



# Drug Trafficking Act 1994

## 1994 CHAPTER 37

### PART I

#### CONFISCATION ORDERS

##### *Introductory*

#### **1 Meaning of “drug trafficking” and “drug trafficking offence”**

- (1) In this Act “drug trafficking” means, subject to subsection (2) below, doing or being concerned in any of the following, whether in England and Wales or elsewhere—
- (a) producing or supplying a controlled drug where the production or supply contravenes section 4(1) of the Misuse of Drugs Act 1971 or a corresponding law;
  - (b) transporting or storing a controlled drug where possession of the drug contravenes section 5(1) of that Act or a corresponding law;
  - (c) importing or exporting a controlled drug where the importation or exportation is prohibited by section 3(1) of that Act or a corresponding law;
  - (d) manufacturing or supplying a scheduled substance within the meaning of section 12 of the Criminal Justice (International Co-operation) Act 1990 where the manufacture or supply is an offence under that section or would be such an offence if it took place in England and Wales;
  - (e) using any ship for illicit traffic in controlled drugs in circumstances which amount to the commission of an offence under section 19 of that Act;
  - (f) conduct which is an offence under section 49 of this Act or which would be such an offence if it took place in England and Wales;
  - (g) acquiring, having possession of or using property in circumstances which amount to the commission of an offence under section 51 of this Act or which would amount to such an offence if it took place in England and Wales.
- (2) “Drug trafficking” also includes a person doing the following, whether in England and Wales or elsewhere, that is to say, entering into or being otherwise concerned in an arrangement whereby—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the retention or control by or on behalf of another person of the other person's proceeds of drug trafficking is facilitated; or
  - (b) the proceeds of drug trafficking by another person are used to secure that funds are placed at the other person's disposal or are used for the other person's benefit to acquire property by way of investment.
- (3) In this Act “drug trafficking offence” means any of the following—
- (a) an offence under section 4(2) or (3) or 5(3) of the Misuse of Drugs Act 1971 (production, supply and possession for supply of controlled drugs);
  - (b) an offence under section 20 of that Act (assisting in or inducing commission outside United Kingdom of offence punishable under a corresponding law);
  - (c) an offence under—
    - (i) section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation),
    - (ii) section 68(2) of that Act (exportation), or
    - (iii) section 170 of that Act (fraudulent evasion),
 in connection with a prohibition or restriction on importation or exportation having effect by virtue of section 3 of the Misuse of Drugs Act 1971;
  - (d) an offence under section 12 of the Criminal Justice (International Co-operation) Act 1990 (manufacture or supply of substance specified in Schedule 2 to that Act);
  - (e) an offence under section 19 of that Act (using ship for illicit traffic in controlled drugs);
  - (f) an offence under section 49, 50 or 51 of this Act or section 14 of the Criminal Justice (International Co-operation) Act 1990 (which makes, in relation to Scotland and Northern Ireland, provision corresponding to section 49 of this Act);
  - (g) an offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit any of the offences in paragraphs (a) to (f) above;
  - (h) an offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit any of those offences; and
  - (i) an offence of inciting another person to commit any of those offences, whether under section 19 of the Misuse of Drugs Act 1971 or at common law;
- and includes aiding, abetting, counselling or procuring the commission of any of the offences in paragraphs (a) to (f) above.
- (4) In this section “corresponding law” has the same meaning as in the Misuse of Drugs Act 1971.
- (5) For the purposes of the application of Part II of this Act in Scotland and Northern Ireland, “drug trafficking” shall be construed in accordance with section 48(2) of this Act.