
STATUTORY INSTRUMENTS

1996 No. 2878

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Amendment) Order 1996

Made - - - - *19th November 1996*
Laid before Parliament *29th November 1996*
Coming into force - - *1st January 1997*

At the Court at Buckingham Palace, the 19th day of November 1996
Present,
The Queen's Most Excellent Majesty in Council

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 1996 and shall come into force on 1st January 1997.

(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); 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).

2. In article 12(1)(e) of the principal Order, after the word “made” there shall be inserted the words “or to be made”.

3. 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—

(1) 1990 c. 5; section 9 was amended by section 21 of the Criminal Justice Act 1993 (c. 36) and by section 14 of the Proceeds of Crime Act 1995 (c. 11).
(2) S.I. 1991/1463, amended by S.I. 1992/1721, 1993/1791, 1993/3148 and 1994/1640.
(3) S.I. 1991/1464, amended by S.I. 1992/1721, 1993/1791, 1993/3148 and 1994/1640.

Status: This is the original version (as it was originally made).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

- (a) after the entry relating to Bermuda there shall be inserted the following—

“Bolivia	when a warrant is issued by a competent judge or an order to institute proceedings, containing the preventive annotation of property liable to registration or the bank deposit of the monies, assets and property of the accused;”
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- (b) after the entry relating to the Cayman Islands, there shall be inserted the following—

“Chile	when an application for a decision from the competent judicial authority is made;”
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- (c) after the entry relating to Gibraltar, there shall be inserted the following—

“Grenada	<ul style="list-style-type: none"> (a) when an information is laid before a justice of the peace; (b) when a person is charged with an offence; (c) when a bill of indictment is preferred;”
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- (d) after the entry relating to Panama, there shall be inserted the following—

“Paraguay	when a judge orders the restraint of property and a preventative detention order is made
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Romania	<ul style="list-style-type: none"> (a) when the start of a penal pursuit is ordered; (b) when penal proceedings start in respect of an offender;”
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- (e) after the entry relating to Switzerland, there shall be inserted the following—

“Thailand	when a court or the Asset Examination Committee issues a restraint order
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Ukraine	when a criminal case is brought;”
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- (f) the entry relating to United Mexican States shall be deleted and replaced by the following—

“United Mexican States	<ul style="list-style-type: none"> (a) when criminal proceedings are instituted by a judicial authority; (b) when the Ministerio Publico has established that there is probable cause to suspect that a person has committed an offence.”
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4. Schedule 2 to the principal Order shall be amended as follows:
 - (a) there shall be inserted at the appropriate places in alphabetical order, the entries for the countries and territories specified in Schedule 1 to this Order (including, in the case of Thailand, the appropriate authority specified);
 - (b) the entries for Macedonia and Yugoslavia shall be deleted; and
 - (c) in respect of the countries and territories listed in Schedule 2 to this Order (being countries and territories already designated under Schedule 2 to the principal Order) there shall be inserted, opposite the entries in Schedule 2 to the principal Order the appropriate authorities specified in Schedule 2 to this Order.
5. Schedule 3 to the principal Order shall be amended by the insertion at the appropriate places in alphabetical order of the entries for the countries and territories specified in Schedule 3 to this Order (including where so specified the appropriate authority for a country or territory).

N. H. Nicholls
Clerk of the Privy Council

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SCHEDULE 1

Article 4

DESIGNATED COUNTRIES—DRUG TRAFFICKING OFFENCES

<i>Designated Country</i>	<i>Appropriate Authority</i>
Algeria	
Belgium	
Belize	
Cape Verde	
Chad	
Cuba	
Ethiopia	
Gambia	
Guinea-Bissau	
Haiti	
Jamaica	
Kyrgyzstan	
Lesotho	
Lithuania	
Macedonia, The former Yugoslav Republic of	
Malawi	
Mali	
Malta	
Moldova	
Norway	
Poland	
Saint Kitts and Nevis	
Saint Lucia	
Saint Vincent and the Grenadines	
Sao Tome and Principe	
Sierra Leone	
Swaziland	
Tajikistan	
Thailand	The Attorney General or a person designated by him
Trinidad and Tobago	
Turkey	

<i>Designated Country</i>	<i>Appropriate Authority</i>
Turkmenistan	
Turks and Caicos Islands	
Uzbekistan	
Yemen	
Yugoslavia, The Federal Republic of	

SCHEDULE 2

Article 4

COUNTRIES PREVIOUSLY DESIGNATED—DRUG TRAFFICKING
OFFENCES INSERTION OF APPROPRIATE AUTHORITY

<i>Designated Country</i>	<i>Appropriate Authority</i>
Bolivia	Secretaria Nacional de Defensa Social del Ministerio de Gobierno
Chile	Ministerio del Interior
Grenada	The Ministry of External Affairs
Paraguay	National Anti-Drugs Secretariat of the Presidency of the Republic (SENAD)
Romania	The Ministry of the Interior and the Ministry of Justice
Ukraine	The Office of the General Prosecutor and the Ministry of Justice

SCHEDULE 3

Article 5

DESIGNATED COUNTRIES—OTHER OFFENCES

<i>Designated Country</i>	<i>Appropriate Authority</i>
Finland	
Lithuania	
Norway	
Romania	The Ministry of the Interior and the Ministry of Justice
Thailand	The Attorney General or a person designated by him
Ukraine	The Office of the General Prosecutor and the Ministry of Justice
United Mexican States	The Office of the Attorney General

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on 1st January 1997, 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 or intended to be 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. The orders were extended by the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Amendment) Order 1993 (S.I. 1993/1791) to include offences corresponding to indictable offences to which Part VI of the Criminal Justice Act 1988 (c. 33) applies and corresponding offences under the law of Northern Ireland.

This Order makes amendments in respect of the countries and territories to which the 1991 Orders apply. The further countries and territories designated for drug trafficking offences are listed in Schedule 1 and those designated for other offences are listed at Schedule 3. Article 4(b) and Schedule 2 inserts the “appropriate authority” in respect of countries previously designated for drug trafficking offences.

Article 2 of the Order also amends article 12(1)(e) of the 1991 Orders. The effect of this amendment is that a certificate issued by or on behalf of an appropriate authority of a designated country, which states that an order to be made by a court in that country will be for the forfeiture and destruction or the forfeiture and other disposal of anything in respect of which an offence has been committed or which was used in connection with the commission of such an offence, shall, in proceedings in the High Court, be admissible as evidence of the facts stated.