

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Drug Trafficking (Bailiwick of Guernsey) (Designated Countries and Territories) Ordinance, 2000 *

[CONSOLIDATED TEXT]

NOTE

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* No. XXVII of 2000 (Recueil d'Ordonnances Tome XXVIII, p. 370); as amended by the Drug Trafficking (Designated Countries and Territories) (Amendment) Ordinance, 2002 (No. VII of 2002); the Drug Trafficking (Designated Countries and Territories) (Amendment) Ordinance, 2006 (No. XXXVI of 2006). See also the Drug Trafficking (Bailiwick of Guernsey) Law, 2000 (Ordres en Conseil Vol. XL, p. 131).

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Drug Trafficking (Bailiwick of Guernsey) (Designated Countries and Territories) Ordinance, 2000

ARRANGEMENT OF SECTIONS

1. Designation of and application of the Law to countries and territories.
2. Proof of orders and judgments of court in a designated country.
3. Evidence in relation to proceedings and orders in a designated country.
4. Certificate as to appropriate authority of a designated country.
5. Satisfaction of confiscation order in a designated country.
6. Currency Conversion.
7. Interpretation.
8. Revocation.
9. Title, Commencement and Extent.

SCHEDULE 1

SCHEDULE 2 Modifications of the Drug Trafficking (Bailiwick of
Guernsey) Law, 2000.

Appendix Institution of proceedings.

(Made on the 14th December, 2000.)

The Drug Trafficking (Bailiwick of Guernsey) (Designated Countries and Territories) Ordinance, 2000

THE STATES, in exercise of the powers conferred upon them by section 35 of the Drug Trafficking (Bailiwick of Guernsey) Law, 2000^a and on the representation of the States Advisory and Finance Committee, hereby order: –

Designation of and application of the Law to countries and territories.

1. (1) Each of the countries and territories specified in Schedule 1 to this Ordinance is hereby designated for the purposes of sections 35 and 36 of the Law.

(2) In relation to a designated country, the relevant provisions of the Law shall apply, subject to the modifications specified in Schedule 2 to this Ordinance, to external 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.

NOTE

In accordance with the provisions of the Drug Trafficking (Bailiwick of Guernsey) Law, 2000, section 35A, with effect on and from 28th July, 2010, any country or territory which was not already designated as at that date under section 35(1) of that Law (including any country or territory which comes into existence after that date) is designated for the purposes of this Ordinance.

Proof of orders and judgments of court in a designated country.

2. (1) For the purposes of sections 35 and 36 of the Law, and of the other relevant provisions of the Law, as applied under section 1(2) of this Ordinance –

(a) any order made or judgment given by a court in a

^a Order in Council No. VII of 2000.

designated country purporting to bear the seal of that court or to be signed by any person in his capacity as a judge, magistrate or officer of the court, shall be deemed without further proof to have been duly sealed or, as the case may be, to have been signed by that person, and

- (b) a document, duly authenticated, which purports to be a copy of any order made or judgment given by a court in a designated country shall be deemed without further proof to be a true copy.

(2) A document purporting to be a copy of any order made or judgment given by a court in a designated country is duly authenticated for the purpose of subsection 1(b) above if it purports to be certified by any person in his capacity as a judge, magistrate or officer of the court in question or by or on behalf of the appropriate authority of the designated country.

Evidence in relation to proceedings and orders in a designated country.

3. (1) For the purposes of sections 35 and 36 of the Law, and of the other relevant provisions of the Law as applied under section 1(2) of this Ordinance, a certificate purporting to be issued by or on behalf of the appropriate authority of a designated country, stating –

- (a) that proceedings have been instituted and have not been concluded, or that proceedings are to be instituted there,
- (b) in a case to which section 37(2) of the Law, as modified by Schedule 2 to the Ordinance applies, that the defendant has been notified as specified in that subsection,
- (c) that an external confiscation order is in force and is not subject to appeal,

- (d) that all or a certain amount of the sum payable under an external confiscation order remains unpaid in the designated country, or that other property recoverable under an external confiscation order remains unrecovered there,
- (e) that any person has been notified of any proceedings in accordance with the law of the designated country, or
- (f) that an order (however described) made or to be made by a court of the designated country has the purpose, or, as the case may be, will have the purpose, of recovering payments or other rewards received in connection with drug trafficking or their value,

shall, in any proceedings in the Royal Court, be admissible as evidence of the facts so stated.

