



# Drug Trafficking Act 1994

## 1994 CHAPTER 37

### PART I

#### CONFISCATION ORDERS

##### *Exercise of powers for the realisation of property*

- 31 Exercise by High Court, county court or receiver of powers for the realisation of property**
- (1) The following provisions apply to the powers conferred—
    - (a) on the High Court or a county court by sections 26 to 30 of this Act; or
    - (b) on a receiver appointed under section 26 or 29 of this Act or in pursuance of a charging order.
  - (2) Subject to the following provisions of this section, the powers shall be exercised with a view to making available for satisfying the confiscation order or, as the case may be, any confiscation order that may be made in the defendant's case, the value for the time being of realisable property held by any person, by means of the realisation of such property.
  - (3) In the case of realisable property held by a person to whom the defendant has directly or indirectly made a gift caught by this Act, the powers shall be exercised with a view to realising no more than the value for the time being of the gift.
  - (4) The powers shall be exercised with a view to allowing any person other than the defendant or the recipient of any such gift to retain or recover the value of any property held by him.
  - (5) In exercising the powers, no account shall be taken of any obligations of the defendant or of the recipient of any such gift which conflict with the obligation to satisfy the confiscation order.
  - (6) An order may be made or other action taken in respect of a debt owed by the Crown.