

*Status: Point in time view as at 25/08/1996.*

**Changes to legislation:** Drug Trafficking Act 1994, SCHEDULE 1 is up to date with all changes known to be in force on or before 06 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

Section 65.

#### Extent Information

**E1** Sch. 1 amendments as specified therein have the same extent as the enactments to which they relate.

#### CONSEQUENTIAL AMENDMENTS

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

- 1 In section 49 of the Land Registration Act 1925 (protection of certain interests etc by notice) in subsection (1)(g), the words “the Drug Trafficking Offences Act 1986 or” shall be omitted, and after the words “the Criminal Justice Act 1988” there shall be inserted the words “ or the Drug Trafficking Act 1994 ”.

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

- 2 In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), in subsection (1), as amended by paragraph 1 of Schedule 5 to the Criminal<sup>M1</sup> Justice Act 1993—
- (a) in paragraph (d), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “ Drug Trafficking Act 1994 ”; and
  - (b) in paragraph (g), for the words “section 4A of the Act of 1986” there shall be substituted the words “ section 19 of the Act of 1994 ”.

#### Marginal Citations

**M1** 1993 c. 36.

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

- 3 In section 21 of the Misuse of Drugs Act 1971 (offences by corporations), after the word “1990” there shall be inserted the words “ or section 49 of the Drug Trafficking Act 1994 ”.
- 4 In section 23 of that Act (power to search and obtain evidence), in subsection (3A)—
- (a) after the word “1990” there shall be inserted the words “ or section 49 of the Drug Trafficking Act 1994 ”; and
  - (b) after the words “that Act” there shall be inserted the words “ of 1990 ”.
- 5 In section 27 of that Act (forfeiture of things relating to certain offences), in subsection (1), for the words “section 38(1) of the Drug Trafficking Offences Act

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1986” there shall be substituted the words “ section 1(3) of the Drug Trafficking Act 1994 ”.

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

- 6 In section 18 of the Civil Jurisdiction and Judgments Act 1982 (enforcement of United Kingdom judgments in other parts of the United Kingdom) the following shall be substituted for subsection (4A)—

“(4A) This section does not apply as respects—

- (a) the enforcement in Scotland of orders made by the High Court or a county court in England and Wales under or for the purposes of Part VI of the Criminal Justice Act 1988 or the Drug Trafficking Act 1994 (confiscation of the proceeds of certain offences or of drug trafficking); or
- (b) the enforcement in England and Wales of orders made by the Court of Session under or for the purposes of Part I of the Criminal Justice (Scotland) Act 1987 (confiscation of the proceeds of drug trafficking).”

*Criminal Justice Act 1982 (c. 48)*

- 7 In Part II of Schedule 1 to the Criminal Justice Act 1982 (persons convicted of offences under certain enactments not eligible for early release), at the end there shall be added—

*“ DRUG TRAFFICKING ACT 1994*

Section 49 (concealing or transferring the proceeds of drug trafficking).

Section 50 (assisting another person to retain the benefit of drug trafficking).

Section 51 (acquisition, possession or use of proceeds of drug trafficking).”

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

- 8 In section 65 of the Police and Criminal Evidence Act 1984 (provisions supplementary to Part V), for the words “Drug Trafficking Offences Act 1986”, in both places where they occur, there shall be substituted the words “ Drug Trafficking Act 1994 ”.

- 9 In section 116 of that Act (meaning of “serious arrestable offence”), in subsection (2), paragraph (aa) shall be omitted and at the end there shall be added “and

- (c) any of the offences mentioned in paragraphs (a) to (f) of section 1(3) of the Drug Trafficking Act 1994.”

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

- 10 (1) In section 5 of the Bankruptcy (Scotland) Act 1985 (sequestration of the estate of a living or deceased debtor), in subsection (4), for the words “section 1(8) of the Drug Trafficking Offences Act 1986” there shall be substituted the words “ section 2(9) of the Drug Trafficking Act 1994 ”.

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- (2) In section 7(1) of that Act (constitution of apparent insolvency)—
- (a) in the definition of “charging order”, the words “by section 9(2) of the Drug Trafficking Offences Act 1986 or” shall be omitted, and after the word “1988” there shall be inserted the words “ or by section 27(2) of the Drug Trafficking Act 1994 ”;
  - (b) in the definition of “confiscation order”, for the words “section 1(8) of the said Act of 1986” there shall be substituted the words “ section 2(9) of the said Act of 1994 ”; and
  - (c) in the definition of “restraint order”, for the words “section 8 of the said Act of 1986” there shall be substituted the words “ section 26 of the said Act of 1994 ”.