(2) In any such proceedings a statement contained in a document, duly authenticated, which purports to have been received in evidence or to be a copy of a document so received, or to set out or summarise evidence given in proceedings in a court in a designated country, shall be admissible as evidence of any fact stated therein.

(3) A document is duly authenticated for the purposes of subsection (2) above if it purports to be certified by any person in his capacity as a judge, magistrate or officer of the court in a designated country, or by or on behalf of the appropriate authority of the designated country, to have been received in evidence or to be a copy of a document so received, or, as the case may be, to be the original document containing or summarising the evidence or a true copy of that document.

(4) Nothing in this article shall prejudice the admission of any evidence, whether contained in any document or otherwise, which is admissible apart from this section.

Certificate as to appropriate authority of a designated country.

4. Where in relation to any designated country no authority is specified in Schedule 1 to this Ordinance, a certificate made by Her Majesty's Procureur to the effect that the authority specified therein is the appropriate authority for the purposes of sections 35 and 36 of the Law, and of the other relevant provisions of the Law as applied by section 1(2) of this Ordinance shall be sufficient evidence of that fact.

Satisfaction of confiscation order in a designated country.

5. (1) Where –

- (a) a confiscation order has been made under section 2 of the Law, and
- (b) a request has been sent by Her Majesty's Procureur to the appropriate authority of a designated country for assistance in enforcing that order, and
- (c) in execution of that request property is recovered in that country, the amount payable under the confiscation order shall be treated as reduced by the value of the property so recovered.

(2) For the purposes of this section, and without prejudice to the admissibility of any evidence which may be admissible apart from this paragraph, a certificate purporting to be issued by or on behalf of the appropriate authority of a designated country stating that property has been recovered there in execution of a request by Her Majesty's Procureur, stating the value of the property so recovered and the date on which it was recovered shall, in any proceedings in a court in the Bailiwick, be admissible as evidence of the facts so stated.

Currency Conversion.

6. (1) Where the value of property recovered as described in section 7(1) of this Ordinance is expressed in a currency other than that of the United Kingdom, the extent to which the amount payable under the confiscation order is to be reduced under that paragraph shall be calculated on the basis of the exchange

rate prevailing on the date on which the property was recovered in the designated country concerned.

(2) Where an amount of money payable or remaining to be paid under an external confiscation order registered in the Royal Court under section 36 of the Law is expressed in a currency other than that of the United Kingdom, for the purpose of any action taken in relation to that order under the Law as applied under section 1(2) of this Ordinance the amount shall be converted into the currency of the United Kingdom on the basis of the exchange rate prevailing on the date of registration of the order.

(3) For the purposes of this section a written certificate purporting to be signed by any person acting in his capacity as an officer of any bank in the Bailiwick and stating the exchange rate prevailing on a specified date shall be admissible as evidence of the facts so stated.

Interpretation.

7. In this Ordinance –

"**the Law**" means the Drug Trafficking (Bailiwick of Guernsey) Law, 2000 and "**the relevant provisions of the Law**" are Part I, except sections 10 and 16, and Part IV of that Law,

"**designated country**" means a country or territory designated under section 1(1) of this Ordinance,

"**appropriate authority**" of a designated country means –

- (a) the authority specified opposite that country in Schedule 1 to this Ordinance,
- (b) where no authority is so specified, the authority appearing to the Royal Court to be the appropriate authority of that country for the purposes of sections 35 and 36 of the Law, and of the other relevant provisions of the Law as applied under section 1(2) of

this Ordinance,

"a court of a designated country" includes a court of any state or territory of a designated country,

"Her Majesty's Procureur" includes "Her Majesty's Comptroller".

Revocation.

8. The Drug Trafficking Offences (Bailiwick of Guernsey) Law, 1988 (Specified Countries and Territories) Ordinance, 1991^b; the Drug Trafficking Offences (Bailiwick of Guernsey) Law, 1988 (Specified Countries and Territories) (Amendment) Ordinance, 1992^c; the Drug Trafficking (Bailiwick of Guernsey) Law, 1988 (Specified Countries and Territories) (Amendment) Ordinance, 1994^d and the Drug Trafficking Offences (Bailiwick of Guernsey) Law, 1988 (Specified Countries and Territories) (Amendment) Ordinance, 1998^e are hereby repealed.

