

SCHEDULE 3

THE DRUG TRAFFICKING ACT 1994 AS MODIFIED

Meaning of “realisable property”

- 6.—(2) In this Act “realisable property” means, subject to subsection (3) below—
- (a) in relation to an external confiscation order made in respect of specified property, the property which is specified in the order; and
 - (b) in any other case—
 - (i) any property held by the defendant; and
 - (ii) any property held by a person to whom the defendant has directly or indirectly made a gift caught by this Act.
- (3) Property is not realisable property if there is in force in respect of it an order under any of the following enactments, namely—
- (a) section 27 of the Misuse of Drugs Act 1971 (forfeiture orders);
 - (b) section 43 of the Powers of Criminal Courts Act 1973⁽¹⁾ (deprivation orders);
 - (c) section 21 or 22 of the Proceeds of Crime (Scotland) Act 1995⁽²⁾ (forfeiture of property);
 - (d) section 13(2), (3) or (4) of the Prevention of Terrorism (Temporary Provisions) Act 1989⁽³⁾ (forfeiture orders).

(1) 1973 c. 62.
(2) 1995 c. 43.
(3) 1989 c. 4.