



Criminal Justice (International Co-operation) Act 1990

1990 CHAPTER 5

PART II

THE VIENNA CONVENTION

Proceeds of drug trafficking

16 Increase in realisable property.

- (1) This section has effect where by virtue of section 4(3) of the ^{M1}Drug Trafficking Offences Act 1986 (insufficient realisable property) the amount which a person is ordered to pay by a confiscation order is less than the amount assessed to be the value of his proceeds of drug trafficking.
- (2) If, on an application made in accordance with subsection (3) below, the High Court is satisfied that the amount that might be realised in the case of the person in question is greater than the amount taken into account in making the confiscation order (whether it was greater than was thought when the order was made or has subsequently increased) the court shall issue a certificate to that effect, giving the court's reasons.
- (3) An application under subsection (2) above may be made either by the prosecutor or by a receiver appointed under the said Act of 1986 in relation to the realisable property of the person in question.
- (4) Where a certificate has been issued under subsection (2) above the prosecutor may apply to the Crown Court for an increase in the amount to be recovered under the confiscation order; and on that application the court may—
 - (a) substitute for that amount such amount (not exceeding the amount assessed as the value referred to in subsection (1) above) as appears to the court to be appropriate having regard to the amount now shown to be realisable; and
 - (b) increase the term of imprisonment or detention fixed in respect of the confiscation order under subsection (2) of section 31 of the ^{M2}Powers of

Status: Point in time view as at 01/07/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Section 16. (See end of Document for details)

Criminal Courts Act 1973 (imprisonment in default of payment) if the effect of the substitution is to increase the maximum period applicable in relation to the order under subsection (3A) of that section.

Modifications etc. (not altering text)

C1 S. 16 extended (with modifications) (to Anguilla) (14.7.1994) by S.I. 1994/1635, art.2, **Sch. 1**.

Commencement Information

II S. 16 wholly in force at 1.7.1991 see s. 32(2) and S.I. 1991/1072, art. 2(b), **Schedule Pt. II**

Marginal Citations

M1 1986 c. 32.

M2 1973 c. 62.

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