Title, Commencement and Extent.

9. This Ordinance may be cited as the Drug Trafficking (Bailiwick of Guernsey) (Designated Countries and Territories) Ordinance, 2000 and shall come into force on 1st January, 2001.

^b Recueil d'Ordonnances Tome XXV, p. 264.
^c Recueil d'Ordonnances Tome XXVI, p. 13.
^d Recueil d'Ordonnances Tome XXVI, p. 296.
^e No. VII of 1998.

SCHEDULE 1

Section 1(1)

Designated Country	Appropriate authority
[Albania]	
Afghanistan	
Algeria	
[Andorra]	
Anguilla	The Attorney General of Anguilla
Antigua & Barbuda	The Attorney General
Argentina	The Ministry of Foreign Affairs
Armenia	
Australia	The Attorney General's Department
[Austria]	
Azerbaijan	
The Bahamas	The Attorney General of the Bahamas
Bahrain	The Ministry of the Interior
Bangladesh	
Barbados	The Attorney General
Belarus	
Belgium	
Belize	
[Benin]	
Bermuda	The Attorney General of Bermuda
Bhutan	
Bolivia	Secretaria Nacional de Defensa Social del Ministerio de Gobierno
Bosnia & Herzegovina	
[Botswana]	
Brazil	
British Virgin Islands	The Attorney General of the British

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	Virgin Islands
Brunei Darussalam	
Bulgaria	
Burkina Faso	
Burundi	
Cameroon	
Canada	The Minister of Justice or officials designated by that Minister
Cape Verde	
Cayman Islands	The Attorney General of the Cayman Islands
Chad	
Chile	Ministerio del Interior
China	
Colombia	The Fiscalía General de la Nación and the Ministerio de Justicia del Derecho
[Comoros]	
Costa Rica	
Cote d'Ivoire	
Croatia	
Cuba	
Cyprus	
Czech Republic	
Denmark	
[Djibouti]	
Dominica	
Dominican Republic	
Ecuador	Consejo Nacional de Control de Sustancias Estupefacientes y Psicotrópicas (CONSEP)
Egypt	
El Salvador	

[Estonia]	
Ethiopia	
Fiji	
Finland	
France	
Gambia	
[Georgia]	
Germany	
Ghana	
Gibraltar	The Attorney General of Gibraltar
Greece	
Grenada	The Ministry of External Affairs
Guatemala	
Guinea	
Guinea-Bissau	
Guyana	The Permanent Secretary, Ministry of Home Affairs
Haiti	
Honduras	
Hong Kong	The Attorney General of Hong Kong
[Hong Kong Special Administrative Region]	[The Department of Justice]
[Hungary]	
[Iceland]	
India	The Ministry of Home Affairs
[Indonesia]	
Iran	
Ireland	[The Department of Justice, Equality and Law Reform]
Isle of Man	Her Majesty's Attorney General for the Isle of Man
Italy	The Ministry of Justice

Jamaica	
Japan	
Jersey	Her Majesty's Attorney General for the Bailiwick of Jersey
Jordan	
[Kazakhstan]	
Kenya	
[Korea, Republic of]	
[Kuwait]	
Kyrgyzstan	
Latvia	
[Lebanon]	
Lesotho	
[Libya]	
Lithuania	
Luxembourg	
Macedonia, The Former Yugoslav Republic of	
Madagascar	
Malawi	
Malaysia	The Inspector General of Police, Malaysia
[The Maldives]	
Mali	
Malta	
Mauritania	
[Mauritius]	
Moldova	
Monaco	
Montserrat	The Attorney General of Montserrat
Morocco	

[Mozambique]	
Myanmar	
Nepal	
Netherlands	Afdeling Internationale Rechtshulp
[The Netherlands Antilles and Aruba]	
[New Zealand]	
Nicaragua	
Niger	
Nigeria	The Attorney General of the Federation of the Republic of Nigeria
Norway	
Oman	
Pakistan	
Panama	The Ministry of Government and Justice
Paraguay	National Anti-Drugs Secretariat of the Presidency of the Republic (SENAD)
Peru	
[Philippines]	
Poland	
Portugal	[The Ministry of Justice]
Qatar	
Romania	The Ministry of the Interior and the Ministry of Justice
The Russian Federation	
Saint Kitts & Nevis	
Saint Lucia	
Saint Vincent & the Grenadines	
[San Marino]	
Sao Tome & Principe	

