

STATUTORY INSTRUMENTS

1986 No. 2184 (S. 162)

SUMMARY JURISDICTION, SCOTLAND

Act of Adjournal (Drug Trafficking) 1986

Made - - - - 9th December 1986*Coming into Operation* 1st January 1987

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary under and by virtue of the powers conferred upon them by section 27(6) of the Drug Trafficking Offences Act 1986(a) and section 457 of the Criminal Procedure (Scotland) Act 1975(b), and of all other powers enabling them in that behalf, do hereby enact and declare:—

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Drug Trafficking) 1986 and shall come into operation on 1st January 1987.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

Order to make material available

2.—(1) An application by the procurator fiscal to the sheriff for an order under section 27(2) of the Act of 1986 shall be made by way of petition; and section 310 of the Act of 1975(c) (incidental applications) shall apply to any such application as it applies to an application referred to in that section.

(2) The sheriff may make the order sought in the petition under sub-paragraph (1) before intimation of the petition to the person who appears to him to be in possession of the material to which the application relates.

(3) An application by the procurator fiscal for an order under section 27(5) of the Act of 1986 (entry) may be made in the petition applying for an order under section 27(2); and sub-paragraph (2) applies to an order in respect of a person who appears to the sheriff to be entitled to grant entry to the premises in question as it applies to an order in respect of the person mentioned in that sub-paragraph.

Discharge and variation

3.—(1) A person, in respect of whom an order has been made under said section 27(2) or (5), may apply to the sheriff for discharge or variation of the order in question.

(a) 1986 c.32.

(b) 1975 c.21; section 457 was amended by the Criminal Justice (Scotland) Act 1980 (c.62), Schedule 7, paragraph 72.

(c) Section 310 was amended by the Criminal Justice (Scotland) Act 1980, Schedule 7, paragraph 53, and Schedule 8.

(2) The sheriff may, after hearing the parties, either grant or refuse to grant the discharge or variation sought.

Warrant to search premises

4.—An application by the procurator fiscal to the sheriff under section 28(1) of the Act of 1986 (authority for search) for a warrant authorising the search of specified premises may be made by way of petition; and section 310 of the Act of 1975 (incidental applications) shall apply to any such application for a warrant as it applies to an application for a warrant referred to in that section.

Emslie,
Lord Justice General,
I.P.D.

Edinburgh,
9th December 1986.

EXPLANATORY NOTE

(This Note is not part of the Act of Adjournal.)

This Act of Adjournal makes provision for the procedure in applications to the sheriff under section 27 (order to make material available) and section 28 (authority for search) of the Drug Trafficking Offences Act 1986.

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