



Drug Trafficking Act 1994

1994 CHAPTER 37

PART I

CONFISCATION ORDERS

Statements etc in connection with confiscation orders

11 Statements relating to drug trafficking

- (1) Where the prosecutor asks the court to proceed under section 2 of this Act he shall give the court, within such period as it may direct, a statement of matters which he considers relevant in connection with—
 - (a) determining whether the defendant has benefited from drug trafficking; or
 - (b) assessing the value of his proceeds of drug trafficking.
- (2) In this section such a statement is referred to as a “prosecutor’s statement”.
- (3) Where the court proceeds under section 2 of this Act without the prosecutor having asked it to do so, it may require him to give it a prosecutor’s statement, within such period as it may direct.
- (4) Where the prosecutor has given a prosecutor’s statement—
 - (a) he may at any time give the court a further such statement; and
 - (b) the court may at any time require him to give it a further such statement, within such period as it may direct.
- (5) Where any prosecutor’s statement has been given and the court is satisfied that a copy of the statement has been served on the defendant, it may require the defendant—
 - (a) to indicate to it, within such period as it may direct, the extent to which he accepts each allegation in the statement; and
 - (b) so far as he does not accept any such allegation, to give particulars of any matters on which he proposes to rely.

Status: This is the original version (as it was originally enacted).

- (6) Where the court has given a direction under this section it may at any time vary it by giving a further direction.
- (7) Where the defendant accepts to any extent any allegation in any prosecutor's statement, the court may, for the purposes of—
 - (a) determining whether the defendant has benefited from drug trafficking, or
 - (b) assessing the value of his proceeds of drug trafficking,treat his acceptance as conclusive of the matters to which it relates.
- (8) If the defendant fails in any respect to comply with a requirement under subsection (5) above he may be treated for the purposes of this section as accepting every allegation in the prosecutor's statement in question apart from—
 - (a) any allegation in respect of which he has complied with the requirement; and
 - (b) any allegation that he has benefited from drug trafficking or that any payment or other reward was received by him in connection with drug trafficking carried on by him or another person.
- (9) Where—
 - (a) there is given to the Crown Court by the defendant a statement as to any matters relevant to determining the amount that might be realised at the time the confiscation order is made, and
 - (b) the prosecutor accepts to any extent any allegation in the statement,the court may, for the purposes of that determination, treat the acceptance by the prosecutor as conclusive of the matters to which it relates.
- (10) An allegation may be accepted, or particulars of any matter may be given, for the purposes of this section in such manner as may be prescribed by rules of court or as the court may direct.
- (11) No acceptance by the defendant under this section that any payment or other reward was received by him in connection with drug trafficking carried on by him or another person shall be admissible in evidence in any proceedings for an offence.

12 Provision of information by defendant

- (1) This section applies where—
 - (a) the prosecutor has asked the court to proceed under section 2 of this Act; or
 - (b) no such request has been made but the court is nevertheless proceeding, or considering whether to proceed, under section 2.
- (2) For the purpose of obtaining information to assist it in carrying out its functions, the court may at any time order the defendant to give it such information as may be specified in the order.
- (3) An order under subsection (2) above may require all, or any specified part, of the required information to be given to the court in such manner, and before such date, as may be specified in the order.
- (4) Crown Court Rules may make provision as to the maximum or minimum period that may be allowed under subsection (3) above.
- (5) If the defendant fails, without reasonable excuse, to comply with any order under this section, the court may draw such inference from that failure as it considers appropriate.

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

- (6) Where the prosecutor accepts to any extent any allegation made by the defendant in giving to the court information required by an order under this section, the court may treat that acceptance as conclusive of the matters to which it relates.
- (7) For the purposes of this section, an allegation may be accepted in such manner as may be prescribed by Crown Court Rules or as the court may direct.