
STATUTORY INSTRUMENTS

1991 No. 1465

CRIMINAL LAW, ENGLAND AND WALES

**The Drug Trafficking Offences Act 1986 (Designated
Countries and Territories) (Amendment) Order 1991**

Made - - - - - *26th June 1991*
Coming into force - - - - - *1st July 1991*

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 26 of the Drug Trafficking Offences Act 1986(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 Offences Act 1986 (Designated Countries and Territories) (Amendment) Order 1991 and shall come into force on the 1st July 1991.

(2) In this Order “the Act” means the Drug Trafficking Offences Act 1986 and “the principal Order” means the Drug Trafficking Offences Act 1986 (Designated Countries and Territories) Order 1990(2).

2. In article 2 of the principal Order for the definition of “appropriate authority of a designated country” there shall be substituted the following definition–

““appropriate authority of a designated country” means–

- (a) the authority specified opposite that country in Schedule 1 to this Order, or
- (b) where no authority is so specified, the authority appearing to the court to be the appropriate authority of that country for the purposes of sections 26 and 26A of the Act, and of the other provisions of the Act as applied under article 3(2) of this Order;”

3. After article 5 of the principal Order there shall be inserted the following article:

“Certificate as to appropriate authority of a designated country

5A. Where in relation to any designated country no authority is specified in Schedule 1 to this Order, a certificate made by the Secretary of State to the effect that the authority

(1) 1986 c. 32, amended by the Criminal Justice (Scotland) Act 1987 (c. 41), section 70 and Schedule 2, the Criminal Justice Act 1988 (c. 33), section 103 and Schedule 5, the Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4), section 25(1) and Schedule 8, and the Criminal Justice (International Co-operation) Act 1990 (c. 5), section 31(1) and (2) and Schedule 4.
(2) S.I. 1990/1199.

specified therein is the appropriate authority for the purposes of sections 26 and 26A of the Act, and of the other provisions of the Act as applied by article 3(2) of this Order shall be sufficient evidence of that fact.”

4. Schedule 1 to the principal Order shall be amended by inserting in alphabetical order the entries for those countries and territories specified in the Schedule to this Order.

5. –

(1) In paragraph 11(a) of Schedule 2 to the principal Order for “(3)” there shall be substituted “(4)”.

(2) In paragraph 12(1) of Schedule 3 to the principal Order for “(3)” there shall be substituted “(4)”.

6. The Appendix set out at the end of Schedule 3 to the principal Order (which defines the institution of proceedings for the purposes of section 38(11) of the Drug Trafficking Offences Act 1986 as modified by Schedule 2 to the principal Order) shall be amended as follows:

(a) after the entry relating to the Bahamas, there shall be inserted the following–

“Bahrain	when a bill of indictment is lodged in court against any person for an offence
Barbados	(a) when an information has been laid before a magistrate; (b) when a person is charged with an offence; (c) when a bill of indictment is preferred”;

(b) after the entry relating to Bermuda, there shall be inserted the following–

“the Cayman Islands	(a) when a charge has been signed under subsection (3) or (4) of section 13 of the Criminal Procedure Code in respect of the offence; (b) when a person is charged with the offence after being arrested without a warrant under subsection (5) of that section”;
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(c) after the entry relating to Guernsey, there shall be inserted the following–

“Hong Kong	(a) when a magistrate issues a warrant or summons; (b) when a person is charged with an offence; (c) when an indictment is preferred”;
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(d) in the entry relating to the Isle of Man, for the words “section 13 of the Petty Sessions and Summary Jurisdiction Act 1927” there shall be substituted the words “section 4 of the Summary Jurisdiction Act 1989”;

(e) after the entry relating to the Isle of Man, there shall be inserted the following—

“Italy	<p>(a) when a person is notified, in accordance with article 369 of the Italian Code of Criminal Procedure, that a prosecution against him is in progress;</p> <p>(b) when a proposal for the application of a preventative measure “misura di prevenzione”) is laid before a court”; and</p>
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(f) after the entry relating to Malaysia, there shall be inserted the following—

“Montserrat	<p>(a) when a judge issues a summons or warrant in respect of an offence;</p> <p>(b) when a person is charged with an offence after being taken into custody without a warrant</p>
Saudi Arabia	when an information has been laid before a judicial authority”.

G. I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 2

Designated Country	Appropriate authority
Bahrain	the Ministry of the Interior
Bangladesh	
Barbados	the Attorney General
Bhutan	
Bolivia	
the Cayman Islands	the Attorney General of the Cayman Islands
Chile	
China	
Costa Rica	
Cyprus	
Ecuador	
Egypt	
France	
Ghana	
Guinea	
Grenada	
Guatemala	
Hong Kong	the Attorney General of Hong Kong
India	the Ministry of Home Affairs
Italy	the Ministry of Justice
Jordan	
Madagascar	
Montserrat	the Attorney General of Montserrat
Nicaragua	
Oman	
Praguay	
Qatar	
Saudi Arabia	the Ministry of the Interior
Senegal	
Togo	
Tunisia	
Uganda	

Designated Country	Appropriate authority
Union of Soviet Socialist Republics (including the Byelorussian Soviet Socialist Republic)	
United Arab Emirates	
Yugoslavia	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Drug Trafficking Offences Act 1986 (Designated Countries and Territories) Order 1990 (S.I.1990/1199) which provides that, subject to certain modifications, the Drug Trafficking Offences Act 1986 applies to an order made by a court in a designated country or territory for the purpose 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 or territory and may result in such an order being made there.

Article 4 of this Order amends the list of designated countries in the 1990 Order to include those countries and territories to which the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, signed in Vienna on 20th December 1988, applies. In addition Barbados, the Cayman Islands, Hong Kong, Montserrat and Saudi Arabia are thereby designated. Where at the time of making of this Order no appropriate authority has been nominated by a designated country, article 2 provides for the court to determine the appropriate authority, and Article 3 enables evidence as to the appropriate authority to be given by means of a certificate made by the Secretary of State. Article 6(a), (b), (c), (e) and (f) of this Order make consequential, and articles 5 and 6(d) minor, amendments to the 1990 Order. By virtue of article 1(1), this Order comes into force on 1st July 1991.