
STATUTORY INSTRUMENTS

1998 No. 752

**The Proceeds of Crime (Scotland) Act 1995
(Enforcement of Northern Ireland Orders) Order 1998**

Enforcement of Northern Ireland Orders

3.—(1) For the purposes of Part III of and Schedules 1 and 2 to the Act (which make provision in connection with the enforcement of confiscation orders made in Scotland), the Act shall have effect as if—

- (a) references to confiscation orders included a reference to orders made by courts in Northern Ireland under article 8 of the Northern Ireland Order;
- (b) references to—
 - (i) offences to which Part I of the Act applies; or
 - (ii) drug trafficking offences,included a reference to any offence to which the Northern Ireland Order applies (not being an offence to which that Part applies);
- (c) references to proceedings in Scotland or to the institution or conclusion in Scotland 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;
- (d) references to “the court” were references to “the High Court”, or, as the case may be, “the Court of Session”;
- (e) references to “the prosecutor” were references to “the Lord Advocate”;
- (f) in section 29(3)(a) the words “whether by the making of a complaint or otherwise” were inserted at the beginning;
- (g) in Schedule 1, paragraph 4(4) were omitted; and
- (h) any sums in the hands of an administrator which are to be applied on a person’s behalf towards the satisfaction of the confiscation order were required to be paid to the proper officer as defined in article 35(11) of the Northern Ireland Order.

(2) For the purposes of article 3(1)(c)—

- (a) proceedings for an offence in Northern Ireland shall be treated as instituted against a person—
 - (i) when a summons or warrant is issued under article 20 of the Magistrates' Courts (Northern Ireland) Order 1981(1) in respect of that offence;
 - (ii) when a person is charged with the offence after being taken into custody without a warrant;
 - (iii) when an indictment is presented under section 2(2)(c), (e) or (f) of the Grand Jury (Abolition) Act (Northern Ireland) 1969(2);

and where the application of this paragraph would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of these times;

- (b) proceedings for an offence in Northern Ireland shall be treated as concluded—
 - (i) when the defendant is acquitted on all counts;
 - (ii) if he is convicted on one or more counts, but the court decides not to make a confiscation order against him, when it makes that decision; or
 - (iii) if a confiscation order is made against him in those proceedings, when the order is satisfied.

(3) Section 18 of the Civil Jurisdiction and Judgments Act 1982⁽³⁾ (enforcement of United Kingdom judgments in other parts of the United Kingdom) shall not apply as respects the enforcement in Scotland of orders made on or after 1st May 1998 by the High Court in Northern Ireland under the Northern Ireland Order in connection with drug trafficking offences.

⁽³⁾ 1982 c. 27.