
STATUTORY INSTRUMENTS

1995 No. 1968

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice Act 1988 (Enforcement of
Northern Ireland Confiscation Orders) Order 1995**

Made - - - - *26th July 1995*
Laid before Parliament *7th August 1995*
Coming into force - - *1st September 1995*

Her Majesty, in exercise of the powers conferred upon Her by section 94 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 (Enforcement of Northern Ireland Confiscation Orders) Order 1995 and shall come into force on 1st September 1995.

(2) In this Order, “the Act” means the Criminal Justice Act 1988, “the Northern Ireland Order” means the Criminal Justice (Confiscation) (Northern Ireland) Order 1990(2) and “Northern Ireland confiscation order” means an order made by a court in Northern Ireland under Article 4 of the Northern Ireland Order (confiscation of proceeds of offences other than drug trafficking offences).

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

2.—(1) For the purposes of sections 76 to 88 of the Act (which make provision in connection with the enforcement of confiscation orders made in England and Wales), Part VI of the Act (confiscation of the proceeds of an offence) shall have effect as if—

- (a) references to confiscation orders included a reference to Northern Ireland confiscation orders;
- (b) references to proceedings in England and Wales or to the institution or conclusion in England and Wales of proceedings included a reference to proceedings in Northern Ireland or to the institution or conclusion in Northern Ireland of proceedings, as the case may be;
- (c) the references to the laying of an information in section 76(2) and (4) included references to making a complaint under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981(3);
- (d) subsections (3) to (10) of section 81 were omitted; and

(1) 1988 c. 33; section 94 was amended by sections 21(3)(e) and 34(1) of the Criminal Justice Act 1993 (c. 36).

(2) S.I.1990/2588 (N.I.17); this Order was amended by the Criminal Justice (Confiscation) (Northern Ireland) Order (S.I. 1993/3146 (N.I.13)).

(3) S.I. 1981/1675 (N.I.26).

(e) any sums in the hands of a receiver which are to be applied on the defendant's behalf towards the satisfaction of the confiscation order were required to be paid to the proper officer as defined in Article 18(10) of the Northern Ireland Order.

(2) Section 18 of the Civil Jurisdiction and Judgments Act 1982 (enforcement of United Kingdom judgments in other parts of the United Kingdom)⁽⁴⁾ shall not apply as respects the enforcement in England and Wales of orders made by the High Court in Northern Ireland under the Northern Ireland Order in relation to offences other than drug trafficking offences made on or after the date on which this Order comes into force.

3. A document purporting to be a copy of an order made by a court in Northern Ireland under or for the purposes of the Northern Ireland Order and to be certified as such by a proper officer of the court by which such order was made shall, in England and Wales, be received in evidence without further proof for the purposes of proceedings under Part VI of the Act as it has effect by virtue of this Order.

N. H. Nicholls
Clerk of the Privy Council

(4) 1982 c. 27.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in connection with the enforcement in England and Wales of confiscation orders made in Northern Ireland under Article 4 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 (confiscation of proceeds of offences other than drug trafficking offences).

By virtue of Article 1(1) this Order comes into force on 1st September 1995.