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Saudi Arabia	The Ministry of the Interior
Senegal	
Seychelles	
Sierra Leone	
[Singapore]	
Slovakia	
Slovenia	
South Africa	The Department of Foreign Affairs
Spain	The Ministerio de Justicia, Madrid
Sri Lanka	
Sudan	
Suriname	
Swaziland	
Sweden	The Ministry for Foreign Affairs
Switzerland	Office federal de la police
Syrian Arab Republic	
Tajikistan	
Thailand	The Attorney General or a person designated by him
Togo	
[Tonga]	
Trinidad & Tobago	[The Attorney General or a person designated by him]
Tunisia	
Turkey	
Turkmenistan	
Turks & Caicos Islands	
Uganda	
Ukraine	The Office of the General Prosecutor and the Ministry of Justice
United Kingdom – England and Wales	Her Majesty's Attorney General for England and Wales

Northern Ireland	Her Majesty's Attorney General for Northern Ireland
Scotland	Her Majesty's Lord Advocate for Scotland
United Arab Emirates	
United Mexican States	The Office of the Attorney General
[United Republic of Tanzania]	
United States of America	The Attorney General of the United States of America
Uruguay	The Ministry of Education and Culture
Uzbekistan	
Venezuela	
[Vietnam]	
Yemen	
Yugoslavia, The Federal Republic of	
Zambia	
Zimbabwe	

NOTES

In Schedule 1,

the entries for "Albania", "Andorra", "Comoros", "Djibouti", "Estonia", "Georgia", "Hong Kong Special Administrative Region", "Iceland", "Indonesia", "Korea, Republic of", "Kuwait", "Lebanon", "Libya", "The Maldives", "Mauritius", "Mozambique", "The Netherlands Antilles and Aruba", "New Zealand", "Philippines", "San Marino", "Singapore" and "Vietnam" in the left hand column, and the words in square brackets in the right hand column opposite the entry for "Hong Kong Special Administrative Region", were inserted by the Drug Trafficking (Designated Countries and Territories) (Amendment) Ordinance, 2002, section 1(a), Schedule, with effect from 31st May, 2002;

the entries for "Austria", "Benin", "Botswana", "Hungary", "Kazakhstan", "Tonga" and the "United Republic of Tanzania" were inserted by the Drug Trafficking (Designated Countries and Territories) (Amendment) Ordinance, 2006, section 1, Schedule;

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the words in square brackets in the right hand column opposite the entries for, first, "Ireland", second, "Portugal" and, third, "Trinidad and Tobago" were inserted by the Drug Trafficking (Designated Countries and Territories) (Amendment) Ordinance, 2002, respectively section 1(b), section 1(c) and section 1(d), with effect from 31st May, 2002.

SCHEDULE 2 Section 1(2)
MODIFICATIONS OF THE DRUG TRAFFICKING
(BAILIWICK OF GUERNSEY) LAW, 2000

1. In section 1 subsection (3) shall be omitted.
2. For section 2 there shall be substituted the following section:

External confiscation orders.

2. (1) An order made by a court in a designated country for the purpose of recovering payments or other rewards received in connection with drug trafficking or their value is referred to in this Law as an "**external confiscation order**".

(2) In subsection (1) above the reference to an order includes any order, decree, direction or judgment, or any part thereof, however described."

3. Sections 3 to 5 shall be omitted.
4. In section 6 –
 - (a) subsection (1) shall be omitted,
 - (b) for subsection (2) there shall be substituted the following subsection:

"(2) In this Law "**realisable property**" means, subject to subsection (3) below –

- (a) in relation to an external confiscation order made in respect of specified property, the property which is specified in the order, and

(b) in any other case –

(i) any property held by the defendant, and

(ii) any property held by a person to whom the defendant has directly or indirectly made a gift caught by this Law.",

(c) subsection (4) shall be omitted,

5. In section 7 subsection (4) shall be omitted.

6. In section 8 in subsection (1) for the words "commencement of the Law" there shall be substituted the words "commencement of the Drug Trafficking Law (Bailiwick of Guernsey) (Designated Countries and Territories) Ordinance, 2000".

