
STATUTORY INSTRUMENTS

1997 No. 2976

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 1988 (Designated Countries and Territories) (Amendment) (No. 2) Order 1997

Made - - - - *17th December 1997*
Laid before Parliament *5th January 1998*
Coming into force - - *1st February 1998*

At the Court at Buckingham Palace, the 17th day of December 1997

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) (No. 2) Order 1997 and shall come into force on 1st February 1998.

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

(3) In this Order “the principal Order” means the Criminal Justice Act 1988 (Designated Countries and Territories) Order 1991(2).

2. There shall be inserted in Schedule 1 to the principal Order, at the appropriate places in alphabetical order, the entries for those countries specified in the Schedule to this Order.

3. The Appendix set out at the end of paragraph 21(i) of Schedule 2 to the principal Order (institution of proceedings) shall be amended as follows—

(a) after the entry for Antigua and Barbuda, there shall be inserted the following entry—

“Australia

when an information or a complaint has been laid before a justice of the peace or a magistrate, or a person has been charged

(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, 1993/3147, 1994/1639, 1996/278, 1996/2877 and 1997/1316.

Status: This is the original version (as it was originally made).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

with an offence, or an indictment or a presentment has been preferred”;

(b) the entry relating to the Isle of Man shall be deleted and replaced by the following—

“Isle of Man

- (a) where a justice of the peace issues a summons under section 4 of the Summary Jurisdiction Act 1989, when the complaint in relation to the offence is made to him;
- (b) where a justice of the peace issues a warrant for the arrest of any person under that section, when the complaint in relation to the offence is made to him;
- (c) where a person is charged with the offence after being taken into custody without a warrant, when he is taken into custody;
- (d) where an information is preferred by the Attorney General in a case where there have been no committal proceedings, when the information is lodged in the General Registry in accordance with section 4(1) of the Criminal Code Amendment Act 1917”.

4. A like amendment to that in article 3 above shall be made to the Appendix to section 102 of the Criminal Justice Act 1988 as set out in Schedule 3 to the principal Order.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULE

Article 2

<i>Designated Country</i>	<i>Appropriate Authority</i>
Australia	The Attorney General's Department
Austria	

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 purpose of recovery of 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 and the Schedule add to the list of countries to which the principal Order applies. Article 3 amends the Appendix set out at the end of paragraph 21(i) of Schedule 2 to the principal Order so that the point of institution of proceedings for Australia is included and that for the Isle of Man is revised. Article 4 makes the like amendments to article 3 in respect of the Appendix to section 102 of the 1988 Act set out in Schedule 3 to the principal Order.