



Drug Trafficking Offences Act 1986

1986 CHAPTER 32

Enforcement of external orders

25 Enforcement of Northern Ireland orders

- (1) Her Majesty may by Order in Council provide that, for the purposes of sections 7 to 19 of this Act, this Act shall have effect as if—
 - (a) references to confiscation orders included a reference to orders made by courts in Northern Ireland which appear to Her Majesty to correspond to confiscation orders,
 - (b) references to drug trafficking offences included a reference to any offence under the law of Northern Ireland (not being a drug trafficking offence) which appears to Her Majesty to correspond to such an offence,
 - (c) references to proceedings in England and Wales or to the institution or conclusion in England and Wales of proceedings included a reference to proceedings in Northern Ireland or to the institution or conclusion in Northern Ireland of proceedings, as the case may be, and
 - (d) references to the laying of an information or the issue of a summons or warrant under section 1 of the Magistrates' Courts Act 1980 included a reference to making a complaint or issuing a summons or warrant (as the case may be) under Article 20 of the Magistrates* Courts (Northern Ireland) Order 1981.
- (2) An Order in Council under this section may provide for those sections to have effect in relation to anything done or to be done in Northern Ireland subject to such further modifications as may be specified in the order.
- (3) An Order in Council varying or revoking a previous Order in Council under this section may contain such incidental, consequential and transitional provisions as Her Majesty considers expedient.
- (4) An Order in Council under this section shall not be made unless a draft of the order has been laid before Parliament and approved by resolution of each House of Parliament.

26 Enforcement of other external orders

- (1) Her Majesty may by Order in Council apply this section to any order made after the Order in Council comes into force by a court of a country or territory outside the United Kingdom, being an order—
 - (a) of a description specified in the Order in Council, and
 - (b) made for the purpose of recovering payments or other rewards received in connection with drug trafficking or their value.
- (2) An order to which this section applies is referred to below in this section as an "external confiscation order"; and in this section "designated country" means a country or territory outside the United Kingdom designated by an Order in Council under this section.
- (3) The High Court may, on an application by or on behalf of the government of a designated country, register an external confiscation order made there, subject to subsection (4) below.
- (4) The High Court shall not register an external confiscation order unless—
 - (a) the court is satisfied that at the time of registration the order is in force in the designated country and is not subject to appeal in the designated country,
 - (b) the court is satisfied, where the person against whom the order is made did not appear in the proceedings, that he received notice of the proceedings in sufficient time to enable him to defend them, and
 - (c) the court is of the opinion that enforcing the order in England and Wales would not be contrary to the interests of justice.
- (5) The High Court shall cancel the registration of an external confiscation order if it appears to the court that the order has been satisfied (whether by payment of the amount due under the order, by the person against whom the order is made serving imprisonment in default or otherwise).
- (6) In relation to an external confiscation order registered under this section, sections 8 to 18 of this Act shall have effect subject to such modifications as may be specified in an Order in Council under this section as they have effect in relation to a confiscation order.
- (7) In subsection (4) above, "appeal" includes any proceedings by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution.
- (8) In any case where the High Court is satisfied, on an application by or on behalf of the government of a designated country, that proceedings which might result in an external confiscation order being made against a person have been instituted in the designated country and have not been concluded, sections 8 to 10 of this Act shall have effect in relation to those proceedings—
 - (a) as they would have effect in relation to proceedings instituted in England and Wales against that person for a drug trafficking offence which have not been concluded, and
 - (b) as if references to a confiscation order were references to an external confiscation order and references to an application by the prosecutor were references to an application by or on behalf of that government, and
 - (c) subject to such other modifications as may be specified in an Order in Council under this section.

- (9) An Order in Council under this section may include such provision—
 - (a) as to evidence or proof of any matter for the purposes of this section, and
 - (b) as to the circumstances in which proceedings are to be treated for those purposes as instituted or concluded in any designated country,as Her Majesty considers expedient.
- (10) An Order in Council varying or revoking a previous Order in Council under this section may contain such incidental, consequential and transitional provisions as Her Majesty considers expedient.
- (11) An Order in Council under this section shall not be made unless a draft of the order has been laid before Parliament and approved by resolution of each House of Parliament.