1993 No. 359

CRIMINAL PROCEDURE

The Criminal Justice (Confiscation) (Designated Countries and Territories) (1992 Order) (Amendment) (Northern Ireland) Order 1993

Made . . . . . *11th August 1993*

Coming into operation . . *1st November 1993*

To be laid before Parliament

The Secretary of State, in pursuance of Article 27 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990(**a**), hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice (Confiscation) (Designated Countries and Territories) (1992 Order) (Amendment) (Northern Ireland) Order 1993 and shall come into operation on 1st November 1993.

(2) In this Order—

"the Order" means the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 and "the principal Order" means the Criminal Justice (Confiscation) (Designated Countries and Territories) (Northern Ireland) Order 1992(**b**).

2. There shall be inserted in Schedule 1 to the principal Order, at the appropriate places in alphabetical order, the entries for those countries specified in the Schedule being countries and territories designated under section 96 of the Criminal Justice Act 1988(**c**).

3. In the Appendix set out at the end of paragraph 21 of Schedule 2 to the principal Order (institution of proceedings) there shall be inserted before the entry for Italy the following entry—

"India	(*a*) when information relating to commission of any crime is received by any law enforcement agency empowered to investigate such crime under the law for the time being in force and laid before a court of law;

(**a**) S.I. 1990/2588 (N.I. 17)
(**b**) S.R. 1992 No. 198
(**c**) 1988 c. 33

(*b*) when any allegation is made orally or in writing to a court of law that a person has committed an offence;

(*c*) when a person is charged with an offence;

(*d*) when any investigation or inquiry into the commission of any offence is directed by a court of law.'',

and the like amendment shall be made to the Appendix to Article 2(13) of the Order as set out in Schedule 3 to the principal Order.

4.—(1) In the modification of Article 2(13) of the Order (which defines when proceedings in a designated country are instituted) which is specified in paragraph 2(*g*) of Schedule 2 to the principal Order, there shall be inserted after sub-paragraph (*a*) of the said Article 2(13) the following sub-paragraph—

''(*aa*) where no steps have been specified in relation thereto as mentioned in sub-paragraph (*a*), when the defendant has been notified in writing in accordance with the laws of the designated country that the competent authorities of that country have begun proceedings against him in respect of an offence; or'',

and the like amendment shall be made to Article 2(13) of the Order as set out in Schedule 3 to the principal Order.

(2) In Article 4(1) of the principal Order (evidence in relation to proceedings and orders in a designated country) there shall be inserted after sub-paragraph (*a*) the following sub-paragraph—

''(*aa*) in a case to which sub-paragraph (*aa*) of Article 2(13) of the Order, as modified by Schedule 2 to this Order, applies, that the defendant has been notified as specified in that sub-paragraph;''.

P. B. B. Mayhew
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
11th August 1993

Designated country	*Appropriate authority*
Canada	The Minister of Justice or officials designated by that Minister
India	The Ministry of Home Affairs

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Criminal Justice (Confiscation) (Designated Countries and Territories) (Northern Ireland) Order 1992 ("the principal Order") which provides that, subject to certain modifications, the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 applies to an order made by a court in any of the countries or territories listed in Schedule 1 to the principal Order (being countries and territories designated under Section 96 of the Criminal Justice Act 1988) for the purposes of recovering property obtained as a result of or in connection with conduct corresponding to certain offences, recovering the value of the property so obtained or of depriving a person of a pecuniary advantage so obtained.

Article 2 of this Order amends the list of designated countries in the principal Order by the addition of Canada and India and Article 3 makes consequential amendments to the principal Order. Article 4 provides for definition and certification of the institution of proceedings in a designated country.

By virtue of Article 1(1) this Order comes into operation on 1st November 1993