7. Sections 9 to 24 shall be omitted.

8. In section 25 –

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

"(a) proceedings have been instituted against the defendant in a designated country,"

(b) in subsection (1)(b) the words "or the application has not" shall be omitted,

(c) in subsection (1)(c) subparagraph (i) and the words "in any other case" in subparagraph (ii) shall be omitted,

- (d) subsection (2) shall be omitted,
- (e) for subsection (3) there shall be substituted:

"(3) The powers mentioned in subsection (1) above are also exercisable where it appears to the Royal Court that proceedings are to be instituted against the defendant in a designated country and that there are reasonable grounds for believing that an external confiscation order may be made in them.",

- (f) subsection (4) shall be omitted,
- (g) in subsection 5(a) after "Her Majesty's Procureur" insert the words "on behalf of the government of a specified country or where an external confiscation order has been registered under section 36 of this Law, on behalf of Her Majesty's Sheriff,",
- (h) in subsection 6(b)(i) the words after "proceedings" are deleted and "in relation to which the order was made are concluded," substituted.

9. In section 26 –

- (a) for subsections 2(a) and (b) there shall be substituted the following:

"(a) where an application under section 25(5) above relates to an external confiscation order made in respect of specified property, to property which is specified in that order, and

- (b) in any other case –

- (i) to all realisable property held by a

specified person, whether the property is described in the restraint order or not, and

- (ii) to realisable property held by a specified person, being property transferred to him after the making of the restraint order."

10. In section 27 –

- (a) for subsection 1(a) and (b) there shall be substituted the following:

"(a) where a fixed amount is payable under an external confiscation order, of an amount not exceeding the amount so payable, and

(b) in any other case, of an amount equal to the value from time to time of the property charged.",

- (b) in subsection (4) for the words "a confiscation order" substitute "an external confiscation order".

11. In section 28(1) for the words "confiscation order" substitute "external confiscation order".

12. After section 28 there shall be inserted the following section:

"Applications for restraint and charging orders.

28A. Notwithstanding anything in Rules of Court, an application under section 25(5) of this Law shall be supported by an affidavit which shall –

- (a) state, where applicable, the grounds for

believing that an external confiscation order may be made in the proceedings instituted or to be instituted in the designated country concerned,

- (b) to the best of the deponent's ability, give particulars of the realisable property in respect of which the order is sought and specify the person or persons holding such property,
- (c) in a case to which section 25(3) of the Law applies, indicate when it is intended that proceedings should be instituted in the designated country concerned,

and the affidavit may, unless the court otherwise directs, contain statements of information or belief with the sources and grounds thereof."

13. In section 29, for subsection (1) there shall be substituted the following subsection:

"(1) Where an external confiscation order has been registered in the Royal Court under section 36 of this Law the Royal Court may, on the application of Her Majesty's Procureur exercise the powers conferred by subsections (2) to (6) below."

- 14.**
- (a) in section 30 in subsection (1) for the words "confiscation order" substitute "external confiscation order".
 - (b) in subsection (3) for the words "If, after the amount payable under the confiscation order", substitute "Where a fixed amount is payable under the external

confiscation order and, after that amount".

15. In section 31 –

- (a) for subsection (2) substitute –

"(2) Subject to subsections (3) to (6) the powers shall be exercised with a view to –

(a) recovering property which is liable to be recovered under an external confiscation order registered in the Royal Court under section 36, or

(b) making available for recovery property which may become liable to be recovered under any external confiscation order which may be made in the defendant's case.", and

- (b) in subsection (5) for the words "confiscation order" substitute "external confiscation order".

16. Section 35 shall be omitted.

17. In section 36 –

- (a) in subsection (3), after the word "satisfied" there shall be inserted the words "by the recovery of all property liable to be recovered under it or",

18. In section 37 –

- (a) in subsection (1), for the word "Part" there shall be

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substituted the word "Law",

- (b) for subsection (2), there shall be substituted the following subsection:

"(2) Proceedings are instituted in a designated country when –

- (a) under the law of the designated country concerned one of the steps specified in relation to that country in column 2 of the Appendix hereto has been taken there in respect of alleged drug trafficking by the defendant, or
- (b) where no steps have been specified in relation thereto as mentioned in paragraph (a) above, the defendant has been notified in writing in accordance with the laws of the designated country that the competent authorities of that country have begun proceedings against him in respect of alleged drug trafficking, or
- (c) an application has been made to a court in a designated country for an external confiscation order,

and where the application of this subsection would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the

earliest of those times.",

- (c) for subsection (3), there shall be substituted the following subsection:

