



Criminal Justice Act 1993

1993 CHAPTER 36

PART II

DRUG TRAFFICKING OFFENCES

Offences

20 Prosecution by order of the Commissioners of Customs and Excise

- (1) The following section shall be inserted in the Drug Trafficking Offences Act 1986, after section 36—

“36A Prosecution by order of the Commissioners of Customs and Excise

- (1) Proceedings for an offence to which this section applies (“a specified offence”) may be instituted by order of the Commissioners.
- (2) Any proceedings for a specified offence which are so instituted shall be commenced in the name of an officer.
- (3) In the case of the death, removal, discharge or absence of the officer in whose name any proceedings for a specified offence were commenced, those proceedings may be continued by another officer.
- (4) Where the Commissioners investigate, or propose to investigate, any matter with a view to determining—
 - (a) whether there are grounds for believing that a specified offence has been committed, or
 - (b) whether a person should be prosecuted for a specified offence,that matter shall be treated as an assigned matter within the meaning of the Customs and Excise Management Act 1979.
- (5) Nothing in this section shall be taken—

Status: This is the original version (as it was originally enacted).

- (a) to prevent any person (including any officer) who has power to arrest, detain or prosecute any person for a specified offence from doing so; or
 - (b) to prevent a court from proceeding to deal with a person brought before it following his arrest by an officer for a specified offence, even though the proceedings have not been instituted by an order made under subsection (1) above.
- (6) In this section—
- “the Commissioners” means the Commissioners of Customs and Excise;
 - “officer” means a person commissioned by the Commissioners;
 - and
 - “specified offence” means—
 - (a) an offence under section 23A, 24, 26B, 26C or 31 of this Act or section 14 of the Criminal Justice (International Co-operation) Act 1990 (concealing or transferring proceeds of drug trafficking);
 - (b) attempting to commit, conspiracy to commit or incitement to commit, any such offence; or
 - (c) any other offence of a kind prescribed in regulations made by the Secretary of State for the purposes of this section.
- (7) The power to make regulations under subsection (6) above shall be exercisable by statutory instrument.
- (8) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (2) The following section shall be inserted in the Criminal Justice (Scotland) Act 1987, after section 40—

“40A Prosecution by order of the Commissioners of Customs and Excise

- (1) Summary proceedings for a specified offence may be instituted by order of the Commissioners and shall, if so instituted, be commenced in the name of an officer.
- (2) In the case of the death, removal, discharge or absence of the officer in whose name any proceedings for a specified offence were commenced, those proceedings may be continued by another officer.
- (3) Where the Commissioners investigate, or propose to investigate, any matter with a view to determining—
 - (a) whether there are grounds for believing that a specified offence has been committed, or
 - (b) whether a person should be prosecuted for a specified offence,
 that matter shall be treated as an assigned matter within the meaning of the Customs and Excise Management Act 1979.
- (4) Nothing in this section shall be taken—

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

- (a) to prevent any person (including any officer) who has power to arrest, detain or prosecute any person for a specified offence from doing so; or
- (b) to prevent a court from proceeding to deal with a person brought before it following his arrest by an officer for a specified offence, even though the proceedings have not been instituted by an order made under subsection (1) above.

(5) In this section—

“the Commissioners” means the Commissioners of Customs and Excise;

“officer” means a person commissioned by the Commissioners; and

“specified offence” means—

- (a) an offence under section 42, 42A, 43, 43A or 43B of this Act or section 14 of the Criminal Justice (International Co-operation) Act 1990 (concealing or transferring proceeds of drug trafficking);
- (b) attempting to commit, conspiracy to commit or incitement to commit, any such offence; or
- (c) any other offence of a kind prescribed in regulations made by the Secretary of State for the purposes of this section.

(6) Regulations under subsection (5) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.