



Criminal Justice Act 1993

1993 CHAPTER 36

PART II

DRUG TRAFFICKING OFFENCES

Miscellaneous

24 Miscellaneous amendments

- (1) In section 8(6) of the Drug Trafficking Offences Act 1986 (restraint orders), for “the court may” there shall be substituted “the High Court or a county court may”.
- (2) In sections 12(1) and (2), 13(1), 15(2), 16(2), 17(2) and 19(2)(b)(i) of that Act after “High Court” there shall be inserted, in each case, “or a county court”.
- (3) In section 17A(2) of that Act (expenses of insolvency practitioner dealing with property subject to restraint order), for “(3)(za)” there shall be substituted “(4)”.
- (4) In section 18(2) of that Act (remuneration and expenses of receiver), for “(3B)” there shall be substituted “(5)”.
- (5) In section 27 of that Act (application for an order to make material available), in subsection (8) for “this section” there shall be substituted “subsection (1) above” and the following subsection shall be added at the end—

“(10) An application under subsection (1) or (5) above may be made ex parte to a judge in chambers.”.
- (6) In section 27(5) of that Act the words “or, as the case may be, the sheriff” (which are spent) shall be omitted.
- (7) Section 38(1) of that Act (interpretation) shall be amended in accordance with subsections (8) and (9).

Status: This is the original version (as it was originally enacted).

- (8) In the definition of “drug trafficking”, in paragraph (d), the words “or would be such an offence if it took place in England and Wales” shall be inserted at the end and the following paragraphs shall be inserted after paragraph (d)—
- “(e) acquiring, having possession of or using property in circumstances which amount to the commission of an offence under section 23A of this Act or which would be such an offence if it took place in England and Wales;
 - (f) conduct which is an offence under section 14 (concealing or transferring proceeds of drug trafficking) of the Criminal Justice (International Co-operation) Act 1990 or which would be such an offence if it took place in England and Wales;
 - (g) using any ship for illicit traffic in controlled drugs in circumstances which amount to the commission of an offence under section 19 of the Act of 1990;”.
- (9) In the definition of “drug trafficking offence”, the following paragraph shall be inserted after paragraph (c)—
- “(cc) an offence under section 23A of this Act;”.
- (10) In section 18(4A) of the Civil Jurisdiction and Judgments Act 1982 (enforcement of United Kingdom judgments in other parts of the United Kingdom), after “High Court” there shall be inserted “or a county court”.
- (11) In section 116(2)(aa) of the Police and Criminal Evidence Act 1984 (drug trafficking offences to be arrestable offences that are always serious), for “(d)” there shall be substituted “(dd)”.
- (12) Section 1 of the Criminal Justice (Scotland) Act 1987 (confiscation orders in relation to drug trafficking offences) shall be amended in accordance with subsections (13) to (15).
- (13) In subsection (2) (offences in relation to which confiscation orders may be made), the following paragraph shall be inserted after paragraph (b)—
- “(bb) an offence under section 42A of this Act;”.
- (14) In subsection (6) (definition of “drug trafficking”), after paragraph (e) there shall be inserted the following paragraphs—
- “(f) acquiring, having possession of or using property in contravention of section 42A of this Act;
 - (g) concealing or transferring the proceeds of drug trafficking in contravention of section 14 of the Act of 1990;
 - (h) using any ship for illicit traffic in controlled drugs in contravention of section 19 of the Act of 1990;”.
- (15) After subsection (6) there shall be inserted the following subsection—
- “(7) In paragraphs (e) to (g) of subsection (6) above, references to conduct in contravention of the enactments mentioned in those paragraphs include conduct which would contravene the enactments if it took place in Scotland.”.