STATUTORY RULES OF NORTHERN IRELAND

1997 No. 403

CRIMINAL PROCEDURE

The Proceeds of Crime (Enforcement of Confiscation Orders made in England and Wales or Scotland) Order (Northern Ireland) 1997

Made - - - -	*29th August 1997*
To be laid before Parliament	
Coming into operation	*21st October 1997*

The Secretary of State, in pursuance of Article 41 of the Proceeds of Crime (Northern Ireland) Order 1996(**1**), hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Proceeds of Crime (Enforcement of Confiscation Orders made in England and Wales or Scotland) Order (Northern Ireland) 1997.

(2) This Order shall come into operation on 21st October 1997 but Article 2 shall not apply to a confiscation order made before that date.

(3) In this Order—

"the 1988 Act" means the Criminal Justice Act 1988(**2**);

"the 1994 Act" means the Drug Trafficking Act 1994(**3**);

"the 1995 Act" means the Proceeds of Crime (Scotland) Act 1995(**4**);

"the Order" means the Proceeds of Crime (Northern Ireland) Order 1996.

Enforcement of orders made in England and Wales or Scotland

2.—(1) For the purpose of the enforcement in Northern Ireland of orders made under Part VI of the 1988 Act, the 1994 Act and the 1995 Act, the Order (except Article 13) shall have effect as if—

(a) references to confiscation orders included a reference to confiscation orders made under Part VI of the 1988 Act, the 1994 Act and the 1995 Act;

(**1**) S.I.1996/1299 (N.I. 9)
(**2**) 1988 c. 33
(**3**) 1994 c. 37
(**4**) 1995 c. 43

(b) in relation to England and Wales—

(i) references to drug trafficking offences included a reference to drug trafficking offences within the meaning of the 1994 Act;

(ii) references to offences of a relevant description and to offences to which the Order applies included a reference to offences to which Part VI of the 1988 Act applies;

(iii) references to proceedings in Northern Ireland or to the institution or conclusion in Northern Ireland of proceedings included a reference to proceedings in England and Wales or to the institution or conclusion in England and Wales of proceedings, as the case may be; and

(iv) the references to the making of a complaint in Article 30(3) and (5) of the Order included references to laying an information under section 1 of the Magistrates' Courts Act 1980(**5**);

(c) in relation to Scotland—

(i) references to drug trafficking offences included a reference to drug trafficking offences within the meaning of the 1995 Act;

(ii) references to offences of a relevant description and to offences to which the Order applies included a reference to offences to which Part I of the 1995 Act applies; and

(iii) references to proceedings in Northern Ireland or to the institution or conclusion in Northern Ireland of proceedings included a reference to proceedings in Scotland or to the institution or conclusion in Scotland of proceedings as the case may be;

(d) in relation to England and Wales and Scotland—

(i) Article 35(4) to (11) of the Order were omitted; and

(ii) any sums in the hands of a receiver which are to be applied on the defendant's behalf towards the satisfaction of the confiscation order were required to be paid in the case of a confiscation order made in England and Wales to the justices' clerk and in the case of a confiscation order made in Scotland to the sheriff clerk.

(2) Section 18 of the Civil Jurisdiction and Judgments Act 1982(**6**) (enforcement of United Kingdom judgments in other parts of the United Kingdom) shall not apply as respects the enforcement in Northern Ireland of a confiscation order made on or after the date on which this Order comes into operation by a court in England and Wales under Part VI of the 1988 Act or the 1994 Act or by a court in Scotland under the 1995 Act.

Institution and conclusion of proceedings in Scotland

3.—(1) For the purpose of the enforcement pursuant to Article 2 of orders made in Scotland, proceedings for an offence in Scotland shall be treated as instituted against a person—

(a) on his arrest without warrant;

(b) when he is charged with the offence without being arrested;

(c) when a warrant to arrest him is granted;

(d) when a warrant to cite him is granted;

(e) in summary proceedings, on the first calling of the case; or

(f) when a petition is intimated to him or an indictment or a complaint is served on him,

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 be instituted at the earliest of those times.

(**5**) 1980 c. 43
(**6**) 1982 c. 27