
STATUTORY INSTRUMENTS

1995 No. 1967

CRIMINAL LAW, ENGLAND AND WALES

The Drug Trafficking Act 1994 (Enforcement of Northern Ireland Confiscation Orders) Order 1995

Made - - - - - *26th July 1995*
Laid before Parliament *7th August 1995*
Coming into force - - - *1st September 1995*

At the Court at Buckingham Palace, the 26th day of July 1995

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 38 of the Drug Trafficking Act 1994(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 Drug Trafficking Act 1994 (Enforcement of Northern Ireland Confiscation Orders) Order 1995 and shall come into force on 1st September 1995.

(2) In this Order, “the Act” means the Drug Trafficking Act 1994, “the Northern Ireland Order” means the Criminal Justice (Confiscation) (Northern Ireland) Order 1990(2) and “Northern Ireland confiscation order” means an order made by a court in Northern Ireland under Article 5 of the Northern Ireland Order (confiscation of proceeds of drug trafficking).

(3) Article 2(1) of this Order shall not apply in relation to any proceedings for or in respect of an offence if the person accused (or, as the case may be, convicted) of that offence was charged with the offence (whether by the making of a complaint under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981(3) or otherwise) before 3rd February 1995.

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

2.—(1) For the purposes of sections 17 and 25 to 36 of the Act (which make provision in connection with the enforcement of confiscation orders made in England and Wales), the Act shall have effect as if—

(1) 1994 c. 37.

(2) S.I. 1990/2588 (N.I.17); this Order was amended by the Criminal Justice (Confiscation) (Northern Ireland) Order 1993 (S.I. 1993/3146 (N.I.13)).

(3) S.I. 1981/1675 (N.I.26).

- (a) references to confiscation orders included a reference to Northern Ireland confiscation orders;
- (b) references to drug trafficking offences included a reference to a drug trafficking offence within the meaning of the Northern Ireland Order (not being a drug trafficking offence within the meaning of the Act);
- (c) references to proceedings in England and Wales or to the institution or conclusion in England and Wales of proceedings included a reference to proceedings in Northern Ireland or to the institution or conclusion in Northern Ireland of proceedings, as the case may be;
- (d) the references to the laying of an information in section 25(3) and (5) included references to making a complaint under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981;
- (e) in section 29(1)(a) the words “under this Act” were omitted;
- (f) subsections (4) to (9) of section 30 were omitted; and
- (g) 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 to the proper officer as defined in Article 18(10) of the Northern Ireland Order.

(2) Section 18 of the Civil Jurisdiction and Judgments Act 1982 (enforcement of United Kingdom judgments in other parts of the United Kingdom)⁽⁴⁾ shall not apply as respects the enforcement in England and Wales of orders made by the High Court in Northern Ireland under the Northern Ireland Order in relation to a drug trafficking offence made on or after the date on which this Order comes into force.

3. A document purporting to be a copy of an order made by a court in Northern Ireland under or for the purposes of the Northern Ireland Order and to be certified as such by a proper officer of the court by which such order was made shall, in England and Wales, be received in evidence without further proof for the purposes of proceedings under the Act as it has effect by virtue of this Order.

N. H. Nicholls
Clerk of the Privy Council

(4) 1982 c. 27.

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in connection with the enforcement in England and Wales of confiscation orders made in Northern Ireland under Article 5 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 (confiscation of proceeds of drug trafficking).

By virtue of Article 1(1) this Order comes into force on 1st September 1995.