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STATUTORY INSTRUMENTS

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**2005 No. 3181**

The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005

PART 4

GIVING EFFECT IN NORTHERN IRELAND TO EXTERNAL REQUESTS IN CONNECTION WITH CRIMINAL INVESTIGATIONS OR PROCEEDINGS AND TO EXTERNAL ORDERS ARISING FROM SUCH PROCEEDINGS

CHAPTER 5

EXTERNAL REQUESTS

**Conditions for High Court to give effect to external request**

**94.**—(1) The High Court may exercise the powers conferred by article 95 if either of the following conditions is satisfied.

(2) The first condition is that—

- (a) relevant property in Northern Ireland is identified in the external request;
- (b) a criminal investigation has been started in the country from which the external request was made with regard to an offence, and
- (c) there is reasonable cause to believe that the alleged offender named in the request has benefited from his criminal conduct.

(3) The second condition is that—

- (a) relevant property in Northern Ireland is identified in the external request;
- (b) proceedings for an offence have been started in the country from which the external request was made and not concluded, and
- (c) there is reasonable cause to believe that the defendant named in the request has benefited from his criminal conduct.

(4) In determining whether the conditions are satisfied and whether the request is an external request within the meaning of the Act, the court must have regard to the definitions in subsections (1), (4) to (8) and (11) of section 447 of the Act.

(5) If the first condition is satisfied, references in this Chapter to the defendant are to the alleged offender.