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STATUTORY INSTRUMENTS

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**1994 No. 1639**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice Act 1988 (Designated Countries and Territories) (Amendment) Order 1994**

*Made* - - - - - *22nd June 1994*  
*Laid before Parliament* *4th July 1994*  
*Coming into force* - - - *1st August 1994*

At the Court at Buckingham Palace, the 22nd day of June 1994

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) Order 1994 and shall come into force on 1st August 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. In article 2 of the principal Order for the definition of “appropriate authority of a designated country” there shall be substituted the following definition—

““appropriate authority of a designated country” means—

- (a) the authority specified opposite that country in Schedule 1 to this Order, or
- (b) where no authority is so specified, the authority appearing to the court to be the appropriate authority of that country for the purposes of this Order;”.

3. After article 5 of the principal Order there shall be inserted the following article:

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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 and S.I. 1993/3147.

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**Status:** This is the original version (as it was originally made).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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**“Certificate as to appropriate authority of a designated country**

**5A.** Where in relation to any designated country no authority is specified in Schedule 1 to this Order, a certificate made by the Secretary of State to the effect that the authority specified therein is the appropriate authority for the purposes of this Order shall be sufficient evidence of that fact.”

**4.** There shall be inserted in Schedule 1 to the principal Order, after the entry for Switzerland, the entry for the United States of America (including the appropriate authority) specified in the Schedule to this Order.

**5.** There shall be inserted in the Appendix set out at the end of paragraph 21(f) of Schedule 2 to the principal Order (institution of proceedings), after the entry for Switzerland, the following entry—

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“United States of America	when an indictment, information or complaint has been filed against a person in respect of an offence”
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**6.** A like amendment to that described in article 5 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 4

DESIGNATED COUNTRIES

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Designated country	Appropriate authority
United States of America	The Attorney General of the United States of America

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**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.

Article 2 of this Order provides for the court to determine the appropriate authority for a designated country or territory where no such authority is specified, and article 3 of this Order enables evidence as to the appropriate authority to be given by means of a certificate made by the Secretary of State. This Order also adds the United States of America to the countries and territories to which the principal Order applies.