

SCHEDULES

SCHEDULE 4

Article 57(2).

TRANSITIONAL PROVISIONS AND SAVINGS

1.—(1) Part II and Article 54 shall not apply—

(a) in relation to any proceedings for, or in respect of, an offence—

(i) in the case of a drug trafficking offence, if the person accused (or, as the case may be, convicted) of that offence was charged with the offence (whether by the making of a complaint or otherwise) before the date on which this Order comes into operation, or

(ii) in the case of any other offence, if that offence was committed before that date, or

(b) in relation to any proceedings not within head (a) instituted before that date,

and references in this sub-paragraph to proceedings include a reference to any order made by a court in the proceedings.

(2) Accordingly the relevant statutory provisions shall continue to apply in relation to any proceedings within sub-paragraph (1)(a) or (b) (and, in particular, in relation to any confiscation order, within the meaning of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990, made in any such proceedings) as if this Order had not been made.

(3) In sub-paragraph (2) “the relevant statutory provisions” are—

(a) Articles 2 to 28 and 34 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990,

(b) any statutory provision amended by this Order.

(4) Sub-paragraph (1) is without prejudice to Article 6(4), 10(6), 31(4) or 34(7).

(5) Nothing in Article 9 or 24(3) or (4) shall apply to any proceedings—

(a) for an offence committed before this Order comes into operation; or

(b) for one or more offences, any one of which was so committed.

2. In any case in which a petition in bankruptcy was presented, or an adjudication in bankruptcy was made, before 1st October 1991 (the date on which the Insolvency (Northern Ireland) Order 1989 came into operation), Article 37 shall have effect with the following modifications—

(a) for references to the bankrupt’s estate for the purposes of Part IX of that Order there shall be substituted references to the property of the bankrupt for the purposes of the Bankruptcy Acts (Northern Ireland) 1857 to 1980;

(b) paragraph (2)(b) shall be omitted;

(c) for the reference in paragraph (2)(c) to Article 254(2)(c) of that Order there shall be substituted a reference to Articles 28(4), (5)(c) and (11) and 30(6)(c) of the Bankruptcy Amendment (Northern Ireland) Order 1980;

(d) for the reference in paragraph (3) to that Order there shall be substituted a reference to the Bankruptcy Acts (Northern Ireland) 1857 to 1980;

Status: This is the original version (as it was originally made).

- (e) for the reference in paragraph (5) to an interim receiver appointed under Article 259 of that Order there shall be substituted a reference to a receiver or manager appointed under section 68 of the Bankruptcy (Ireland) Amendment Act 1872; and
 - (f) for the references in paragraph (6) to Articles 312 and 367 of that Order there shall be respectively substituted references to section 12 of the Bankruptcy Amendment Act (Northern Ireland) 1929 and section 10 of the Conveyancing Act (Ireland) 1634.
- 3.** In any case in which a winding up of a company has commenced, or is treated as having commenced, before 1st October 1991 (the date on which the Insolvency (Northern Ireland) Order 1989 came into operation), Article 38 shall have effect with the substitution for references to that Order of references to the Companies (Northern Ireland) Order 1986.
- 4.** The provisions in this Schedule shall have effect without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954.