
STATUTORY INSTRUMENTS

1993 No. 3156 (S.305)

CRIMINAL LAW, SCOTLAND

**The Confiscation of the Proceeds of Drug
Trafficking (Designated Countries and Territories)
(Scotland) 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 30 of the Criminal Justice (Scotland) Act 1987⁽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 Confiscation of the Proceeds of Drug Trafficking (Designated Countries and Territories) (Scotland) Amendment (No.2) Order 1993 and shall come into force on 1st February 1994.

(2) In this Order “the Act” means the Criminal Justice (Scotland) Act 1987 and “the principal Order” means the Confiscation of the Proceeds of Drug Trafficking (Designated Countries and Territories) (Scotland) Order 1991⁽²⁾.

2. Schedule 1 to the principal Order shall be amended as follows:—

- (a) by inserting, in the appropriate alphabetical position, the entries for those countries and territories specified in the Schedule to this Order (including where so specified the appropriate authority for a country or territory);
- (b) by deleting the entry specifying the appropriate authority for Switzerland; and
- (c) by inserting, opposite the entry for Switzerland, the following entry;
“Office federal de la police”.

(1) 1987 c. 41; section 30 was substituted by section 63 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), and amended by section 21 of the Criminal Justice Act 1993 (c. 36).

(2) S.I. 1991/1467, amended by S.I. 1992/1733 and 1993/1806.

Status: This is the original version (as it was originally made).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

3. The Appendix set out at the end of Schedule 3 to the principal Order (which defines when proceedings are instituted for the purposes of section 47(5)(a)(i) of the Act as modified by article 3(2) of and Schedule 2 to the principal Order) shall be amended by inserting, after the entry relating to Montserrat, the following:–

“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”.

N.H. Nicholls
Clerk of the Privy Council

SCHEDULE

Article 2

DESIGNATED COUNTRIES

<i>Designated Country</i>	<i>Appropriate Authority</i>
Armenia	
Azerbaijan	
Bosnia and Herzegovina	
Brunei	
Colombia	The Fiscalia General de la Nacion
Croatia	
Dominica	
Dominican Republic	
El Salvador	
Macedonia	
Mauritania	
Netherlands	Afdeling Internationale Rechtshulp
Slovakia	
Zambia	
Zimbabwe	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Confiscation of the Proceeds of Drug Trafficking (Designated Countries and Territories) (Scotland) Order 1991 (S.I.1991/1467) (“the principal Order”) which provides that, subject to certain modifications, the Criminal Justice (Scotland) Act 1987 applies to an order made by a court in a designated country or territory for the purpose of recovering payments or other rewards received in connection with drug trafficking or their value, and 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. This Order makes amendments in respect of the countries and territories to which the principal Order applies.