



# Drug Trafficking Act 1994

## CHAPTER 37

### DRUG TRAFFICKING ACT 1994

#### PART I

##### CONFISCATION ORDERS

###### *Introductory*

- 1 Meaning of “drug trafficking” and “drug trafficking offence”.

###### *Confiscation orders*

- 2 Confiscation orders.
- 3 Postponed determinations.
- 4 Assessing the proceeds of drug trafficking.
- 5 Amount to be recovered under confiscation order.
- 6 Meaning of “amount that might be realised” and “realisable property”.
- 7 Value of property etc.
- 8 Gifts caught by this Act.
- 9 Application of procedure for enforcing fines.
- 10 Interest on sums unpaid under confiscation orders.

###### *Statements etc in connection with confiscation orders*

- 11 Statements relating to drug trafficking.
- 12 Provision of information by defendant.

###### *Further proceedings in connection with confiscation orders*

- 13 Reconsideration of case where court has not proceeded under section 2.
- 14 Re-assessment of whether defendant has benefited from drug trafficking.

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- 15 Revised assessment of proceeds of drug trafficking.
- 16 Increase in realisable property.
- 17 Inadequacy of realisable property.
- 18 Compensation.

*Confiscation orders where defendant has absconded or died*

- 19 Powers of High Court where defendant has absconded or died.
- 20 Effect of conviction where High Court has acted under section 19.
- 21 Variation of confiscation orders made by virtue of section 19.
- 22 Compensation etc where absconder is acquitted.
- 23 Power to discharge confiscation order and order compensation where absconder returns.
- 24 Provisions supplementary to sections 21, 22 and 23.

*Restraint orders and charging orders*

- 25 Cases in which restraint orders and charging orders may be made.
- 26 Restraint orders.
- 27 Charging orders in respect of land, securities etc.
- 28 Charging orders: supplementary provisions.

*Realisation of property*

- 29 Realisation of property.
- 30 Application of proceeds of realisation and other sums.

*Exercise of powers for the realisation of property*

- 31 Exercise by High Court, county court or receiver of powers for the realisation of property.

*Insolvency of defendants etc*

- 32 Bankruptcy of defendant etc.
- 33 Sequestration in Scotland of defendant etc.
- 34 Winding up of company holding realisable property.

*Protection for insolvency officers etc*

- 35 Insolvency officers dealing with property subject to restraint order.
- 36 Receivers: supplementary provisions.

*Enforcement of orders made outside England and Wales*

- 37 Recognition and enforcement of orders and functions under Part I of the Criminal Justice (Scotland) Act 1987.
- 38 Enforcement of Northern Ireland orders.
- 39 Enforcement of external confiscation orders.
- 40 Registration of external confiscation orders.

*Interpretation*

- 41 Interpretation of Part I.

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## PART II

### DRUG TRAFFICKING MONEY IMPORTED OR EXPORTED IN CASH

- 42 Seizure and detention.
- 43 Forfeiture.
- 44 Appeal against forfeiture order made by a magistrates' court.
- 45 Appeal against forfeiture order made by sheriff.
- 46 Rules of court.
- 47 Receipts.
- 48 Interpretation of Part II.

## PART III

### OFFENCES IN CONNECTION WITH PROCEEDS OF DRUG TRAFFICKING

- 49 Concealing or transferring proceeds of drug trafficking.
- 50 Assisting another person to retain the benefit of drug trafficking.
- 51 Acquisition, possession or use of proceeds of drug trafficking.
- 52 Failure to disclose knowledge or suspicion of money laundering.
- 53 Tipping-off.
- 54 Penalties.

## PART IV

### MISCELLANEOUS AND SUPPLEMENTAL

#### *Investigations into drug trafficking*

- 55 Order to make material available.
- 56 Authority for search.
- 57 Provisions supplementary to sections 55 and 56.
- 58 Offence of prejudicing investigation.
- 59 Disclosure of information held by government departments.
- 59A Construction of sections 55 to 59

#### *Prosecution of offences etc*

- 60 Prosecution by order of the Commissioners of Customs and Excise.
- 61 Extension of certain offences to Crown servants and exemptions for regulators etc.

