
STATUTORY INSTRUMENTS

1993 No. 1790

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 1988 (Designated Countries and Territories) (Amendment) Order 1993

Made - - - - 20th July 1993
Coming into force - - 30th July 1993

At the Court at Buckingham Palace, the 20th day of July 1993

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament;
Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 96 of the Criminal Justice Act 1988⁽¹⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Criminal Justice Act 1988 (Designated Countries and Territories) (Amendment) Order 1993 and shall come into force on the tenth day after the day on which it is made.

(2) This Order extends to England and Wales only.

(3) In this Order “the Act” means the Criminal Justice Act 1988 and “the principal Order” means the Criminal Justice Act 1988 (Designated Countries and Territories) Order 1991⁽²⁾.

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 to this Order.

3. In the Appendix set out at the end of paragraph 21(f) 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
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(1) 1988 c. 33.
(2) S.I.1991/2873.

Status: This is the original version (as it was originally made).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

- under the law for the time being in force and laid before a court of law;
 - (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.”
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and the like amendment shall be made to the Appendix to section 102 of the Act as set out in Schedule 3 to the principal Order.

4.—(1) In the modification of section 102(11) of the Act (which defines when proceedings in a designated country are instituted) which is specified in paragraph 21(d) of Schedule 2 to the principal Order, there shall be inserted after paragraph (a) of the said section 102(11) the following paragraph—

“(aa) where no steps have been specified in relation thereto as mentioned in paragraph (a) above, 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 section 102(11) of the Act as set out in Schedule 3 to the principal Order.

(2) In article 5(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 paragraph (aa) of section 102(11) of the Act, as modified by Schedule 2 to this Order, applies, that the defendant has been notified as specified in that paragraph;”.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULE

Article 2

DESIGNATED COUNTRIES

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 Act 1988 (Designated Countries and Territories) Order 1991 (S.I.1991/2873) (“the principal Order”) which provides that, subject to certain modifications, Part VI of the Criminal Justice Act 1988 applies to an order made by a court of a designated country or territory for the purposes of recovering property obtained as a result of or in connection with conduct corresponding to an offence to which Part VI of the Act applies, recovering the value of property so obtained or depriving a person of a pecuniary advantage so obtained.

As well as amendments in respect of the countries and territories to which the principal Order applies, the Order provides in article 4 for definition and certification of the institution of proceedings in a designated country.