



# Criminal Justice Act 1993

## CHAPTER 36

### CRIMINAL JUSTICE ACT 1993

#### PART I

##### JURISDICTION

- 1 Offences to which this Part applies.
- 2 Jurisdiction in respect of Group A offences.
- 3 Questions immaterial to jurisdiction in the case of certain offences.
- 4 Rules for determining certain jurisdictional questions relating to the location of events.
- 5 Conspiracy, attempt and incitement.
- 6 Relevance of external law.

#### PART II

##### DRUG TRAFFICKING OFFENCES

###### *Confiscation orders*

- 7 Confiscation orders.
- 8 Postponed determinations.
- 9 Assumptions about proceeds of drug trafficking.
- 10 Provision of information.
- 11 Variation of confiscation orders.
- 12 Revised assessment of proceeds of drug trafficking.
- 13 Availability of powers and satisfaction of orders.

###### *Death or absence of defendant*

- 14 Defendant who has died or absconded.
- 15 Compensation.

*Status: Point in time view as at 25/08/1996.*

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### *Offences*

- 16 Acquisition, possession or use of proceeds of drug trafficking.
- 17 Acquisition, possession or use of proceeds of drug trafficking: Scotland.
- 18 Offences in connection with laundering money from drug trafficking.
- 19 Offences in connection with laundering money from drug trafficking: Scotland.
- 20 Prosecution by order of the Commissioners of Customs and Excise.

### *Enforcement*

- 21 Enforcement of certain orders.
- 22 Enforcement of Northern Ireland orders: drug trafficking.
- 23 Transfer of certain enforcement powers to the Commissioners of Customs and Excise.

### *Miscellaneous*

- 24 Miscellaneous amendments.
- 25 Appeal against order forfeiting drug trafficking cash.
- 26 Disclosure of information etc. received in privileged circumstances.

## **PART III**

### **PROCEEDS OF CRIMINAL CONDUCT**

#### *Confiscation orders*

- 27 Confiscation orders.
- 28 Postponed determinations.

#### *Money laundering and other offences*

- 29 Assisting another to retain the benefit of criminal conduct.
- 30 Acquisition, possession or use of proceeds of criminal conduct.
- 31 Concealing or transferring proceeds of criminal conduct.
- 32 Tipping-off.
- 33 Application to Scotland of sections 93A to 93D of 1988 Act.
- 34 Enforcement of Northern Ireland orders: proceeds of criminal conduct.
- 35 Prosecution by order of the Commissioners of Customs and Excise.

## **PART IV**

### **FINANCING ETC. OF TERRORISM**

#### *Amendments of the 1991 Act*

- 36 Confiscation orders.
- 37 Revised assessments.
- 38 Statements, etc. relevant to making confiscation orders.
- 39 Provision of information.
- 40 Variation of confiscation orders.
- 41 Availability of powers and satisfaction of orders.
- 42 Defendant who has died or absconded.
- 43 Compensation.
- 44 Realisable property.
- 45 Enforcement.
- 46 Enforcement of orders outside Northern Ireland.

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- 47 Offences relating to proceeds of terrorist-related activities.
- 48 Failure to disclose knowledge or suspicion relating to proceeds of terrorist-related activities.

#### *Amendments of the 1989 Act*

- 49 Financial assistance for terrorism.
- 50 Investigation of terrorist activities.
- 51 Failure to disclose knowledge or suspicion of financial assistance for terrorism.

### **PART V**

#### **INSIDER DEALING**

##### *The offence of insider dealing*

- 52 The offence.
- 53 Defences.

##### *Interpretation*

- 54 Securities to which Part V applies.
- 55 “Dealing” in securities.
- 56 “Inside information”, etc.
- 57 “Insiders”.
- 58 Information “made public”.
- 59 “Professional intermediary”.
- 60 Other interpretation provisions.

##### *Miscellaneous*

- 61 Penalties and prosecution.
- 62 Territorial scope of offence of insider dealing.
- 63 Limits on section 52.
- 64 Orders.

### **PART VI**

#### **MISCELLANEOUS**

- 65 Fixing of fines.
- 66 Powers of courts to deal with offenders.
- 67 Penalty for causing death by dangerous driving or by careless driving.
- 68 Appeals in Scotland against lenient disposals, etc.
- 69 Supervised release of certain young offenders in Scotland.
- 70 Penalties under implementation regulations.
- 71 Offences in connection with taxation etc. in the EC.
- 72 Backing of warrants: safeguards.
- 73 Power of Secretary of State to make grants in relation to combating drug misuse.
- 74 Persons not eligible for early release.
- 75 Compassionate release of certain children and other persons in Scotland.
- 76 Life prisoners transferred to Scotland.
- 77 Power to extend certain offences to Crown servants and to exempt regulators etc.

