



Drug Trafficking Offences Act 1986

1986 CHAPTER 32

Enforcement in Scotland

20 Recognition and enforcement in Scotland of orders and functions under sections 8, 11, 12 and 30

- (1) An order to which this section applies shall, subject to this section and section 21 of this Act, have effect in the law of Scotland but shall be enforced in Scotland only in accordance with this section and that section.
- (2) A receiver's functions under or for the purposes of section 8, 11 or 12 of this Act shall, subject to this section and section 21 of this Act, have effect in the law of Scotland.
- (3) If an order to which this section applies is registered under this section—
 - (a) the Court of Session shall have, in relation to its enforcement, the same power,
 - (b) proceedings for or with respect to its enforcement may be taken, and
 - (c) proceedings for or with respect to any contravention of such an order (whether before or after such registration) may be taken,as if the order had originally been made in that Court.
- (4) Nothing in this section enables any provision of an order which empowers a receiver to do anything in Scotland under section 11(3)(a) of this Act to have effect in the law of Scotland.
- (5) The orders to which this section applies are orders of the High Court—
 - (a) made under sections 8, 11, 12 or 30 of this Act,
 - (b) relating to the exercise by that Court of its powers under those sections, or
 - (c) relating to receivers in the performance of their functions under sections 8, 11 or 12 of this Act,but not including an order in proceedings for enforcement of any such order.
- (6) References in this section to an order under section 8 of this Act include references to a discharge under section 7(4) of this Act of such an order.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (7) In this section and in sections 21 and 23, " order " means any order, direction or judgment (by whatever name called).
- (8) Nothing in any order of the High Court under section 11(6) of this Act prejudices any enactment or rule of law in respect of the recording of deeds relating to heritable property in Scotland or the registration of interests therein.

21 Provisions supplementary to section 20

- (1) The Court of Session shall, on application made to it in accordance with rules of court for registration of an order to which section 20 applies, direct that the order shall, in accordance with such rules, be registered in that Court.
- (2) Subsections (1) and (3) of section 20 of this Act and subsection (1) above are subject to any provision made by rules of court—
- (a) as to the manner in which and conditions subject to which orders to which that section applies are to be enforced in Scotland,
 - (b) for the sisting of proceedings for enforcement of such an order,
 - (c) for the modification or cancellation of the registration of such an order if the order is modified or revoked or ceases to have effect.
- (3) This section and section 20 are without prejudice to any enactment or rule of law as to the effect of notice or the want of it in relation to orders of the High Court.
- (4) The Court of Session shall have the like power to make an order under section 1 of the Administration of Justice (Scotland) Act 1972 (extended power to order inspection of documents etc.) in relation to proceedings brought or likely to be brought under this Act in the High Court as if those proceedings had been brought or were likely to be brought in the Court of Session.
- (5) The Court of Session may, additionally, for the purpose of—
- (a) assisting the achievement in Scotland of the purposes of orders to which section 20 of this Act applies, or
 - (b) assisting receivers performing functions there under or for the purposes of section 8, 11 or 12 of this Act,
- make such orders and do otherwise as seems to it appropriate.

22 Inhibition and arrestment of property in Scotland

- (1) On the application of the prosecutor, the Court of Session may, in respect of any property in Scotland, being property to which a restraint order registered in that Court relates—
- (a) where the property is heritable, grant warrant for inhibition in respect of the property against any person with an interest in it, or
 - (b) where the property is moveable and would, if the person entitled to it were a debtor, be arrestable property, grant warrant for arrestment of the property,
- and on the grant of such a warrant the enactments and rules of law relating to inhibition and arrestment shall, subject to the provisions of this section, apply respectively as if the warrant had been granted on the dependence of an action for debt at the instance of the prosecutor against the person against whom the warrant for inhibition is granted or, as the case may be, whose property falls to be arrested.

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- (2) Section 155 of the Titles to Land Consolidation (Scotland) Act 1868 (effective date of inhibitions) shall apply in relation to an inhibition proceeding upon a warrant under this section.
- (3) In the application of section 158 of the said Act of 1868 (recall of inhibitions) to an inhibition proceeding upon a warrant under this section, the references to a particular Lord Ordinary in the Court of Session shall be construed as references to any such Lord Ordinary.
- (4) Any power of the Court of Session to recall, loose or restrict inhibitions or arrestments shall, in relation to an inhibition or arrestment proceeding upon a warrant under this section and without prejudice to any other consideration lawfully applying to the exercise of the power, be exercised with a view to achieving the purposes specified in section 13 of this Act.
- (5) The Court of Session shall have power to restrict the effect of an inhibition proceeding upon a warrant under this section to particular property.
- (6) The fact that such an inhibition or arrestment has been executed as respects any property shall not prejudice the exercise of a receiver's powers under or for the purposes of section 8, 11 or 12 of this Act in respect of that property.
- (7) An inhibition or arrestment under this section shall cease to have effect upon the restraint order to which it relates ceasing to have effect and, where an inhibition ceases to have effect, it shall thereupon be the duty of the prosecutor to discharge it

23 Proof in Scotland of High Court orders

A document purporting to be a copy of an order under or for the purposes of this Act by the High Court and to be certified as such by a proper officer of that Court shall, in Scotland, be sufficient evidence of the order.