offences” includes drug trafficking offences within the meaning of the [<sup>F6</sup>Proceeds of Crime (Northern Ireland) Order 1996]].
- (3) In relation to Scotland, any expression used in this Part of this Act which is also used in the <sup>M2</sup>Criminal Justice (Scotland) Act 1987 has the same meaning as in that Act and “drug trafficking offence” means an offence to which section 1 of that Act relates.
- (4) If in any proceedings under this Part of this Act any question arises whether any country or territory is a state or is a party to the Vienna Convention, a certificate issued by or under the authority of the Secretary of State shall be conclusive evidence on that question.

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#### Textual Amendments

- F4** Words in s. 24(2) substituted (3.2.1995) by 1994 c. 37, ss. 65, 69(2), **Sch. 1 para. 28**.
- F5** Words inserted (N.I.) (1.7.1991) by S.I. 1990/2588, (N.I. 17), art. 38(1), Sch. 2 para. 8; S.R. 1991/220 (N.I.), art. 2
- F6** Words in s. 24(2) substituted (25.8.1996) by S.I. 1996/1299 (N.I. 9), art. 57(1), **Sch. 3 para. 15**.

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#### Modifications etc. (not altering text)

- C1** S. 24 extended (with modifications) (to Anguilla) (14.7.1994) by S.I. 1994/1635, art. 2, **Sch. 1**.

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#### Commencement Information

- I2** S. 24 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, **art. 2(b) Schedule Pt. II**

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#### Marginal Citations

- M2** 1987 c. 41.

**Changes to legislation:**

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