

SCHEDULES

SCHEDULE 4

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.