

SCHEDULES

SCHEDULE 1

Section 65.

CONSEQUENTIAL AMENDMENTS

Land Registration Act 1925 (c. 21)

- 1 In section 49 of the Land Registration Act 1925 (protection of certain interests etc by notice) in subsection (1)(g), the words “the Drug Trafficking Offences Act 1986 or” shall be omitted, and after the words “the Criminal Justice Act 1988” there shall be inserted the words “or the Drug Trafficking Act 1994”.

Criminal Appeal Act 1968 (c. 19)

- 2 In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), in subsection (1), as amended by paragraph 1 of Schedule 5 to the Criminal Justice Act 1993—
- (a) in paragraph (d), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “Drug Trafficking Act 1994”; and
 - (b) in paragraph (g), for the words “section 4A of the Act of 1986” there shall be substituted the words “section 19 of the Act of 1994”.

Misuse of Drugs Act 1971 (c. 38)

- 3 In section 21 of the Misuse of Drugs Act 1971 (offences by corporations), after the word “1990” there shall be inserted the words “or section 49 of the Drug Trafficking Act 1994”.
- 4 In section 23 of that Act (power to search and obtain evidence), in subsection (3A)—
- (a) after the word “1990” there shall be inserted the words “or section 49 of the Drug Trafficking Act 1994”; and
 - (b) after the words “that Act” there shall be inserted the words “of 1990”.
- 5 In section 27 of that Act (forfeiture of things relating to certain offences), in subsection (1), for the words “section 38(1) of the Drug Trafficking Offences Act 1986” there shall be substituted the words “section 1(3) of the Drug Trafficking Act 1994”.

Civil Jurisdiction and Judgments Act 1982 (c. 27)

- 6 In section 18 of the Civil Jurisdiction and Judgments Act 1982 (enforcement of United Kingdom judgments in other parts of the United Kingdom) the following shall be substituted for subsection (4A)—
- “(4A) This section does not apply as respects—

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- (a) the enforcement in Scotland of orders made by the High Court or a county court in England and Wales under or for the purposes of Part VI of the Criminal Justice Act 1988 or the Drug Trafficking Act 1994 (confiscation of the proceeds of certain offences or of drug trafficking); or
- (b) the enforcement in England and Wales of orders made by the Court of Session under or for the purposes of Part I of the Criminal Justice (Scotland) Act 1987 (confiscation of the proceeds of drug trafficking).”

Criminal Justice Act 1982 (c. 48)

- 7 In Part II of Schedule 1 to the Criminal Justice Act 1982 (persons convicted of offences under certain enactments not eligible for early release), at the end there shall be added—

“DRUG TRAFFICKING ACT 1994

Section 49 (concealing or transferring the proceeds of drug trafficking).

Section 50 (assisting another person to retain the benefit of drug trafficking).

Section 51 (acquisition, possession or use of proceeds of drug trafficking).”

Police and Criminal Evidence Act 1984 (c. 60)

- 8 In section 65 of the Police and Criminal Evidence Act 1984 (provisions supplementary to Part V), for the words “Drug Trafficking Offences Act 1986”, in both places where they occur, there shall be substituted the words “Drug Trafficking Act 1994”.

- 9 In section 116 of that Act (meaning of “serious arrestable offence”), in subsection (2), paragraph (aa) shall be omitted and at the end there shall be added “and

- (c) any of the offences mentioned in paragraphs (a) to (f) of section 1(3) of the Drug Trafficking Act 1994.”

Bankruptcy (Scotland) Act 1985 (c. 66)

- 10 (1) In section 5 of the Bankruptcy (Scotland) Act 1985 (sequestration of the estate of a living or deceased debtor), in subsection (4), for the words “section 1(8) of the Drug Trafficking Offences Act 1986” there shall be substituted the words “section 2(9) of the Drug Trafficking Act 1994”.

- (2) In section 7(1) of that Act (constitution of apparent insolvency)—

- (a) in the definition of “charging order”, the words “by section 9(2) of the Drug Trafficking Offences Act 1986 or” shall be omitted, and after the word “1988” there shall be inserted the words “or by section 27(2) of the Drug Trafficking Act 1994”;
- (b) in the definition of “confiscation order”, for the words “section 1(8) of the said Act of 1986” there shall be substituted the words “section 2(9) of the said Act of 1994”; and
- (c) in the definition of “restraint order”, for the words “section 8 of the said Act of 1986” there shall be substituted the words “section 26 of the said Act of 1994”.

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Drug Trafficking Offences Act 1986 (c. 32)

- 11 In section 40 of the Drug Trafficking Offences Act 1986 (extent), for subsection (4) there shall be substituted—

“(4) Section 34 of this Act and, so far as it relates to that section, this section, extend also to Scotland.”

