



Drug Trafficking Act 1994

1994 CHAPTER 37

PART I

CONFISCATION ORDERS

Realisation of property

29 Realisation of property.

[^{F1}(1) Where a confiscation order—

- (a) has been made under this Act,
- (b) is not satisfied, and
- (c) is not subject to appeal,

the High Court or a county court may, on an application by the prosecutor, exercise the powers conferred by subsections (2) to (6) below.

- (2) The court may appoint a receiver in respect of realisable property.
- (3) The court may empower a receiver appointed under subsection (2) above, under section 26 of this Act or in pursuance of a charging order—
 - (a) to enforce any charge imposed under section 27 of this Act on realisable property or on interest or dividends payable in respect of such property; and
 - (b) in relation to any realisable property other than property for the time being subject to a charge under section 27 of this Act, to take possession of the property subject to such conditions or exceptions as may be specified by the court.
- (4) The court may order any person having possession of realisable property to give possession of it to any such receiver.
- (5) The court may empower any such receiver to realise any realisable property in such manner as the court may direct.
- (6) The court may—

Status: Point in time view as at 24/02/2003. This version of this provision has been superseded.

Changes to legislation: Drug Trafficking Act 1994, Section 29 is up to date with all changes known to be in force on or before 31 July 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)

- (a) order any person holding an interest in realisable property to make to the receiver such payment as it may direct in respect of any beneficial interest held by the defendant or, as the case may be, the recipient of a gift caught by this Act; and
- (b) on the payment being made, by order transfer, grant or extinguish any interest in the property.
- (7) Subsections (4) to (6) above do not apply to property for the time being subject to a charge under section 27 of this Act or section 9 of the Drug^{MI} Trafficking Offences Act 1986.
- (8) The court shall not in respect of any property exercise the powers conferred by subsection (3)(a), (5) or (6) above unless a reasonable opportunity has been given for persons holding any interest in the property to make representations to the court.]

Extent Information

- E1** S. 29 as originally enacted extended to England and Wales only but see amendment by 1995 c. 43, ss. 35(2)(4) (with Sch. 2 para. 2(2))

Textual Amendments

- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by Proceeds of Crime Act 2002 (c. 29), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), Sch. 12; S.I. 2002/3015, art. 2, Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

Modifications etc. (not altering text)

- C1** S. 29 extended to Scotland (1.4.1996) (subject to ss. 35, 36 of the amending Act) by 1995 c. 43, ss. 35(2)(4), 44 (with Sch. 2 para. 2(2))

Marginal Citations

- M1** 1986 c. 32.

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