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STATUTORY INSTRUMENTS

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**1993 No. 3147**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice Act 1988 (Designated Countries and Territories) (Amendment) (No. 2) Order 1993**

*Made - - - - 16th December 1993*  
*Laid before Parliament 10th January 1994*  
*Coming into force - - 1st February 1994*

At the Court at Buckingham Palace, the 16th day of December 1993

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 96 of the Criminal Justice Act 1988(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 Act 1988 (Designated Countries and Territories) (Amendment) (No. 2) Order 1993 and shall come into force on 1st February 1994.

(2) This Order extends to England and Wales only.

(3) In this Order “the Act” means the Criminal Justice Act 1988 and “the principal Order” means the Criminal Justice Act 1988 (Designated Countries and Territories) Order 1991(2).

2. There shall be inserted in Schedule 1 to the principal Order, at the appropriate places in alphabetical order, the entries for those countries specified in the Schedule to this Order.

3. The Appendix set out at the end of paragraph 21(f) of Schedule 2 to the principal Order (institution of proceedings) shall be amended as follows—

(a) after the entry for India, there shall be inserted the following entry—

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“Isle of Man

(a) where a justice of the peace issues a summons under section 13 of the Petty Sessions and Summary Jurisdiction Act

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(1) 1988 c. 33; section 96 was amended by section 21 of the Criminal Justice Act 1993 (c. 36).

(2) S.I. 1991/2873, as amended by S.I. 1993/1790.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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1927, when the complaint in relation to the offence is made to him;

- (b) where a justice of the peace issues a warrant for the arrest of any person under that section, when the complaint in relation to the offence is made to him;
- (c) where a person is charged with the offence after being taken into custody without a warrant, when he is taken into custody;
- (d) where an information is preferred by the Attorney General in a case where there have been no committal proceedings, when the information is lodged in the General Registry in accordance with section 4(1) of the Criminal Code Amendment Act 1917.”;

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(b) after the entry for Italy, there shall be inserted the following entry—

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“Netherlands

- (a) when a pre-trial financial investigation has been initiated;
- (b) when the provisional measure has been ordered by an investigating magistrate;
- (c) when a public prosecutor has requested a pre-trial criminal investigation by an investigating magistrate to be instituted;
- (d) when a public prosecutor has laid an indictment.”;

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(c) after the entry for Sweden, there shall be inserted the following entry—

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“Switzerland

when proceedings for an offence are brought before an examining magistrate.”.

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4. Like amendments to those described in article 3(a) to (c) above, shall be made to the Appendix to section 102 of the Act as set out in Schedule 3 to the principal Order.

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

SCHEDULE

Article 2

DESIGNATED COUNTRIES

Designated country	Appropriate authority
Bulgaria	
Isle of Man	Her Majesty's Attorney General for the Isle of Man
Netherlands	Afdeling Internationale Rechtshulp
Switzerland	Office federal de la police

**EXPLANATORY NOTE**

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

This Order amends the Criminal Justice Act 1988 (Designated Countries and Territories) Order 1991 (S.I.1991/2873) ("the principal Order") which provides that, subject to certain modifications, Part VI of the Criminal Justice Act 1988 applies to an order made by a court in a designated country or territory for the purposes of recovering property obtained as a result of or in connection with conduct corresponding to an offence to which Part VI of the Act applies, recovering the value of property so obtained or depriving a person of a pecuniary advantage so obtained.

This Order makes amendments in respect of the countries and territories to which the principal Order applies.