



# Drug Trafficking Act 1994

## 1994 CHAPTER 37

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Supplemental*

#### **65 Consequential amendments and modifications of other Acts.**

- (1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments there specified (being amendments consequential upon the provisions of this Act).
- (2) In section 1(2)(a) of the Rehabilitation <sup>M1</sup> of Offenders Act 1974 (failure to pay fines etc. not to prevent person becoming rehabilitated) the reference to a fine or other sum adjudged to be paid by or imposed on a conviction does not include a reference to an amount payable under a confiscation order.
- (3) Section 281(4) of the Insolvency <sup>M2</sup> Act 1986 (discharge of bankrupt not to release him from liabilities in respect of fines, etc.) shall have effect as if the reference to a fine included a reference to a confiscation order.
- (4) Section 55(2) of the Bankruptcy <sup>M3</sup> (Scotland) Act 1985 (discharge of debtor not to release him from liabilities in respect of fines etc.) shall have effect as if the reference to a fine included a reference to a confiscation order.

#### **Extent Information**

- E1** S. 65(1) extends to Scotland and Northern Ireland see s. 68(1)-(3); s. 65(2)-(4) have the same extent as the enactments to which they relate see s.68(5).

#### **Modifications etc. (not altering text)**

- C1** S. 65 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, [Sch. 1](#)  
S. 65 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), [Sch. 3](#)

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#### Marginal Citations

- M1** 1974 c. 53.  
**M2** 1986 c. 45.  
**M3** 1985 c. 66.

## 66 Transitional provisions and savings.

- (1) The transitional provisions and savings set out in Schedule 2 to this Act shall have effect.
- (2) Part I and section 59 of this Act shall not apply—
  - (a) in relation to any proceedings for, or in respect of, an offence if the person accused (or, as the case may be, convicted) of that offence was charged with the offence (whether by the laying of an information or otherwise) before the date on which this Act comes into force, or
  - (b) in relation to any proceedings not within paragraph (a) above instituted before that date,
 and references in this subsection to proceedings include a reference to any order made by a court in the proceedings.
- (3) Accordingly (and without prejudice to section 16 of the Interpretation<sup>M4</sup> Act 1978), the relevant enactments and any instrument made under any of those enactments shall continue to apply in relation to any proceedings within subsection (2)(a) or (b) above (and, in particular, in relation to any confiscation order, within the meaning of the Drug<sup>M5</sup> Trafficking Offences Act 1986, made in any such proceedings) as if this Act had not been passed.
- (4) In subsection (3) above “the relevant enactments” are—
  - (a) the enactments reproduced in Part I and section 59 of this Act,
  - (b) any other enactment reproduced by this Act, so far as applicable in relation to any of the enactments reproduced in that Part or that section, and
  - (c) any enactment amended by this Act,
 but do not include any enactment which, immediately before the date on which this Act comes into force, had not come into force.
- (5) Subsection (2) above is without prejudice to section 4(7), 7(4), 26(3) or 29(7) of this Act.
- (6) Nothing in section 19(3) or (4) of this Act shall apply to any proceedings—
  - (a) for an offence committed before the commencement of this Act; or
  - (b) for one or more offences, any one of which was so committed.

#### Modifications etc. (not altering text)

- C2** S. 66 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, **Sch. 1**  
 S. 66 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), **Sch. 3**

#### Marginal Citations

- M4** 1978 c. 30.  
**M5** 1986 c. 32.

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## 67 Repeals etc.

- (1) The enactments mentioned in Schedule 3 to this Act are repealed to the extent specified in the third column of that Schedule.
- (2) Paragraph 9 of Schedule 2 to the Criminal<sup>M6</sup> Justice (Confiscation) (Northern Ireland) Order 1990 (which amends section 29(1) of the Criminal<sup>M7</sup> Justice (International Co-operation) Act 1990) is hereby revoked.

### Extent Information

**E2** S. 67(1) extends to Scotland and Northern Ireland see s. 68(2)(3); s. 67(2) extends to Northern Ireland only see 68(4).

### Modifications etc. (not altering text)

**C3** S. 67 applied (with modifications) (E.W.) (1.1.1997) by S.I. 1996/2880, arts. 3(2), 4-6, **Sch. 1**  
S. 67 modified (E.W.) (1.1.1997) by S.I. 1996/2880, art. 3(2), **Sch. 3**

### Marginal Citations

**M6** S.I. 1990/2588 (N.I. 17).  
**M7** 1990 c. 5.

## 68 Extent.

- (1) Subject to the following provisions of this section, this Act extends to England and Wales only.
- (2) The following provisions of this Act also extend to Scotland—
  - (a) section 11(11);
  - (b) sections 32 to 35 and 36(1);
  - (c) Part II;
  - (d) section [F159(11)] to (13);
  - (e) this section;
  - (f) section 69;
  - (g) sections 1, 41, 62, 63, 64, 65(1), 66 and 67(1), so far as they relate to provisions which extend to Scotland; and
  - (h) Schedule 2.
- (3) The following provisions of this Act also extend to Northern Ireland—
  - (a) Part II;
  - (b) this section;
  - (c) section 69;
  - (d) sections 63, 64, 65(1), 66 and 67(1), so far as they relate to provisions which extend to Northern Ireland; and
  - (e) Schedule 2.
- (4) Section 67(2) of this Act extends to Northern Ireland only.
- (5) The modifications of other enactments specified in section 65(2) to (4) of this Act, and the amendments specified in Schedule 1 to this Act, have the same extent as the enactments to which they relate.

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- (6) Subject to subsection (7) below, the repeals contained in Schedule 3 to this Act have the same extent as the provisions to which they relate.
- (7) The repeals of—
- (a) sections 14 and 23A of the Criminal<sup>M8</sup> Justice (International Co-operation) Act 1990, and
  - (b) paragraph 5 of Schedule 4 to the Criminal<sup>M9</sup> Justice Act 1993, extend to England and Wales only.

#### Textual Amendments

- F1** Word in s. 68(2)(d) substituted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 25\(7\)](#); [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

#### Modifications etc. (not altering text)

- C4** S. 68 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, [Sch. 1](#)  
 S. 68 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), [Sch. 3](#)

#### Marginal Citations

- M8** 1990 c. 5.  
**M9** 1993 c. 36.

### 69 Short title and commencement.

- (1) This Act may be cited as the Drug Trafficking Act 1994..
- (2) This Act comes into force at the end of the period of three months beginning with the day on which it is passed.

#### Modifications etc. (not altering text)

- C5** S. 69 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, [Sch. 1](#)  
 S. 69 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), [Sch. 3](#)

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