Criminal Justice (Scotland) Act 1987 (c. 41)

- 12 In section 3 of the Criminal Justice (Scotland) Act 1987 (assessment of the proceeds of drug trafficking), for paragraph (a) of subsection (4) there shall be substituted—

“(a) section 2 of the Drug Trafficking Act 1994; or”.

- 13 In section 7 of that Act (application of provisions relating to fines to enforcement of confiscation orders), in subsection (2), in the entry relating to section 403 of the Criminal Procedure (Scotland) Act 1975, for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “Drug Trafficking Act 1994”.

- 14 In section 10 of that Act (seizure of property subject to restraint order), in subsection (1), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “Drug Trafficking Act 1994”.

- 15 In section 11 of that Act (inhibition and arrestment of property affected by restraint order or interdict under section 12 of that Act), in subsection (6) (which applies section 11 of that Act, with modifications, to certain orders under section 8 of the Drug Trafficking Offences Act 1986)—

(a) for the words “section 8 of the Drug Trafficking Offences Act 1986” there shall be substituted the words “section 26 of the Drug Trafficking Act 1994”;

(b) in paragraph (a)—

(i) for the words “subsection (2) of section 7” there shall be substituted the words “subsection (3) of section 25”; and

(ii) for the words “subsection (3)(b)” there shall be substituted the words “subsection (4)(b)”;

(c) in paragraph (b)—

(i) for the words “section 5” there shall be substituted the words “section 6”; and

(ii) for the words “subsection (2) of the said section 7” there shall be substituted the words “subsection (3) of the said section 25”;

(d) in the subsection (3A) set out in paragraph (g), for the words “section 13 of the Drug Trafficking Offences Act 1986” there shall be substituted the words “section 31 of the Drug Trafficking Act 1994”; and

(e) in sub-paragraph (ii) of paragraph (h), for the words ““section 8, 11 or 12 of the said Act of 1986”” there shall be substituted the words ““section 26, 29 or 30 of the said Act of 1994””.

- 16 In section 23 of that Act (exercise of powers by Court of Session or administrator), in subsection (7)—

(a) for the words “section 13 of the Drug Trafficking Offences Act 1986” there shall be substituted the words “section 31 of the Drug Trafficking Act 1994”; and

(b) for the words “section 13”, in the second place where they occur, there shall be substituted the words “section 31”.

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- 17 In section 26 of that Act (compensation), in subsection (2)(b), for the words “section 24A of the Drug Trafficking Offences Act 1986”, there shall be substituted the words “section 37 of the Drug Trafficking Act 1994”.
- 18 (1) Section 27 of that Act (recognition and enforcement of orders under the Drug Trafficking Offences Act 1986) shall be amended as set out in this paragraph.
- (2) In subsection (2), for the words “section 8, 11 or 12 of the Drug Trafficking Offences Act 1986” there shall be substituted the words “section 26, 29 or 30 of the Drug Trafficking Act 1994”.
- (3) In subsection (4), for the words “section 11(3)(a) of the said Act of 1986” there shall be substituted the words “section 29(3)(a) of the said Act of 1994”.
- (4) In subsection (5)—
- (a) in paragraph (a), for the words “section 8, 11, 12 or 30 of the said Act of 1986” there shall be substituted the words “section 26, 29, 30 or 59 of the said Act of 1994”; and
- (b) in paragraph (c), for the words “section 8, 11 or 12” there shall be substituted the words “section 26, 29 or 30”.
- (5) In subsection (6)—
- (a) for the words “section 8 of the said Act of 1986” there shall be substituted the words “section 26 of the said Act of 1994”; and
- (b) for the words “section 7(4)” there shall be substituted the words “section 25(5)”.
- (6) In subsection (8), for the words “section 11(6) of the said Act of 1986” there shall be substituted the words “section 29(6) of the said Act of 1994”.
- 19 (1) Section 28 of that Act (provisions supplementary to section 27 of that Act) shall be amended as set out in this paragraph.
- (2) In subsection (4), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “Drug Trafficking Act 1994”.
- (3) In subsection (5)(b), for the words “section 8, 11 or 12 of the said Act of 1986” there shall be substituted the words “section 26, 29 or 30 of the said Act of 1994”.
- (4) In subsection (6) for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “Drug Trafficking Act 1994”.
- 20 In section 35 of that Act (winding up of company holding realisable property), in subsection (4), for the words “section 1 of the Drug Trafficking Offences Act 1986” there shall be substituted the words “section 2 of the Drug Trafficking Act 1994”.

