

**United Kingdom Treaty Action Bulletin for May
2015**

TREATIES FOR WHICH THE UK IS DEPOSITARY

No actions.

TREATIES PUBLISHED IN THE COUNTRY SERIES THIS MONTH

None.

TREATIES PUBLISHED IN THE MISCELLANEOUS SERIES THIS MONTH

None.

TREATIES PUBLISHED IN THE EU SERIES THIS MONTH

None.

TREATIES PUBLISHED IN THE TREATY SERIES THIS MONTH

None.

MULTILATERAL TREATIES: UK ACTIONS

Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) (Warsaw, 16 May 2005)

Action: UK ratification with declarations

On 30 April, the Council of Europe, as depositary, communicated the latter which was effected on 27 April, entering into force on 1 August 2015.

The declarations read:

“In accordance with Article 53, paragraph 2, of the Convention, the United Kingdom declares that Article 47 shall not be applied.

In accordance with Article 24, paragraph 3, of the Convention, the United Kingdom declares that Article 24, paragraph 2, only applies subject to its constitutional principles and the basic concepts of its legal system.

In accordance with Article 33, paragraph 2, of the Convention, the United Kingdom declares that for the purpose of sending, answering requests and transmission of them to the authorities competent for their execution, the central authority for the United Kingdom is:

1. For the purposes of sending, answering and executing requests relating to England & Wales and Northern Ireland, the central authority for criminal requests is the Home Office.

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United Kingdom Central Authority
Judicial Cooperation Unit
Home Office
Seacole Building
2 Marsham Street
London SW1P 4DF
Tel: +44 (0)207 035 4040
Fax: +44 (0)207 035 6985
Email: ukca-ilor@homeoffice.gsi.gov.uk

2. For the purposes of sending, answering and executing requests relating to England & Wales and Northern Ireland, the central authority for non-conviction based confiscation is the Home Office.

Criminal Finances
Strategic Centre for Organised Crime – Pursue
Office of the Security and Counter-Terrorism
Home Office
Sixth Floor
Peel Building
2 Marsham Street
London SW1P 4DF
Tel: 44 (0)207 035 1559
Email: Stephen.Goadby@homeoffice.gsi.gov.uk

3. For the purposes of answering and executing requests relating to tax matters and fiscal customs matters in England & Wales and Northern Ireland, the central authority is HM Revenue & Customs (HMRC).

Mutual Legal Assistance
HMRC
Room 2E10
100 Parliament Street
London SW1A 2BQ
Fax: +44 (0)3000 586908
Email: mla@hmrc.gsi.gov.uk

4. For the purposes of sending, answering requests and transmission of them to the authorities competent for their execution in Scotland, the central authority is the Crown Office and Prosecutor Fiscal Service.

International Cooperation Unit
Crown Office
25 Chambers Street
Edinburgh EH1 1LA
Tel: +44 (0)131 243 8152
Fax: +44 (0)131 243 8153
Email: coicu@copfs.gsi.gov.uk

In accordance with Article 35, paragraph 3, of the Convention, the United Kingdom declares that requests and documents supporting such requests must be accompanied by a translation into the English language.

In accordance with Article 42, paragraph 2, of the Convention, the United Kingdom declares that information and evidence provided by the United Kingdom under Chapter IV may not, without its prior consent, be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.

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In accordance with Article 46, paragraph 13, of the Convention, the United Kingdom designates the National Crime Agency, Units 1-6 Citadel Place, Tinworth Street, London SE11 5EF, as the Financial Intelligence Unit of the United Kingdom.

In accordance with Article 53, paragraph 4, of the Convention, the United Kingdom declares that it will apply Article 3, paragraph 4, as follows, in accordance with the principles of domestic law. If a defendant has been convicted of an offence listed in Schedule 2 to the Proceeds of Crime Act 2002 or has a stated pattern or history of offending as set out in that legislation, they are deemed to have a “criminal lifestyle”, and as such are subject to a confiscation regime which requires them to demonstrate the legitimate origin of their property, or have it become liable to confiscation. The court must assume that everything a defendant holds, and had held, in the last six years, is the proceeds of crime and so must calculate the value of this property into the amount set on the confiscation order. The court must not make such an assumption however, if it is shown to be incorrect or there would be a serious risk of injustice.”

Confirmation can be found via the depositary’s website:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2737687&SecMode=1&DocId=2264218&Usage=2>

Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) (Warsaw, 16 May 2005)

Action: Bailiwick of Jersey: ratification with declarations

On 30 April, the Council of Europe, as depositary, communicated the latter which was effected on 27 April, entering into force on 1 August 2015.