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

- 11 In section 40 of the Drug Trafficking Offences Act 1986 (extent), for subsection (4) there shall be substituted—
- “(4) Section 34 of this Act and, so far as it relates to that section, this section, extend also to Scotland.”

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

- 12 In section 3 of the Criminal Justice (Scotland) Act 1987 (assessment of the proceeds of drug trafficking), for paragraph (a) of subsection (4) there shall be substituted—
- “(a) section 2 of the Drug Trafficking Act 1994; or”.
- 13 In section 7 of that Act (application of provisions relating to fines to enforcement of confiscation orders), in subsection (2), in the entry relating to section 403 of the Criminal<sup>M2</sup> Procedure (Scotland) Act 1975, for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “ Drug Trafficking Act 1994 ”.

**Marginal Citations**

M2 1975 c. 21.

- 14 In section 10 of that Act (seizure of property subject to restraint order), in subsection (1), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “ Drug Trafficking Act 1994 ”.
- 15 In section 11 of that Act (inhibition and arrestment of property affected by restraint order or interdict under section 12 of that Act), in subsection (6) (which applies section 11 of that Act, with modifications, to certain orders under section 8 of the Drug Trafficking Offences Act 1986)—
- (a) for the words “section 8 of the Drug Trafficking Offences Act 1986” there shall be substituted the words “ section 26 of the Drug Trafficking Act 1994 ”;
  - (b) in paragraph (a)—
    - (i) for the words “subsection (2) of section 7” there shall be substituted the words “ subsection (3) of section 25 ”; and
    - (ii) for the words “subsection (3)(b)” there shall be substituted the words “ subsection (4)(b) ”;

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- (c) in paragraph (b)—
    - (i) for the words “section 5” there shall be substituted the words “section 6 ”; and
    - (ii) for the words “subsection (2) of the said section 7” there shall be substituted the words “ subsection (3) of the said section 25 ”;
  - (d) in the subsection (3A) set out in paragraph (g), for the words “section 13 of the Drug Trafficking Offences Act 1986” there shall be substituted the words “ section 31 of the Drug Trafficking Act 1994 ”; and
  - (e) in sub-paragraph (ii) of paragraph (h), for the words “ “section 8, 11 or 12 of the said Act of 1986”” there shall be substituted the words “ “section 26, 29 or 30 of the said Act of 1994” ”.
- 16 In section 23 of that Act (exercise of powers by Court of Session or administrator), in subsection (7)—
- (a) for the words “section 13 of the Drug Trafficking Offences Act 1986” there shall be substituted the words “ section 31 of the Drug Trafficking Act 1994 ”; and
  - (b) for the words “section 13”, in the second place where they occur, there shall be substituted the words “ section 31 ”.
- 17 In section 26 of that Act (compensation), in subsection (2)(b), for the words “section 24A of the Drug Trafficking Offences Act 1986”, there shall be substituted the words “ section 37 of the Drug Trafficking Act 1994 ”.
- 18 (1) Section 27 of that Act (recognition and enforcement of orders under the Drug Trafficking Offences Act 1986) shall be amended as set out in this paragraph.
- (2) In subsection (2), for the words “section 8, 11 or 12 of the Drug Trafficking Offences Act 1986” there shall be substituted the words “ section 26, 29 or 30 of the Drug Trafficking Act 1994 ”.
  - (3) In subsection (4), for the words “section 11(3)(a) of the said Act of 1986” there shall be substituted the words “ section 29(3)(a) of the said Act of 1994 ”.
  - (4) In subsection (5)—
    - (a) in paragraph (a), for the words “section 8, 11, 12 or 30 of the said Act of 1986” there shall be substituted the words “ section 26, 29, 30 or 59 of the said Act of 1994 ”; and
    - (b) in paragraph (c), for the words “section 8, 11 or 12” there shall be substituted the words “ section 26, 29 or 30 ”.
  - (5) In subsection (6)—
    - (a) for the words “section 8 of the said Act of 1986” there shall be substituted the words “ section 26 of the said Act of 1994 ”; and
    - (b) for the words “section 7(4)” there shall be substituted the words “ section 25(5) ”.
  - (6) In subsection (8), for the words “section 11(6) of the said Act of 1986” there shall be substituted the words “ section 29(6) of the said Act of 1994 ”.
- 19 (1) Section 28 of that Act (provisions supplementary to section 27 of that Act) shall be amended as set out in this paragraph.
- (2) In subsection (4), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “ Drug Trafficking Act 1994 ”.

