
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes the provision necessary for the operation in England and Wales of the provisions relating to the restraint and confiscation of proceeds of drug trafficking in the Agreement between the government of the United Kingdom and the government of the United States of America concerning the investigation of drug trafficking offences and the seizure and forfeiture of proceeds and instrumentalities of drug trafficking done at London on 9th February, 1988 (Cm. 340).

The Order provides that where property is liable to be recovered under an order made by a court in the United States of America for the purpose of recovering payments or other rewards received in connection with drug trafficking or their value it can be confiscated in England and Wales under the Drug Trafficking Offences Act 1986. It also provides, in Article 5, that the value of any property recovered in the United States of America in response to a request by the government of the United Kingdom for assistance in the enforcement of an order is to be treated as reducing the amount payable in England and Wales under a confiscation order made by the Crown Court.

Article 3 of the Order designates the United States of America for the purposes of enforcement of its confiscation orders, and applies the provisions of the Drug Trafficking Offences Act, with appropriate modifications, to confiscation orders of courts in the United States of America and proceedings which may lead to such an order being made. The modifications to the Act are set out in *Schedule 1* to the Order, and *Schedule 2* sets out in full that Act as so modified. *Article 4* makes provision for proof of the purpose of an order made in a court of the United States of America and of the fact that proceedings have been instituted against a person there.