
STATUTORY INSTRUMENTS

1996 No. 1299

The Proceeds of Crime (Northern Ireland) Order 1996

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Order to make material available

50.—(1) A constable or a financial investigator may for the purposes of an investigation into^[F1] drug trafficking] apply to a^[F1] Crown Court] judge for an order under paragraph (2) in relation to particular material or material of a particular description.

(2) Subject to Article 54(11), if on such an application the judge is satisfied that the conditions in paragraph (4) are fulfilled, he may make an order that the person who appears to him to be in possession of the material to which the application relates shall—

- (a) produce it to a constable^[F2] or a financial investigator] for him to take away, or
- (b) give a constable^[F2] or a financial investigator] access to it,

within such period as the order may specify.

(3) The period to be specified in an order under paragraph (2) shall be 7 days unless it appears to the judge that a longer or shorter period would be appropriate in the particular circumstances of the application.

(4) The conditions referred to in paragraph (2) are—

- (a) that there are reasonable grounds for suspecting that a specified person^[F1] has carried on drug trafficking]
- (b) that there are reasonable grounds for suspecting that the material to which the application relates—
 - (i) is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made, and
 - (ii) does not consist of or include items subject to legal privilege or excluded material, and
- (c) that there are reasonable grounds for believing that it is in the public interest, having regard—
 - (i) to the benefit likely to accrue to the investigation if the material is obtained, and
 - (ii) to the circumstances under which the person in possession of the material holds it, that the material should be produced or that access to it should be given.

(5) Where the judge makes an order under paragraph (2)(b) in relation to material on any premises he may, on the application of a constable or a financial investigator, order any person who appears

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to him to be entitled to grant entry to the premises to allow a constable^[F2] or a financial investigator] to enter the premises to obtain access to the material.

(6) An application under paragraph (1) or (5) may be made ex parte to a judge in chambers.

^[F2](6A) Paragraph (6) does not apply to an application made for an order addressed to a solicitor if for the purposes of the same investigation the solicitor has been required to furnish information under paragraph 3A of Schedule 2.]

(7) Provision may be made by Crown Court rules as to—

- (a) the discharge and variation of orders under this Article, and
- (b) proceedings relating to such orders.

(8) An order of a^[F1] Crown Court] judge under this Article shall have effect as if it were an order of the Crown Court.

(9) Where the material to which an application under this Article relates consists of information contained in a computer—

- (a) an order under paragraph (2)(a) shall have effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible, and
- (b) an order under paragraph (2)(b) shall have effect as an order to give access to the material in a form in which it is visible and legible.

(10) An order under paragraph (2)—

- (a) shall not confer any right to production of, or access to, items subject to legal privilege or excluded material,
- (b) shall have effect notwithstanding any obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise, and
- (c) may be made in relation to material in the possession of an authorised government department.

F1 2002 c. 29

F2 2001 NI 1

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Changes and effects yet to be applied to :

- Instrument restr. by [1998 c. 35 s.14\(3\)\(b\)](#)
- Instrument restr. by [1998 c. 35 s.14\(3\)\(c\)](#)
- defn. of drug trafficking offence applied by [1997 c. 43 s.3\(5\)](#)
- defn. of drug trafficking offence applied by [1997 c. 43 s.3\(5\)](#)