



Drug Trafficking Act 1994

1994 CHAPTER 37

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Prosecution of offences etc

60 Prosecution by order of the Commissioners of Customs and Excise

- (1) Proceedings for a specified offence may be instituted by order of the Commissioners of Customs and Excise ("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—
 - (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.

Status: This is the original version (as it was originally enacted).

(6) In this section—

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

“specified offence” means—

- (a) an offence under Part III or section 58 of this Act;
- (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;

and references to the institution of proceedings for an offence shall be construed in accordance with section 41(2) of this Act.

- (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.

61 Extension of certain offences to Crown servants and exemptions for regulators etc

(1) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, sections 49(2), 50 to 53 and 58 of this Act shall apply to such persons in the public service of the Crown, or such categories of person in that service, as may be prescribed.

(2) Section 52 of this Act shall not apply—

- (a) to any person designated by regulations made by the Secretary of State for the purposes of this paragraph; or
- (b) in such circumstances as may be prescribed, to any person who falls within such category of person as may be prescribed for the purposes of this paragraph.

(3) The Secretary of State may designate for the purposes of paragraph (a) of subsection (2) above any person appearing to him to be performing regulatory, supervisory, investigative or registration functions.

(4) The categories of person prescribed by the Secretary of State for the purposes of paragraph (b) of subsection (2) above shall be such categories of person connected with the performance by any designated person of regulatory, supervisory, investigative or registration functions as he considers it appropriate to prescribe.

(5) In this section—

“the Crown” includes the Crown in right of Her Majesty’s Government in Northern Ireland; and

“prescribed” means prescribed by regulations made by the Secretary of State.

- (6) Any power to make regulations under this section shall be exercisable by statutory instrument.
- (7) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.