
STATUTORY INSTRUMENTS

1991 No. 1467 (S.135)

CRIMINAL LAW, SCOTLAND

The Confiscation of the Proceeds of Drug Trafficking
(Designated Countries and Territories) (Scotland) Order 1991

Made - - - - - *26th June 1991*

Coming into force *10th July 1991*

THE CONFISCATION OF THE PROCEEDS OF
DRUG TRAFFICKING (DESIGNATED COUNTRIES
AND TERRITORIES) (SCOTLAND) ORDER 1991

1. Citation and commencement
 2. Interpretation
 3. Designation of and application of the Act to countries and territories
 4. Proof of orders and judgment of court in a designated country
 5. Evidence in relation to proceedings and orders in a designated country
 6. Certificate as to appropriate authority of a designated country
 7. Representation of government of a designated country
 8. Satisfaction of confiscation order in a designated country
 9. Currency conversion
- Signature

SCHEDULE 1 —

SCHEDULE 2 — MODIFICATIONS OF PART I OF THE CRIMINAL JUSTICE
(SCOTLAND) ACT 1987 IN ITS APPLICATION TO EXTERNAL
CONFISCATION ORDERS

1. For section 1 there shall be substituted the following section:—...
2. Sections 2 to 4 shall be omitted.
3. In section 5— (a) for subsection (1) there shall be...
4. In section 6(1)— (a) for the words “section 1 of...
5. For section 7 there shall be substituted the following section:—...
6. In section 8— (a) for subsection (1) there shall be...
7. In section 9— (a) In subsection (1) the words “,...
8. In section 10, for subsection (1) there shall be substituted...

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9. After section 10 there shall be inserted the following section:—...
10. In section 11, subsection (6) shall be omitted.
11. In section 13— (a) in paragraph (b) of subsection (1)...
12. In section 14, for paragraph (c) of sub-section (1) there...
13. In section 15 for subsection (3) there should be substituted...
14. In section 16— (a) in subsection (1)–
15. In section 23— (a) in subsection (2) for the words...
16. Sections 25 to 30 and 31 and 32 shall be...
17. In section 33— (a) in subsection (2)–
18. In section 34— (a) in subsection (2) for the words...
19. In subsection (2) of section 35, for the words “,...
20. In section 35, for subsection (4) there shall be substituted...
21. In subsection (2) of section 37 the words “or (3)...
22. Sections 38 to 41 shall be omitted.
23. Sections 42 to 44 shall be omitted.
24. In section 45— (a) in subsection (1) the word “external”...
25. In section 47— (a) in subsection (1)–
26. After section 47 there shall be inserted the Appendix set...

SCHEDULE 3 — PART I OF THE CRIMINAL JUSTICE (SCOTLAND) ACT 1987
AS MODIFIED, AS APPLIED IN RELATION TO EXTERNAL
CONFISCATION ORDERS

1. External confiscation orders
5. Realisable property
6. Implicative gifts
7. Application of provisions relating to fines to enforcement of external confiscation orders
8. Cases in which restraint orders may be made
9. Restraint orders
10. Seizure of property affected by restraint order
- 10A Applications for restraint orders
11. Inhibition and arrestment of property affected by restraint order or by interdict under section 12
12. Interdict of person not subject to restraint order
13. Administrators
14. Functions of administrators
15. Money received by administrator
16. Application of proceeds of realisation and other sums
17. Supervision of administrators
18. Accounts and remuneration of administrator
19. Effect of appointment under section 13 on diligence
20. Further provision as to administrators
21. Discharge of administrator
22. Rules of court as regards accountant of court’s supervision etc. of administrators
23. Exercise of powers by Court of Session or administrator
24. Power to facilitate realisation
- 30A Registration of external confiscation orders
33. Sequestration of person holding realisable property
34. Bankruptcy in England and Wales of person holding realisable property
35. Winding up company holding realisable property
36. Property subject to floating charge
37. Insolvency practitioners dealing with property subject to restraint order

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45. Minor amendments in relation to drug trafficking
 46. Service and notice for purposes of Part I
 47. Interpretation of Part I
- APPENDIX — INSTITUTION OF PROCEEDINGS

Explanatory Note