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- (3) In subsection (5)(b), for the words “section 8, 11 or 12 of the said Act of 1986” there shall be substituted the words “ section 26, 29 or 30 of the said Act of 1994 ”.
- (4) In subsection (6) for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “ Drug Trafficking Act 1994 ”.
- 20 In section 35 of that Act (winding up of company holding realisable property), in subsection (4), for the words “section 1 of the Drug Trafficking Offences Act 1986” there shall be substituted the words “ section 2 of the Drug Trafficking Act 1994 ”.

*Criminal Justice Act 1988 (c. 33)*

- 21 In section 71 of the Criminal Justice Act 1988 (confiscation orders), in subsection (9) (meaning of certain expressions used in Part VI of that Act), in paragraph (b), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “ Drug Trafficking Act 1994 ”.
- 22 In section 151 of that Act (Customs and Excise power of arrest), in subsection (5), for the words “section 38(1) of the Drug Trafficking Offences Act 1986 other than an offence under section 24” there shall be substituted the words “ section 1(3) of the Drug Trafficking Act 1994 other than an offence under section 50 ”.

*Extradition Act 1989 (c. 33)*

- 23 In section 22(4) of the Extradition Act 1989 (offences in relation to which provision applying that Act may be made under that section), in sub-paragraph (i) of paragraph (h), for the words “Drug Trafficking Offences Act 1986; and” there shall be substituted the words “ Drug Trafficking Act 1994; ”.
- 24 In Schedule 1 to that Act (provisions deriving from the Extradition Act 1870 etc), in paragraph 15 (certain acts deemed to be offences committed within the jurisdiction of foreign state), in sub-paragraph (j), for the words “Drug Trafficking Offences Act 1986;” there shall be substituted the words “ Drug Trafficking Act 1994; ”.

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

- 25 In section 9(6) of the Criminal Justice (International Co-operation) Act 1990 (offences in connection with which power to make provision for the enforcement in the United Kingdom of foreign forfeiture etc orders may be exercised), for the words “section 38(1) of the Drug Trafficking Offences Act 1986” there shall be substituted the words “ section 1(3) of the Drug Trafficking Act 1994 ”.
- 26 In section 13(6) of that Act (purposes for which information obtained pursuant to regulations under that section may be disclosed), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “ Drug Trafficking Act 1994 ”.
- 27 (1) Section 15 of that Act (interest on sums unpaid under confiscation orders) shall be amended as set out in sub-paragraphs (2) to (4) below.
- (2) In subsection (1), the words “under section 31(1) of the Powers of Criminal Courts Act 1973 or” shall be omitted.
- (3) The following shall be substituted for subsection (2)—

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“(2) The sheriff may, on the application of the prosecutor, increase the term of imprisonment or detention fixed in respect of the confiscation order under section 396(2) of the said Act of 1975 (imprisonment in default of payment) if the effect of subsection (1) above is to increase the maximum period applicable in relation to the order under section 407(1A) of the said Act of 1975.”

- (4) In subsection (3), the words from “shall be that” to “Scotland” shall be omitted.
- 28 In section 24 of that Act (interpretation of Part II), in subsection (2), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “ Drug Trafficking Act 1994 ”.
- 29 In section 32(4) of that Act (which provides that Her Majesty may by Order in Council direct that that Act shall extend to the Channel Islands, the Isle of Man or any colony), after the words “this Act” there shall be inserted the words “ and those provisions of the Drug Trafficking Act 1994 which re-enact provisions of this Act ”.

*Criminal Justice Act 1993 (c. 36)*

- 30 (1) Section 79 of the Criminal Justice Act 1993 shall be amended as set out in this paragraph.
- (2) In subsection (2) (provisions extending to the United Kingdom), the references to section 25 and to paragraph 5 of Schedule 4 shall be omitted.
- (3) In subsection (3) (provisions extending to Great Britain only), the words “13(9) to (11),” and “24(2), (3) and (7) to (10),” shall be omitted.
- (4) In subsection (5) (provisions extending to Scotland and Northern Ireland only) after the word “34(2)” there shall be inserted the words “ and paragraph 5 of Schedule 4 ”.

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