

SCHEDULE 3

PART I OF THE CRIMINAL JUSTICE (SCOTLAND) ACT 1987 AS MODIFIED, AS APPLIED IN RELATION TO EXTERNAL CONFISCATION ORDERS

External confiscation orders

1.—(1) An order made by a court in a designated country for the purpose of recovering payments or other rewards received in connection with drug trafficking or their value is referred to in this Act as an “external confiscation order”.

(2) in subsection (1) above the reference to an order includes any order, decree, direction or judgment, or any part thereof, however described.

(3) In this Part of this Act, “drug trafficking” means doing or being concerned in any of the following, whether in Scotland or elsewhere—

- (a) producing or supplying a controlled drug where the production or supply contravenes section 4(1) of the Misuse of Drugs Act 1971⁽¹⁾;
- (b) transporting or storing such a drug where possession of it contravenes section 5(1) of that Act;
- (c) importing or exporting such a drug where the importation or exportation is prohibited by section 3(1) of that Act;
- (d) producing, supplying, transporting, storing, importing or exporting such a drug in contravention of a corresponding law (“corresponding law” having the meaning assigned by section 36(1) of that Act);
- (e) manufacturing or supplying a scheduled substance within the meaning of section 12 of the Criminal Justice (International Co-operation) Act 1990⁽²⁾ where the manufacture or supply is an offence under that section,

and includes, whether in Scotland or elsewhere, entering into or being otherwise concerned in an arrangement whereby—

- (i) the retention or control by or on behalf of another person of the other person’s proceeds of drug trafficking is facilitated; or
- (ii) the proceeds of drug trafficking by another person are used to secure that funds are placed at the other person’s disposal or are used for that other person’s benefit to acquire property by way of investment.

(1) 1971 c. 38.

(2) 1990 c. 5.