"(3) Proceedings for an offence are concluded –

(a) when (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an external confiscation order being made in the proceedings,

(b) on the satisfaction of an external confiscation order made in the proceedings, whether by the recovery of all property liable to be recovered, or the payment of any amount due",

- (d) subsections (4) and (5) shall be omitted,

- (e) for subsection (6), there shall be substituted the following subsection –

"(6) An external confiscation order is satisfied when no property remains liable to be recovered under it, or no amount is due under it.",

- (f) subsection (7) shall be omitted, and

- (g) in subsection (8) before the word "order" the first time that it appears there shall be inserted the words "external confiscation".

19. Sections 38 to 67 shall be omitted.

20. In section 69

(a) in subsection (1) –

(i) for the definition of "defendant" there shall be substituted the following definition:

"defendant" means a person against whom an external confiscation order has been made, or a person against whom proceedings which may result in an external confiscation order being made have been, or are to be, instituted in a court in a designated country.",

(ii) the definition of "modifications" shall be omitted,

(b) at the end of subsection (3) the fullstop shall be omitted and there shall be added the words ", and whether received before or after the commencement of the Drug Trafficking Act (Designated countries and Territories) Ordinance, 2000 and whether received in connection with drug trafficking carried on by the recipient or some other person.", and

(c) subsection (3) shall be omitted.

21. For section 70 there shall be substituted the following section:

"70. In this Law the expressions listed below are defined by, or otherwise fall to be construed in accordance with, the provisions of the Law indicated below –

"Alderney company" (section 69(1)),

"Alderney Land Register" (section 69(1)),

"the Bailiff" (section 69(1)),

"the Bailiwick" (section 69(1)),

"Bailiwick company" (section 69(1)),

"charging order" (section 27(2)),

"conclusion of proceedings in a designated country"
(section 37(3)),

"defendant" (section 69(1)),

"drug trafficking" (section 1(1) and (2)),

"external confiscation order" (section 2(1)),

"gift caught by this Law" (section 8(1)),

"held" in relation to property (section 68(5)(a)),

"institution of proceedings in a designated country"
(section 37(2)),

"interest" in relation to property (section 68(3)),

"making a gift" (section 8(2)),

"property" (section 68(1)),

"realisable property" (section 6(2)),

"restraint order" (section 26(1)),

"satisfied" in relation to an external confiscation order (section 37(6)),

"subject to appeal" in relation to an external confiscation order (section 37(8)),

"transferred" in relation to property (section 68(5)(b)),

"value of gift, payment or reward" (section 7(2)),

"value of property" (section 7(1)).

22. After section 70 there shall be inserted the Appendix set out at the end of Schedule 2 to this Ordinance.

23. Sections 73, 74 and 76 shall be omitted.

27. The Schedules to the Law shall be omitted.

APPENDIX
INSTITUTION OF PROCEEDINGS

Section 37(2)

<i>Designated country</i>	<i>Point at which proceedings are instituted</i>
Anguilla	(a) when a summons or warrant is issued in respect of an offence, (b) when a person is charged with an offence after being taken into custody without a warrant, (c) when a bill of indictment is preferred.
Antigua and Barbuda	when a person has been charged with a

scheduled offence.

Argentina

when a judge has ordered that a person be detained for the purpose of testifying in connection with the commission of an offence.

Australia

- (a) when an information has been laid before a justice of the peace,
- (b) when a person is charged with an offence after having been taken into custody without a warrant,
- (c) when a bill of indictment is preferred.

The Bahamas

- (a) when an information has been laid before a justice of the peace,
- (b) when a person is charged with an offence after having been taken into custody without a warrant,
- (c) when a bill of indictment is preferred.

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.

Bermuda

when an information is laid charging a person with an offence.

Bolivia

when a warrant is issued by a competent judge or an order to institute proceedings, containing the preventive annotation of property liable to registration or the bank deposit of the monies,

assets and property of the accused.

