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STATUTORY INSTRUMENTS

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**1993 No. 1791**

**CRIMINAL LAW, ENGLAND AND WALES  
CRIMINAL LAW, NORTHERN IRELAND**

The Criminal Justice (International Co-  
operation) Act 1990 (Enforcement of Overseas  
Forfeiture Orders) (Amendment) Order 1993

*Made* - - - - 20th July 1993

*Coming into force* - - 30th July 1993

At the Court at Buckingham Palace, the 20th day of July 1993

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 9 of the Criminal Justice (International Co-operation) Act 1990(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Amendment) Order 1993 and shall come into force on the tenth day after the day on which it is made.

(2) In this Order “the principal Order” means—

- (a) in relation to England and Wales, the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 1991(2) (“the England and Wales Order”); and
- (b) in relation to Northern Ireland, the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Northern Ireland) Order 1991(3) (“the Northern Ireland Order”).

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(1) 1990 c. 5.

(2) S.I. 1991/1463, amended by S.I. 1992/1721.

(3) S.I. 1991/1464, amended by S.I. 1992/1721.

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2. Schedule 1 to the principal Order (which defines the institution of proceedings for the purposes of article 2(5) of that Order) shall be amended as follows—

(a) after the entry relating to the Cayman Islands, there shall be inserted the following—

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“Ecuador	when a writ is issued by a judge initiating criminal proceedings”;
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(b) after the entry relating to Hong Kong, there shall be inserted the following—

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“India	(a) when information relating to commission of any crime is received by any law enforcement agency empowered to investigate such crime under the law for the time being in force and laid before a court of law;
	(b) when any allegation is made orally or in writing to a court of law that a person has committed an offence;
	(c) when a person is charged with an offence;
	(d) when any investigation or inquiry into the commission of any offence is directed by a court of law”;

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(c) after the entry relating to Montserrat, there shall be inserted the following—

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“Panama	when a person has been charged with an offence”;
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(d) after the entry relating to Saudi Arabia, there shall be inserted the following—

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“South Africa	(a) when a summons is issued in respect of an offence;
	(b) when a person is charged with an offence;
	(c) when a bill of indictment is preferred”.

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3.—(1) Article 2 of the principal Order shall be amended as follows—

(a) in the definition of “appropriate authority of a designated country” there shall be inserted after the words “Schedule 2” the words “or, as the case may be, Schedule 3”;

(b) following the definition of “drug trafficking offence” in that paragraph there shall be inserted the words ““offence to which this Order applies” means a drug trafficking offence or any offence corresponding or similar to an indictable offence to which Part VI of the Criminal Justice Act 1988 applies;”;

(c) in paragraph (5), there shall be inserted after sub-paragraph (a) the following—

“(aa) where no steps have been specified in relation thereto as mentioned in sub-paragraph (a) above, the defendant has been notified in writing in accordance with the laws of the designated country that the competent authorities of that country have begun proceedings against him in respect of an offence; or”;

and for the words “drug trafficking offence” in sub-paragraph (a) there shall be substituted “offence to which this Order applies”.

(2) In relation to the Northern Ireland Order, paragraph (1)(b) above shall have effect as if for the words “Part VI of the Criminal Justice Act 1988 applies” there were substituted the words “the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 applies, other than a drug trafficking offence”.

4. In article 3(1) of the principal Order, for the words “a drug trafficking offence” there shall be substituted “an offence to which this Order applies”.

5.—(1) For article 4 of the principal Order there shall be substituted the following provision—

“4. There are hereby designated for the purposes of section 9 of the 1990 Act—

- (a) for the purposes of the application of this Order to drug trafficking offences, each of the countries and territories specified in Schedule 2 to this Order;
- (b) for the purposes of the application of this Order to any other offence to which this Order applies, each of the countries and territories specified in Schedule 3 to this Order.”

and as the heading to the said Schedule 2 there shall be inserted the words “DESIGNATED COUNTRIES—DRUG TRAFFICKING OFFENCES”.

(2) There shall be inserted in Schedule 2 to the principal Order at the appropriate places in alphabetical order the entries for the countries and territories specified in Schedule 1 to this Order (including where so specified the appropriate authority for a country or territory) and there shall be removed from the said Schedule 2 the entries for Hungary and the Union of Soviet Socialist Republics (including the Byelorussian Soviet Socialist Republic); and opposite the entry for Ecuador there shall be inserted the following entry: “Consejo Nacional de Control de Sustancias Estupefacientes y Psicótropicas (CONSEP)”.

(3) There shall be inserted as Schedule 3 to the principal Order the Schedule set out in Schedule 2 to this Order.

6. In paragraph (1) of article 12 of the principal Order (evidence in relation to proceedings in a designated country) there shall be inserted after sub-paragraph (a) the following sub-paragraph—

“(aa) in a case to which article 2(5) (aa) above applies, that the defendant has been notified as specified in that sub-paragraph;”

and in sub-paragraph (e) of the said article 12(1) there shall be substituted for the words “a drug trafficking offence” the words “an offence to which this Order applies”.

*N.H. Nicholls*  
Clerk of the Privy Council

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SCHEDULE 1

Article 5(2)

DESIGNATED COUNTRIES—DRUG TRAFFICKING OFFENCES

Designated country	Appropriate authority
Antigua and Barbuda	
Belarus	
Bulgaria	
Burkina Faso	
Burundi	
Denmark	
Fiji	
Iran	
Japan	
Kenya	
Luxembourg	
Morocco	
Niger	
Panama	The Ministry of Government and Justice
Romania	
The Russian Federation	
Slovenia	
South Africa	The Department of Foreign Affairs
Suriname	
Ukraine	

SCHEDULE 2

Article 5(3)

“SCHEDULE 3

DESIGNATED COUNTRIES—OTHER OFFENCES

Designated country	Appropriate authority
Canada	The Minister of Justice or officials designated by that Minister
India	The Ministry of Home Affairs
Italy	The Ministry of Justice
Nigeria	The Attorney General of the Federation of the Republic of Nigeria

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Designated country	Appropriate authority
Sweden	The Ministry for Foreign Affairs”

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### EXPLANATORY NOTE

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

This Order amends the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 1991 (S.I.1991/1463) and the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Northern Ireland) Order 1991 (S.I. 1991/1464). These provide for the enforcement in England and Wales and Northern Ireland of orders made by a court in a designated country or territory for the forfeiture and destruction or other disposal of property used in connection with the commission of a drug trafficking offence. The powers in each of the 1991 Orders also apply to proceedings which have been or are to be instituted in a designated country or territory and may result in such an order being made there. Article 3(b) extends the provision made by those Orders to offences corresponding to indictable offences to which Part VI of the Criminal Justice Act 1988 (c. 33) applies (i.e. all other indictable offences except offences under Part III of the Prevention of Terrorism (Temporary Provisions) Act 1989) and corresponding offences under the law of Northern Ireland.

As well as amendments in respect of the countries and territories to which the 1991 Orders apply, the Order provides by articles 3(1)(c) and 6 for definition and certification of the institution of proceedings in a designated country.