



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART VI

#### CONFISCATION OF THE PROCEEDS OF AN OFFENCE

##### *Enforcement of external orders*

#### 94 Enforcement of Northern Ireland orders.

<sup>F1</sup> .....

##### Textual Amendments

<sup>F1</sup> S. 94 repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, art. 14 and S.I. 2003/531, art. 3))

<sup>F2</sup>95 .....

##### Textual Amendments

<sup>F2</sup> S. 95 repealed (31.3.1996) by 1995 c. 20, s. 117, Sch. 6 Pt. II para. 186(5), Sch. 7 Pt. II; S.I. 1996/517, art. 3

#### 96 Enforcement of other external orders.

(1) Her Majesty may by Order in Council—

- (a) direct in relation to a country or territory outside the United Kingdom designated by the Order (“a designated country”) that, subject to such modifications as may be specified, this Part of this Act shall apply to external

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*Changes to legislation: Criminal Justice Act 1988, Cross Heading: Enforcement of external orders is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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confiscation orders and to proceedings which have been or are to be instituted in the designated country and may result in an external confiscation order being made there;

- (b) make—
- (i) such provision in connection with the taking of action in the designated country with a view to satisfying a confiscation order;
  - (ii) such provision as to evidence or proof of any matter for the purposes of this section and section 97 below; and
  - (iii) such incidental, consequential and transitional provision, as appears to Her Majesty to be expedient; and
- (c) without prejudice to the generality of this subsection, direct that in such circumstances as may be specified proceeds which arise out of action taken in the designated country with a view to satisfying a confiscation order shall be treated as reducing the amount payable under the order to such extent as may be specified.

(2) In this Part of this Act—

“external confiscation order” means an order made by a court in a designated country for the purpose—

- (a) of recovering—
- (i) property obtained as a result of or in connection with conduct corresponding to an offence to which this Part of this Act applies; or
  - (ii) the value of property so obtained; or
- (b) of depriving a person of a pecuniary advantage so obtained; and

“modifications” includes additions, alterations and omissions.

(3) An Order in Council under this section may make different provision for different cases or classes of case.

(4) The power to make an Order in Council under this section includes power to modify this Part of this Act in such a way as to confer power on a person to exercise a discretion.

[<sup>F3</sup>(5) An Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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**Textual Amendments**

**F3** S. 96(5) substituted (1.12.1993) by 1993 c. 36, s. 21(3)(g); S.I. 1993/2734, art. 2, Sch.

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**Modifications etc. (not altering text)**

**C1** S. 96 modified (29.12.1991) by S.I. 1991/2873, arts. 4(1), 5(1)

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**97 Registration of external confiscation orders.**

- (1) On an application made by or on behalf of the government of a designated country, the High Court may register an external confiscation order made there if—
- (a) it is satisfied that at the time of registration the order is in force and not subject to appeal;

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- (b) it is satisfied, where the person against whom the order is made did not appear in the proceedings, that he received notice of the proceedings in sufficient time to enable him to defend them; and
  - (c) it is of the opinion that enforcing the order in England and Wales would not be contrary to the interests of justice.
- (2) In subsection (1) above “appeal” includes—
- (a) any proceedings by way of discharging or setting aside a judgment; and
  - (b) an application for a new trial or a stay of execution.
- (3) The High Court shall cancel the registration of an external confiscation order if it appears to the court that the order has been satisfied by payment of the amount due under it or by the person against whom it was made serving imprisonment in default of payment or by any other means.

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**Modifications etc. (not altering text)**

**C2** [S. 97](#) modified (29.12.1991) by [S.I. 1991/2873](#), [arts. 4\(1\), 5\(1\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 36(2)(b)(v) and word inserted by [2019 c. 17 s. 13\(3\)\(b\)](#)
- s. 36(3A)(3B) substituted for s. 36(3A) by [2008 c. 4 s. 46\(2\)](#)
- s. 41(4A) inserted by [2004 c. 28 Sch. 10 para. 28](#)
- s. 139AZA(1)(a)(iii) and word inserted by [2019 c. 17 s. 13\(4\)\(b\)](#)