

No. 33630

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
GUYANA**

**Agreement concerning cooperation in the investigation of
drug trafficking offences, the forfeiture of instruments
used for or in connection with such offences and the
deprivation of drug traffickers of financial benefits
from their criminal activities. Signed at Georgetown on
17 July 1991**

Authentic text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 25 March 1997.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
GUYANA**

**Accord concernant la coopération aux enquêtes sur le trafic
des stupéfiants, la saisie des moyens utilisés pour ce
trafic ou en relation avec lui et la confiscation des profits
financiers tirés par les trafiquants de leurs activités cri-
minelles. Signé à Georgetown le 17 juillet 1991**

Texte authentique : anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 25 mars 1997.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE CO-OPERATIVE REPUBLIC OF GUYANA CONCERNING CO-OPERATION IN THE INVESTIGATION OF DRUG TRAFFICKING OFFENCES, THE FORFEITURE OF INSTRUMENTS USED FOR OR IN CONNECTION WITH SUCH OFFENCES AND THE DEPRIVATION OF DRUG TRAFFICKERS OF FINANCIAL BENEFITS FROM THEIR CRIMINAL ACTIVITIES

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the United Kingdom) and the Government of the Co-operative Republic of Guyana (hereinafter referred to as Guyana).

Desiring to provide mutual assistance, to the extent possible within the laws in operation in their respective territories, in the investigation of offences relating to drug trafficking, the forfeiture of instruments used for or in connection with such offences and the deprivation of drug traffickers of financial benefits accruing from their criminal activities;

Have agreed as follows:

PART I

PRELIMINARY

ARTICLE I

Definitions

For the purposes of this Agreement:

- (a) “controlled drug” means:
 - (i) in relation to any offence committed in the United Kingdom, any drug specified in Schedule 2 to the Misuse of Drugs Act 1971, as amended from time to time and in operation in the United Kingdom when the offence was committed; and
 - (ii) in relation to any offence committed in Guyana, any substance falling within the definition of “narcotic” in section 2(l)(m) of the Narcotic Drugs and Psychotropic Substances (Control) Act 1988 (No. 2 of 1988) as in operation in Guyana when the offence was committed;
- (b) “drug trafficking” means engaging, or being concerned, in unlawful production supply, possession for supply, transport, storage, import or export of a controlled drug whether in the United Kingdom, Guyana or elsewhere, and in the case of the United Kingdom, the unlawful manufacturing or supplying of a scheduled

¹ Came into force on 24 November 1996 by notification, in accordance with article 20.

substance within the meaning of section 12 of the Criminal Justice (International Co-operation) Act 1990;

- (c) “proceeds”, in relation to drug trafficking, means any property that is derived or realised, directly or indirectly, by any person by, or as a result of, the commission of drug trafficking, or the value of any such property;
- (d) “property” means all kinds of movable or immovable or tangible or intangible property and includes money and any interest in property.

ARTICLE 2

Scope of Application

- (1) A Party to this Agreement shall, in accordance with its provisions, grant to the other Party assistance in investigations and proceedings in respect of offences relating to drug trafficking, including the tracing, and confiscation or forfeiture, of the property of drug traffickers or property relating to drug trafficking, in the territory of the other Party, and restraining dealings in such property pending decision as to the liability of the property for confiscation or forfeiture.
- (2) A request made by a Party to this Agreement to the other Party for assistance thereunder shall be complied with by the other Party in accordance with the law in force in the territory of the other Party.
- (3) This Agreement shall not derogate from other obligations between the Parties thereto whether pursuant to other treaties or arrangements or otherwise, nor prevent the Parties from providing assistance to each other pursuant to other treaties or arrangements.

PART II

PROVISIONS RELATING TO RESTRAINT, CONFISCATION AND FORFEITURE OF PROPERTY

Assistance from Guyana to the United Kingdom

ARTICLE 3

Restraint of Property Liable to Confiscation

- (1) Where any proceedings in the territory of the United Kingdom against any person, in respect of any offence relating to drug trafficking, is likely to result in the making of an order of the nature referred to in paragraph (1) of Article 4, the Government of the United Kingdom may request the restraint in the territory of Guyana of any property of that person for the purpose of ensuring that it is available to satisfy any such order.
- (2) A request made under this Article shall be accompanied by:
 - (a) a certificate to the effect that proceedings in respect of an offence relating to drug trafficking have been instituted or are about to be instituted against a specified person and that where those proceedings have been instituted, they have not been concluded and the particulars of the offence relating to drug trafficking;
 - (b) an authenticated copy of any relevant order made by a court of the United Kingdom; and