Criminal Justice Act 1988 (c. 33)

- 21 In section 71 of the Criminal Justice Act 1988 (confiscation orders), in subsection (9) (meaning of certain expressions used in Part VI of that Act), in paragraph (b), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “Drug Trafficking Act 1994”.
- 22 In section 151 of that Act (Customs and Excise power of arrest), in subsection (5), for the words “section 38(1) of the Drug Trafficking Offences Act 1986 other than an offence under section 24” there shall be substituted the words “section 1(3) of the Drug Trafficking Act 1994 other than an offence under section 50”.

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Extradition Act 1989 (c. 33)

- 23 In section 22(4) of the Extradition Act 1989 (offences in relation to which provision applying that Act may be made under that section), in sub-paragraph (i) of paragraph (h), for the words “Drug Trafficking Offences Act 1986; and” there shall be substituted the words “Drug Trafficking Act 1994;”.
- 24 In Schedule 1 to that Act (provisions deriving from the Extradition Act 1870 etc), in paragraph 15 (certain acts deemed to be offences committed within the jurisdiction of foreign state), in sub-paragraph (j), for the words “Drug Trafficking Offences Act 1986;” there shall be substituted the words “Drug Trafficking Act 1994;”.

Criminal Justice (International Co-operation) Act 1990 (c. 5)

- 25 In section 9(6) of the Criminal Justice (International Co-operation) Act 1990 (offences in connection with which power to make provision for the enforcement in the United Kingdom of foreign forfeiture etc orders may be exercised), for the words “section 38(1) of the Drug Trafficking Offences Act 1986” there shall be substituted the words “section 1(3) of the Drug Trafficking Act 1994”.
- 26 In section 13(6) of that Act (purposes for which information obtained pursuant to regulations under that section may be disclosed), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “Drug Trafficking Act 1994”.
- 27 (1) Section 15 of that Act (interest on sums unpaid under confiscation orders) shall be amended as set out in sub-paragraphs (2) to (4) below.
- (2) In subsection (1), the words “under section 31(1) of the Powers of Criminal Courts Act 1973 or” shall be omitted.
- (3) The following shall be substituted for subsection (2)—
- “(2) The sheriff may, on the application of the prosecutor, increase the term of imprisonment or detention fixed in respect of the confiscation order under section 396(2) of the said Act of 1975 (imprisonment in default of payment) if the effect of subsection (1) above is to increase the maximum period applicable in relation to the order under section 407(1A) of the said Act of 1975.”
- (4) In subsection (3), the words from “shall be that” to “Scotland” shall be omitted.
- 28 In section 24 of that Act (interpretation of Part II), in subsection (2), for the words “Drug Trafficking Offences Act 1986” there shall be substituted the words “Drug Trafficking Act 1994”.
- 29 In section 32(4) of that Act (which provides that Her Majesty may by Order in Council direct that that Act shall extend to the Channel Islands, the Isle of Man or any colony), after the words “this Act” there shall be inserted the words “and those provisions of the Drug Trafficking Act 1994 which re-enact provisions of this Act”.

Criminal Justice Act 1993 (c. 36)

- 30 (1) Section 79 of the Criminal Justice Act 1993 shall be amended as set out in this paragraph.

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- (2) In subsection (2) (provisions extending to the United Kingdom), the references to section 25 and to paragraph 5 of Schedule 4 shall be omitted.
- (3) In subsection (3) (provisions extending to Great Britain only), the words “13(9) to (11),” and “24(2), (3) and (7) to (10),” shall be omitted.
- (4) In subsection (5) (provisions extending to Scotland and Northern Ireland only) after the word “34(2)” there shall be inserted the words “and paragraph 5 of Schedule 4”.

SCHEDULE 2

Section 66.

TRANSITIONAL PROVISIONS ETC

General transitional provisions and savings

- 1 Anything done or having effect as if done (including the making of subordinate legislation) under or for the purposes of any provision repealed or revoked by this Act has effect as if done under or for the purposes of any corresponding provision of this Act.
- 2 Any reference (express or implied) in this Act or any other enactment, or in any instrument or document, to a provision of this Act is (so far as the context permits) to be read as being or (according to the context) including in relation to times, circumstances and purposes before the commencement of this Act a reference to the corresponding provision repealed or revoked by this Act.
- 3 Any reference (express or implied) in any enactment, or in any instrument or document, to a provision repealed or revoked by this Act is (so far as the context permits) to be read as being or (according to the context) including in relation to times, circumstances and purposes after the commencement of this Act a reference to the corresponding provision of this Act.
- 4 Paragraphs 1 to 3 above—
 - (a) have effect in place of section 17(2) of the Interpretation Act 1978 (but are without prejudice to any other provision of that Act); and
 - (b) are subject to section 66(2) to (6) of this Act.

