
STATUTORY INSTRUMENTS

1995 No. 3145

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice Act 1988
(Confiscation Orders) Order 1995**

Made - - - - *5th December 1995*
Laid before Parliament *11th December 1995*
Coming into force - - *1st January 1996*

In the exercise of the powers conferred upon me by paragraph 1 of Part II of Schedule 4 to the Criminal Justice Act 1988(1), I hereby make the following Order:

1. This Order may be cited as the Criminal Justice Act 1988 (Confiscation Orders) Order 1995 and shall come into force on 1st January 1996.

2. Part I of Schedule 4 to the Criminal Justice Act 1988 (offences in respect of which magistrates' courts may make confiscation orders)(2) shall be amended by the addition to the offences there listed of the following offences —

- (a) an offence under section 107(1), (2) or (3) of the Copyright, Designs and Patents Act 1988(3);
- (b) an offence under section 198(1) or (2) of the Copyright, Designs and Patents Act 1988;
- (c) an offence under section 92(1), (2) or (3) of the Trade Marks Act 1994(4).

3. Accordingly, the table of offences set out in Part I of Schedule 4 to the Criminal Justice Act 1988(5) is amended by the addition, at the end, of the following:

“COPYRIGHT, DESIGNS AND PATENTS
ACT 1988 (c. 48)

Section 107(1), (2) and (3)	Criminal liability for making or dealing with infringing articles &c.
Section 198(1) and (2)	Criminal liability for making, dealing with or using illicit recordings.

(1) 1988 c. 33.

(2) Part I of Schedule 4 was amended by the Criminal Justice Act 1988 (Confiscation Orders) Order 1990, S.I.1990/1570.

(3) 1988 c. 48.

(4) 1994 c. 26.

(5) The table of offences was substituted by article 3 of the Criminal Justice Act 1988 (Confiscation Orders) Order 1990.

Status: This is the original version (as it was originally made).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

TRADE MARKS ACT 1994 (c. 26)

Section 92(1), (2) and (3)

Offences relating to the unauthorised use of trade marks, &c. in relation to goods.”

4. The amendments made by article 2 above do not apply in relation to offences committed before the day on which this Order comes into force.

Home Office
5th December 1995

Michael Howard
One of Her Majesty's Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part I of Schedule 4 to the Criminal Justice Act 1988 to add certain offences to the offences listed there in respect of which magistrates' courts may make confiscation orders under Part VI of that Act. The added offences are offences under sections 107 and 198 of the Copyright, Designs and Patents Act 1988 and section 92 of the Trade Marks Act 1994. By virtue of article 4, a magistrates' court may only make a confiscation order in relation to the offences listed in article 2 where those offences are committed on or after the day on which this Order enters into force.