

SCHEDULE 2

MODIFICATIONS OF THE DRUG TRAFFICKING ACT 1994

12. After section 28 there shall be inserted the following section:

“Applications for restraint and charging orders

28A. Notwithstanding anything in rule 3(2) of Order 115 of the Rules of the Supreme Court 1965⁽¹⁾, an application under section 26(4) or 27(3) of this Act shall be supported by an affidavit which shall—

- (a) state, where applicable, the grounds for believing that an external confiscation order may be made in the proceedings instituted or to be instituted in the designated country concerned;
- (b) to the best of the deponent’s ability, give particulars of the realisable property in respect of which the order is sought and specify the person or persons holding such property;
- (c) in a case to which section 25(3) of this Act applies, indicate when it is intended that proceedings should be instituted in the designated country concerned,

and the affidavit may, unless the court otherwise directs, contain statements of information or belief with the sources and grounds thereof.”

(1) Order 115 was inserted by R.S.C. (Amendment No. 3) 1986 (S.I. 1986/2289), and rule 3 was amended by R.S.C. (Amendment No. 2) 1989 (S.I. 1989/386).