- | | |
|------------------------|--|
| British Virgin Islands | <ul style="list-style-type: none">(a) when a summons or warrant is issued in respect of an offence,(b) when a person is charged with an offence after being taken into custody without a warrant,(c) when an indictment is preferred. |
| Cayman Islands | <ul style="list-style-type: none">(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. |
| Chile | when an application for a decision from the competent judicial authority is made. |
| Colombia | when a preliminary investigation or a formal process has begun and, in either case, a Resolution has been issued for a freezing or seizure order. |
| Ecuador | when a writ is issued by a judge initiating criminal proceedings. |
| Germany | when a person is notified that he is accused of an offence and will be brought before a court. |
| Gibraltar | when a person is charged with an offence, whether by the laying of an information or otherwise. |

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- Grenada
- (a) when an information has been laid before a justice of the peace,
 - (b) when a person is charged with an offence,
 - (c) when a bill of indictment is preferred.
- Guyana
- when a charge has been laid against a person for an offence.
- 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.
- India
- (a) when information relating to commission of any crime is received by any law enforcement agency empowered to investigate such crime under the law for the time being in force and laid before a court of law,
 - (b) when any allegation is made orally or in writing to a court of law that a person has committed an offence,
 - (c) when a person is charged with an offence,
 - (d) when any investigation or inquiry into the commission of any offence is directed by a court of law.
- Isle of Man
- (a) where a justice of the peace issues a summons under section 4 of the Summary Jurisdiction Act 1989, when the complaint in relation to the offence is made to him,
 - (b) where a justice of the peace issues a

warrant for the arrest of any person under that section, when the complaint in relation to the offence is made to him,

- (c) where a person is charged with the offence after being taken into custody without a warrant, when he is taken into custody,
- (d) where an information is preferred by the Attorney General in a case where there have been no committal proceedings, when the information is lodged in the General Registry in accordance with section 4(1) of the Criminal Code Amendment Act 1917.

Italy

- (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,
- (b) when a proposal for the application of a preventative measure ("*misura di prevenzione*") is laid before a court.

Jersey

- (a) when the Bailiff issues a warrant in respect of an offence for the arrest of a person who is out of the Island,
- (b) when a person is arrested and charged with an offence,
- (c) when a summons in respect of an offence is served on a person at the instance of the Attorney General,
- (d) when a summons in respect of the offence is served on a person in accordance with the provisions of Article 8 of the Police Court

(Miscellaneous Provisions) (Jersey)
Law, 1949.

Malaysia	when a person is charged with an offence.
Montserrat	(a) when a judge issues a summons or warrant in respect of an offence, (b) when a person is charged with an offence after being taken into custody without a warrant.
Netherlands	(a) when a pre-trial financial investigation has been initiated, (b) when the provisional measure has been ordered by an investigating magistrate, (c) when a public prosecutor has requested a pre-trial criminal investigation by an investigating magistrate to be instituted, (d) when a public prosecutor has laid an indictment.
Panama	when a person has been charged with an offence.
Paraguay	when a judge has ordered the restraint of property and a preventative detention order has been made.
Romania	(a) when the start of a penal pursuit is ordered, (b) when penal proceedings start in respect of an offender.
Saudi Arabia	when an information has been laid before a judicial authority.

Consolidated text

South Africa	(a) when a summons is issued in respect of an offence, (b) when a person is charged with an offence, (c) when a bill of indictment is preferred.
Spain	when by virtue of a judicial resolution it is decided to proceed against a person for an offence.
Sweden	when a public prosecutor has established that there are reasonable grounds to suspect that a person has committed an offence and accordingly is obliged under the Code of Judicial Procedure to notify the person of the suspicion.
Switzerland	when proceedings for an offence are brought before an examining magistrate.
Thailand	when a court or the Asset Examination Committee issues a restraint order.
[Trinidad and Tobago	(a) when an information or complaint is laid before the magistrate, (b) when a person is charged with an offence, (c) when a bill of indictment is preferred, or (d) when a warrant of arrest is executed against a person.]
Ukraine	when a criminal case is brought.
United Kingdom	(a) when an information has been laid before a justice of the peace,

Consolidated text

- (b) when a person is charged with an offence,
- (c) when a bill of indictment is preferred, or
- (d) when a petition warrant is granted.

United Mexican States when criminal proceedings are instituted by a judicial authority.

United States of America when an indictment, information or complaint has been filed against a person in respect of an offence.

Uruguay when criminal proceedings are instituted by a judicial authority.

NOTE

In the Appendix, the words in square brackets were inserted by the Drug Trafficking (Designated Countries and Territories) Ordinance, 2002, section 2, with effect from 31st May, 2002.