The declarations read:

“In accordance with Article 53, paragraph 2, of the Convention, Jersey declares that Article 47 shall not be applied.

In accordance with Article 3, paragraph 2, of the Convention, Jersey declares that Article 3, paragraph 1, only applies in respect of offences in Jersey which are liable to a term of one or more years of deprivation of liberty.

In accordance with Article 9, paragraph 4, of the Convention, Jersey declares that Article 9, paragraph 1, only applies in respect of predicate offences in Jersey which are liable to a term of one or more years of deprivation of liberty.

In accordance with Article 24, paragraph 3, of the Convention, Jersey declares that Article 24, paragraph 2, only applies subject to its constitutional principles and the basic concepts of its legal system.

In accordance with Article 31, paragraph 2, of the Convention, Jersey declares that judicial documents should only be sent through its central authority which is:

Her Majesty’s Attorney General

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Law Officers' Department
Morier House
Halkett Place
St Helier
Jersey
JE1 1DD
Tel: +44 (0) 15 34 44 12 00
Fax: +44 (0) 15 34 44 12 99

In accordance with Article 33, paragraph 2, of the Convention, Jersey declares that for the purposes of sending, answering requests and transmission of them to the authorities competent for their execution, the central authority for Jersey is:

Her Majesty's Attorney General
Law Officers' Department
Morier House
Halkett Place
St Helier
Jersey
JE1 1DD
Tel: +44 (0) 15 34 44 12 00
Fax: +44 (0) 15 34 44 12 99

In accordance with Article 35, paragraph 3, of the Convention, Jersey declares that requests and documents supporting such requests must be accompanied by a translation into the English language.

In accordance with Article 42, paragraph 2, of the Convention, Jersey declares that information and evidence provided by Jersey under Chapter IV may not, without its prior consent, be used or transmitted by the authorities of the requesting Party in investigations or proceedings other than those specified in the request.

In accordance with Article 46, paragraph 13, of the Convention, Jersey designates the Joint Financial Crimes Unit, States of Jersey Police, Broadcasting House, St Helier, Jersey, JE2 3ZA (+44 (0) 15 34 61 22 50) as the Financial Intelligence Unit of Jersey."

Confirmation can be found via the depositary's website:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2737687&SecMode=1&DocId=2264218&Usage=2>

United Nations Convention on the Law of the Sea (Montego Bay, 10 December 1982)

Action: Objection to the interpretive declaration made by DR Congo

On 28 April, the UN, as depositary, communicated the latter which was effected on 20 April. The text reads:

"The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations in New York presents its compliments to the Secretary-General of the United Nations acting in his capacity as treaty depositary and has the honour to refer to his note

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C.N.221.2014.TREATIES-XXI.6 (Depositary Notification) of 29 April 2014, which communicated that an interpretative declaration to the United Nation Convention on the Law of the Sea (Montego Bay, 10 December 1982) (“the Convention”) had been received from the Democratic Republic of the Congo, together with declarations under Articles 287 and 298 of the Convention.

The Government of the United Kingdom notes that Article 309 prohibits reservations and exceptions to the Convention, except where expressly permitted. Article 310 clarifies that Article 309 does not preclude a State, when signing, ratifying or acceding to the Convention, from making a declaration or statement with a view, inter alia, to the harmonisation of its laws and regulations with the provisions of the Convention, provided that the declaration or statement does not purport to exclude or modify the legal effect of the provisions of the Convention in their application to that State.

The United Kingdom notes that the interpretative declaration is out of time as it was not made at the time of ratification (17 February 1989), in accordance with Article 310.

The United Kingdom further notes that the interpretative declaration is unclear. The Democratic Republic of the Congo purports to reserve the right to interpret the Convention “in the context of and with due regard to the sovereignty of the Democratic Republic of the Congo and its territorial integrity as it applies to land, space and sea”. It may be intended to modify the application of the Convention, which is prohibited under article 310. Alternatively, it may amount to a reservation or exception which is prohibited under Article 309.

For these reasons, the United Kingdom objects to the interpretative declaration, although this does not preclude the continued application of the Convention between the United Kingdom and the Democratic Republic of the Congo.”

Confirmation can be found via the depositary’s website:

<https://treaties.un.org/doc/Publication/CN/2015/CN.283.2015-Eng.pdf>