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STATUTORY INSTRUMENTS

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**1997 No. 2980**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Drug Trafficking Act 1994 (Designated Countries and Territories) (Amendment) (No. 2) Order 1997**

*Made* - - - - *17th December 1997*  
*Laid before Parliament* *5th January 1998*  
*Coming into force* - - *1st February 1998*

At the Court at Buckingham Palace, the 17th day of December 1997

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 39 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 (Designated Countries and Territories) (Amendment) (No. 2) Order 1997 and shall come into force on 1st February 1998.

(2) In this Order “the 1996 Order” means the Drug Trafficking Act 1994 (Designated Countries and Territories) Order 1996(2).

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

2. Schedule 1 to the 1996 Order (countries and territories designated for the purposes of sections 39 and 40 of the Drug Trafficking Act 1994) shall be amended by the insertion, at the appropriate places in alphabetical order, of the countries and territories specified in the Schedule to this Order.

3. In Schedule 2 to the 1996 Order (Modifications of the Drug Trafficking Act 1994) for sub-paragraph (c) of paragraph 8 there shall be substituted the following sub-paragraph:

“(c) for subsection (1)(c) there shall be substituted the following:

“(c) either an external confiscation order has been made in the proceedings or it appears to the High Court that there are reasonable grounds for believing that such an order may be made in them.””

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(1) 1994 c. 37.

(2) S.I. 1996/2880 (as amended by S.I. 1997/1318).

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**Status:** This is the original version (as it was originally made).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

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4. A like amendment to the amendment in article 3 above shall be made to section 25(1)(c) of the Act as set out in Schedule 3 (The Drug Trafficking Act 1994 as modified) to the 1996 Order.

5. The Appendix to the 1996 Order, which describes when proceedings are instituted in a designated country, shall be amended by substituting for the entry for “Australia” the following:

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“Australia	when an information or a complaint has been laid before a justice of the peace or a magistrate, or a person has been charged with an offence, or an indictment or a presentment has been preferred.”
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*N. H. Nicholls*  
Clerk of the Privy Council

SCHEDULE

Article 2

<i>Designated Country</i>	<i>Appropriate Authority</i>
Austria	
Benin	
Botswana	
Hungary	
Kazakhstan	
Tonga	
United Republic of Tanzania	

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Drug Trafficking Act 1994 (Designated Countries and Territories) Order 1996 (S.I.1996/2880) (“The 1996 Order”) which provides that, subject to certain modifications, the Drug Trafficking Act 1994 applies to an order made by a court of a designated country or territory for the purposes of recovering payments or other rewards received in connection with drug trafficking or their value, and to proceedings which have been or are to be instituted in a designated country and may result in such an order being made there.

Article 2 of the Order amends Schedule 1 to the 1996 Order so as to add Austria, Benin, Botswana, Hungary, Kazakhstan, Tonga and the United Republic of Tanzania to the list of designated countries. Article 3 of the Order amends a modification of the Drug Trafficking Act 1994 in the 1996 Order to provide an amended ground for the court to make a restraint order or charging order where such an order has been made or may be made in a designated country or territory. Article 4 of the Order makes a like amendment to the Act as modified in the 1996 Order. Article 5 of the Order amends the Appendix to the 1996 Order to substitute a revised point at which proceedings are instituted in Australia.