- (c) a description of the property in Guyana to be restrained and its connection with the person specified under sub-paragraph (a) and insofar as possible its whereabouts.
- (d) where, pursuant to a request made under paragraph (2) of this Article, the restraint of any property has been ordered, but there is a representation in the territory of Guyana by a person affected by the order, the Government of Guyana shall inform the Government of the United Kingdom as soon as possible of the representation and shall also inform it promptly of the outcome of that representation.

ARTICLE 4

Assistance in Enforcing the Confiscation of Proceeds and Instruments

- (1) This Article applies to, and in relation to, an order made by a Court of the United Kingdom as a result of a conviction of any person for an offence relating to drug trafficking, for the purpose of recovering the proceeds instruments of drug trafficking, including a confiscation order made as a result of conviction for any such offence.
- (2) The Government of the United Kingdom may request the assistance of the Government of Guyana in enforcing any order to which this Article applies in respect of property in Guyana.
- (3) A request made under this Article shall be accompanied by:
 - (a) an authenticated copy of the order referred to in paragraph (1) of this Article;
 - (b) an authenticated statement that neither the order nor any conviction to which it relates is subject to appeal;
 - (c) a description of the property in Guyana in relation to which assistance is sought, its connection with the convicted person and insofar as possible its whereabouts; and
 - (d) where appropriate, a statement of the amount which it is desired to realise as a result of the assistance.
- (4) Property confiscated and realised by the Government of Guyana pursuant to a request under this Article shall be retained by the Government of Guyana, unless otherwise mutually agreed in a particular case.
- (5) Where, pursuant to a request made under paragraph (2) of this Article, the confiscation of property has been ordered but there is a representation in the territory of Guyana by a person affected by the order, the Government of Guyana shall inform the Government of the United Kingdom as soon as possible of the representation and shall also inform it promptly of the outcome of that representation.

Assistance from the United Kingdom to Guyana

ARTICLE 5

Assistance in Enforcing Restraint Orders

- (1) Where an application has been made in a court in the territory of Guyana for an order prohibiting any person, suspected to have committed an offence relating to drug

trafficking, or any other person on his behalf, from disposing of or otherwise dealing with, any property and that property is in the territory of the United Kingdom, or where any such order has been made, the Government of Guyana may request the Government of the United Kingdom to trace that property and to ensure that it is preserved and is not disposed of or otherwise dealt with so long as the aforesaid application is pending or the order is in operation.

(2) A request made under this Article shall be accompanied by:

- (a) a certificate that an application referred to in paragraph (1) of this Article has been made against a specified person or, where an order referred to in that paragraph has been made against him, an authenticated copy of the order, with the particulars of the person and of the offence relating to drug trafficking to which the application or order relates;
- (b) a certificate by the Director of Public Prosecutions that a charge has been laid or is proposed to be laid against a specified person for an offence relating to drug trafficking and where a charge has not been laid, when it is expected to be laid; and
- (c) a description of the property in the United Kingdom to which the order relates, its connection with the person specified under sub-paragraph (a) of this paragraph and insofar as possible its whereabouts.

(3) Where any representation is made by any person in the United Kingdom in respect of any order referred to in paragraph 1 of this Article, insofar as it relates to any property in the United Kingdom, the Government of the United Kingdom shall inform the Government of Guyana as soon as possible of the representation and shall inform it promptly of the outcome of that representation.

ARTICLE 6

Assistance in Enforcing Forfeiture Orders

(1) This Article applies to an order made by a court of Guyana for the forfeiture of the property of any person who has committed an offence relating to drug trafficking.

(2) The Government of Guyana may request the assistance of the Government of the United Kingdom in enforcing any order to which this Article applies insofar as it relates to any property in the United Kingdom.

(3) A request made under this Article shall be accompanied by:

- (a) an authenticated copy of the order referred to in paragraph (1) of this Article;
- (b) an authenticated statement that the order and, where it is based on a conviction, that conviction, is not subject to appeal; and
- (c) a description of the property in the United Kingdom in relation to which assistance is sought, its connection with the person guilty of the offence relating to drug trafficking, and insofar as possible its whereabouts.