

---

STATUTORY INSTRUMENTS

---

**1988 No. 110**

**Act of Adjournal (Consolidation) 1988**

**CHAPTER 2**

**SUMMARY PROCEDURE**

**PART V**

**PROCEDURE IN SPECIAL SUMMARY PROCEEDINGS**

*Proceedings for certain orders and warrants under the Drug Trafficking Offences Act 1986*

**Order to make material available**

**154.**—(1) An application by the procurator fiscal to the sheriff for an order under section 27(2) of the Drug Trafficking Offences Act 1986(1) shall be made by way of petition; and section 310(2) (incidental applications) shall apply to any such application as it applies to an application referred to in that section.

(2) The sheriff may make the order sought in the petition under paragraph (1) before intimation of the petition to the person who appears to him to be in possession of the material to which the application relates.

(3) An application by the procurator fiscal for an order under section 27(5) of the Act of 1986 (entry) may be made in the petition applying for an order under section 27(2); and paragraph (2) applies to an order in respect of a person who appears to the sheriff to be entitled to grant entry to the premises in question as it applies to an order in respect of the person mentioned in that paragraph.

**Discharge and variation**

**155.**—(1) A person, in respect of whom an order has been made under said section 27(2) or (5), may apply to the sheriff for discharge or variation of the order in question.

(2) The sheriff may, after hearing the parties, either grant or refuse to grant the discharge or variation sought.

**Warrant to search premises**

**156.** An application by the procurator fiscal to the sheriff under section 28(1) of the Act of 1986 (authority for search) for a warrant authorising the search of specified premises shall be made by way of petition; and section 310 (incidental applications) shall apply to any such application for a warrant as it applies to an application for a warrant referred to in that section.

---

(1) 1986 c. 32

(2) Section 310 was amended by the 1980 Act, Schedule 6, paragraph 1 and Schedule 7, paragraph 53.