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## PART VII SUPPLEMENTARY

- 78 Commencement etc.
- 79 Short title, extent etc.

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### SCHEDULES

#### SCHEDULE 1 — Special defences

##### *Market makers*

- 1 (1) An individual is not guilty of insider dealing by...

##### *Market information*

- 2 (1) An individual is not guilty of insider dealing by...
- 3 An individual is not guilty of insider dealing by virtue...
- 4 For the purposes of paragraphs 2 and 3 market information...

##### *Price stabilisation*

- 5 (1) An individual is not guilty of insider dealing by...

#### SCHEDULE 2 — Securities

##### *Shares*

- 1 Shares and stock in the share capital of a company...

##### *Debt securities*

- 2 Any instrument creating or acknowledging indebtedness which is issued by...

##### *Warrants*

- 3 Any right (whether conferred by warrant or otherwise) to subscribe...

##### *Depository receipts*

- 4 (1) The rights under any depository receipt.

##### *Options*

- 5 Any option to acquire or dispose of any security falling...

##### *Futures*

- 6 (1) Rights under a contract for the acquisition or disposal...

##### *Contracts for differences*

- 7 (1) Rights under a contract which does not provide for...

#### SCHEDULE 3 — Financial penalties

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*Increases in certain maximum fines*

1 (1) In section 17 of the Criminal Justice Act 1991...

*Statements as to offenders' financial circumstances*

2 (1) In section 20 of the Act of 1991 (statements...

*Remission of fines*

3 The following section shall be substituted for section 21 of...

*Default in paying unit fines*

4 Section 22 of the Act of 1991 (default in paying...

*Responsibility of parents and guardians*

5 In section 57 of the Act of 1991 (responsibility of...

*Other amendments*

6 (1) In section 15 of the Children and Young Persons...

Schedule 4 — Extensions and Exemptions

*The Drug Trafficking Offences Act 1986 (c.32)*

1 .....

*The Criminal Justice (Scotland) Act 1987 (c.41)*

2 The same section as is inserted in the Act of...

*The Criminal Justice Act 1988 (c.33)*

3 The same section as is inserted in the Act of...

*The Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)*

4 The same section as is inserted in the Act of...

*The Criminal Justice (International Co-operation) Act 1990 (c.5)*

5 The same section as is inserted in the Act of...

*The Northern Ireland (Emergency Provisions) Act 1991 (c.24)*

6 .....

SCHEDULE 5 — Consequential Amendments

Part I — ENACTMENTS

*The Criminal Appeal Act 1968 (c.19)*

1 In section 50 of the Criminal Appeal Act 1968 (meaning...

*The Criminal Procedure (Scotland) Act 1975 (c. 21)*

2 .....

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*The Criminal Appeal (Northern Ireland) Act 1980 (c.47)*

3 .....

*The Companies Act 1985 (c.6)*

4 (1) In section 744 of the Companies Act 1985 (interpretation),...

*The Drug Trafficking Offences Act 1986 (c.32)*

5 .....

6 .....

*The Financial Services Act 1986 (c.60)*

7 The Financial Services Act 1986 shall be amended as follows....

8 In section 128C(3)(b) (enforcement in support of overseas regulatory authority)...

9 (1) In section 177 (investigations into insider dealing), in subsection...

10 (1) In section 178 (penalties for failure to co-operate with...

11 In subsection (1) of section 189 (restriction of Rehabilitation of...

12 (1) In section 199 (powers of entry), in subsection (1)...

*The Banking Act 1987 (c.22)*

13 In section 84(6)(b) of the Banking Act 1987 (disclosure for...

*The Criminal Justice Act 1988 (c.33)*

14 (1) Section 98 of the Criminal Justice Act 1988 (disclosure...

*The Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)*

15 In section 19(1) of the Prevention of Terrorism (Temporary Provisions)...

*The Companies Act 1989 (c.40)*

16 In section 82(2)(b) of the Companies Act 1989 (request for...

*The Northern Ireland (Emergency Provisions) Act 1991 (c.24)*

17 .....

Part II — ORDERS IN COUNCIL UNDER THE NORTHERN IRELAND ACT 1974

*The Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I.6))*

18 (1) In Article 2(3) of the Companies (Northern Ireland) Order...

19 (1) In Article 442 of that Order (provision for security...

20 In paragraph (3) of Article 444A of that Order (disclosure...

*The Companies (Northern Ireland) Order 1989 (S.I. 1989/2404 (N.I.18))*

21 In Article 3(1) of the Companies (Northern Ireland) Order 1989...

*The Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))*

22 In Article 104A(1)(c) of the Insolvency (Northern Ireland) Order 1989...

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SCHEDULE 6 — Repeals and Revocations  
Part I — REPEALS  
Part II — REVOCATIONS

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