Provision in relation to section 32 of this Act

- 5 In any case in which a petition in bankruptcy was presented, or a receiving order or adjudication in bankruptcy was made, before 29 December 1986 (the date on which the Insolvency Act 1986 came into force), section 32 of this Act has effect with the following modifications—
 - (a) for references to the bankrupt’s estate for the purposes of Part IX of that Act there are substituted references to the property of the bankrupt for the purposes of the Bankruptcy Act 1914;
 - (b) for references to the Act of 1986 and sections 280(2)(c), 286, 339 and 423 of that Act there are respectively substituted references to the Act of 1914 and to sections 26(2), 8, 27 and 42 of that Act;

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- (c) the references in subsection (4) to an interim receiver appointed as there mentioned include, where a receiving order has been made, a reference to the receiver constituted by virtue of section 7 of the Act of 1914; and
- (d) subsection (2)(b) is omitted.

Provision in relation to section 34 of this Act

- 6 In any case in which a winding up of a company commenced, or is treated as having commenced, before 29 December 1986 (the date on which the Insolvency Act 1986 came into force), section 34 of this Act has effect with the substitution for references to the Insolvency Act 1986 of references to the Companies Act 1985.

Provision in relation to Part II of this Act

- 7 Nothing in sections 43(4), 44 or 45 of this Act shall apply to an order made before the coming into force of this Act under section 26 of the Criminal Justice (International Co-operation) Act 1990.

Provision in relation to section 21(3) of the Criminal Justice Act 1993

- 8 The repeal by this Act of subsection (2) of section 21 of the Criminal Justice Act 1993 (which substitutes a new subsection for section 24A(6) of the Drug Trafficking Offences Act 1986) shall not affect the operation of paragraphs (c) to (h) of subsection (3) of that section (which provides for the same subsection as is set out in subsection (2) to be substituted for certain other enactments).

Provision in relation to section 26(1) of the Criminal Justice Act 1993

- 9 The repeal by this Act of subsection (1) of section 26 of the Criminal Justice Act 1993 (which inserts subsections (2A) and (2B) into section 31 of the Drug Trafficking Offences Act 1986) shall not affect the operation of subsection (2) of that section (which provides for the same subsections to be inserted into section 42 of the Criminal Justice (Scotland) Act 1987).

Provision in relation to Schedule 4 to the Criminal Justice Act 1993

- 10 The repeal by this Act of paragraph 1 of Schedule 4 to the Criminal Justice Act 1993 (which inserts a section 36B into the Drug Trafficking Offences Act 1986) shall not affect the operation of the remaining provisions of that Schedule (which provide for a modified version of that section to be inserted into certain other Acts).

Further transitional provision

- 11 The Secretary of State may by order made by statutory instrument, in connection with the coming into force of any provision of this Act in so far as it reproduces the effect of any provision of the Criminal Justice Act 1993, make such further transitional provision or savings as he considers appropriate.

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

SCHEDULE 3

Section 67.

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1925 c. 21.	The Land Registration Act 1925.	In section 49(1)(g), the words “the Drug Trafficking Offences Act 1986 or”.
1984 c. 60.	The Police and Criminal Evidence Act 1984.	Section 116(2)(aa).
1985 c. 66.	The Bankruptcy (Scotland) Act 1985.	In section 7(1), in the definition of “charging order”, the words “by section 9(2) of the Drug Trafficking Offences Act 1986 or”.
1986 c. 32.	The Drug Trafficking Offences Act 1986.	The whole Act, except sections 24(6), 32, 34, and 40(1) and (3) to (5).
1987 c. 41.	The Criminal Justice (Scotland) Act 1987.	Section 31. Section 45(3) and (7).
1988 c. 33.	The Criminal Justice Act 1988.	Section 103(1). In Schedule 5, Part I.
1988 c. 50.	The Housing Act 1988.	In Schedule 17, paragraphs 71 and 72.
1990 c. 5.	The Criminal Justice (International Co-operation) Act 1990.	Section 14. In section 15, in subsection (1), the words “under section 31(1) of the Powers of Criminal Courts Act 1973 or”, and in subsection (3) the words from “shall be that” to “Scotland”. Section 16. Section 23A. Sections 25 to 29. Section 30(2) and (3). Section 31(2). In Schedule 4, paragraph 4.
1993 c. 36.	The Criminal Justice Act 1993.	Sections 7 to 16. Section 18. Section 20(1).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 21(2) and (3)(a) and (b).
		Section 22(1).
		Section 24(1) to (11).
		Section 25.
		Section 26(1).
		Section 78(7).
		In section 79, in subsection (2), the references to section 25 and to paragraph 5 of Schedule 4; and in subsection (3), the words “13(9) to (11),” and “24(2), (3) and (7) to (10),”.
		In Schedule 4, paragraphs 1 and 5.
		In Schedule 5, paragraphs 5 and 6.
1994 c. 33.	The Criminal Justice and Public Order Act 1994.	In Schedule 9, paragraph 28.