#### *Interpretation of Act*

- 62 Meaning of "property" and related expressions.
- 63 General interpretation.
- 64 Index of defined expressions.

#### *Supplemental*

- 65 Consequential amendments and modifications of other Acts.
- 66 Transitional provisions and savings.
- 67 Repeals etc.
- 68 Extent.
- 69 Short title and commencement.

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## SCHEDULES

### SCHEDULE 1 —

#### *Land Registration Act 1925 (c. 21)*

- 1 In section 49 of the Land Registration Act 1925 (protection...

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

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

#### *Misuse of Drugs Act 1971 (c. 38)*

- 3 In section 21 of the Misuse of Drugs Act 1971...  
4 In section 23 of that Act (power to search and...  
5 In section 27 of that Act (forfeiture of things relating...

#### *Civil Jurisdiction and Judgments Act 1982 (c. 27)*

- 6 In section 18 of the Civil Jurisdiction and Judgments Act...

#### *Criminal Justice Act 1982 (c. 48)*

- 7 In Part II of Schedule 1 to the Criminal Justice...

#### *Police and Criminal Evidence Act 1984 (c. 60)*

- 8 In section 65 of the Police and Criminal Evidence Act...  
9 In section 116 of that Act (meaning of “serious arrestable...

#### *Bankruptcy (Scotland) Act 1985 (c. 66)*

- 10 (1) In section 5 of the Bankruptcy (Scotland) Act 1985...

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

- 11 In section 40 of the Drug Trafficking Offences Act 1986...

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

- 12 In section 3 of the Criminal Justice (Scotland) Act 1987...  
13 In section 7 of that Act (application of provisions relating...  
14 In section 10 of that Act (seizure of property subject...  
15 In section 11 of that Act (inhibition and arrestment of...  
16 In section 23 of that Act (exercise of powers by...  
17 In section 26 of that Act (compensation), in subsection (2)(b),...  
18 (1) Section 27 of that Act (recognition and enforcement of...  
19 (1) Section 28 of that Act (provisions supplementary to section...  
20 In section 35 of that Act (winding up of company...

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

- 21 In section 71 of the Criminal Justice Act 1988 (confiscation...  
22 In section 151 of that Act (Customs and Excise power...

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*Extradition Act 1989 (c. 33)*

- 23 In section 22(4) of the Extradition Act 1989 (offences in...
- 24 In Schedule 1 to that Act (provisions deriving from the...

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

- 25 In section 9(6) of the Criminal Justice (International Co-operation) Act...
- 26 In section 13(6) of that Act (purposes for which information...
- 27 (1) Section 15 of that Act (interest on sums unpaid...
- 28 In section 24 of that Act (interpretation of Part II),...
- 29 In section 32(4) of that Act (which provides that Her...

*Criminal Justice Act 1993 (c. 36)*

- 30 (1) Section 79 of the Criminal Justice Act 1993 shall...

SCHEDULE 2 — Transitional provisions etc

*General transitional provisions and savings*

- 1 Anything done or having effect as if done (including the...
- 2 Any reference (express or implied) in this Act or any...
- 3 Any reference (express or implied) in any enactment, or in...
- 4 Paragraphs 1 to 3 above— (a) have effect in place...

*Provision in relation to section 32 of this Act*

- 5 In any case in which a petition in bankruptcy was...

*Provision in relation to section 34 of this Act*

- 6 In any case in which a winding up of a...

*Provision in relation to Part II of this Act*

- 7 Nothing in sections 43(4), 44 or 45 of this Act...

*Provision in relation to section 21(3) of the Criminal Justice Act 1993*

- 8 The repeal by this Act of subsection (2) of section...

*Provision in relation to section 26(1) of the Criminal Justice Act 1993*

- 9 The repeal by this Act of subsection (1) of section...

*Provision in relation to Schedule 4 to the Criminal Justice Act 1993*

- 10 The repeal by this Act of paragraph 1 of Schedule...

*Further transitional provision*

- 11 The Secretary of State may by order made by statutory...

SCHEDULE 3 — Repeals

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#### *TABLE OF DERIVATIONS*

- 1 This Table shows the derivation of the provisions of the...
- 2 The following abbreviations are used in the table:— 1986 =...

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