



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Status: This is the original version (as it was originally enacted).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