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STATUTORY INSTRUMENTS

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**1989 No. 485**

**The Drug Trafficking Offences Act 1986  
(United States of America) Order 1989**

**Title and commencement**

1. This Order may be cited as the Drug Trafficking Offences Act 1986 (United States of America) Order 1989 and shall come into force on the fourteenth day following the date of making of this Order.

**Interpretation**

2. In this Order—

“the Act” means the Drug Trafficking Offences Act 1986;

“a court of the United States of America” means a court of the United States of America or of any of its states or territories.

**Designation of and application of the Act to the United States of America**

3.—(1) The United States of America is hereby designated for the purposes of sections 26 and 26A of the Act.

(2) The Act shall apply, subject to the modifications set out in Schedule 1 to this Order, in relation to an external confiscation order made by a court of the United States of America and to proceedings which have been or are to be instituted in the United States of America and which may result in an external confiscation order being made there, and, accordingly, in relation to such orders and such proceedings, the Act shall have effect as set out in Schedule 2 to this Order.

**Orders made in the United States of America**

4. For the purposes of section 26 of the Act, and of the Act as applied under article 3 above, in any proceedings in the High Court a certificate issued by or on behalf of the Attorney General of the United States of America stating either—

(a) that an order (however described) made by a court of the United States of America has the purpose of recovering payments or other rewards received in connection with drug trafficking or their value, or

(b) that proceedings have been instituted against a person in the United States of America and have not been concluded there,

shall be admissible as evidence of the facts so stated.

**Satisfaction of confiscation order in the United States of America**

5.—(1) Where—

(a) a confiscation order has been made under section 1 of the Act; and

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- (b) a request has been made by the Secretary of State for the assistance of the government of the United States of America in enforcing that order; and
- (c) in consequence of that request property is recovered in the United States of America which represents, directly or indirectly, proceeds of drug trafficking which were taken into account under section 2 of the Act by the court which made the confiscation order,

the amount payable under the confiscation order shall be treated as reduced by the value of property so recovered.

(2) For the purposes of paragraph (1) above a certificate issued by or on behalf of the Attorney General of the United States of America stating that property has been recovered there in consequence of a request by the Secretary of State and stating the value of the property so recovered shall be admissible as evidence of the facts so stated.

*G.I. de Deney*  
Clerk of the Privy Council