



# Criminal Justice (Scotland) Act 1987

## 1987 CHAPTER 41

### <sup>F1</sup>PART I

#### CONFISCATION OF PROCEEDS OF DRUG TRAFFICKING ETC.

##### *Minor amendments, service, notice and interpretation*

#### [<sup>F1</sup>45 Minor amendments in relation to drug trafficking. 4 & 5 Geo. 5 c. 59.]

<sup>F1</sup>(1) .....

(2) In section 1(2)(a) of the <sup>M1</sup>Rehabilitation of Offenders Act 1974 (failure to pay fines etc. not to prevent person becoming rehabilitated) the reference to a fine or other sum adjudged to be paid by or on a conviction does not include a reference to an amount payable under a confiscation order.

<sup>F2</sup>(3) .....

<sup>F1</sup>(4) .....

<sup>F1</sup>(5) .....

<sup>F1</sup>(6) .....

<sup>F2</sup>(7) .....]

#### Textual Amendments

**F1** Pt. 1 (ss. 1-47) repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 paras. 1, 3, 6, 16, 17)

**F2** S. 45(3)(7) repealed (3.2.1995) by 1994 c. 37, ss. 67, 69(2), **Sch. 3**

#### Marginal Citations

**M1** 1974 c. 53.

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1987, Cross Heading: Minor amendments, service, notice and interpretation. (See end of Document for details)*

## 46 Service and notice for purposes of Part I.

[<sup>F3</sup>Subject to the provisions of this Part of this Act, provision may be made by rules of court as to the giving of notice required for the purposes of this Part of this Act or the effecting of service so required; and different provision may be so made for different cases or classes of case and for different circumstances or classes of circumstance.<sup>F3</sup>]

### Textual Amendments

**F3** Pt. I (ss. 1-47) repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 paras. 1, 3, 6, 16 and 17)

## 46A <sup>F4</sup> Extension of certain offences to Crown servants and exemptions for regulators etc.

<sup>F5</sup> .....

### Textual Amendments

**F4** S. 46A inserted (1.4.1994) by 1993 c. 36, ss. 77, Sch. 4 paras. 1,2.

**F5** Pt. I (ss. 1-47) repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 paras. 1, 3, 6, 16 and 17)

## [<sup>F6</sup>47 Interpretation of Part I.

- (1) In this Part of this Act (except where the context otherwise requires)—
- “administrator” shall be construed in accordance with section 13 of this Act;
  - “associate” shall be construed in accordance with section 74 of the 1985 Act;
  - “authorised government department” means a government department which is an authorised department for the purposes of the Crown Proceedings Act 1947;
  - “confiscation order” has the meaning assigned by section 1(1) of this Act;
  - “designated country” shall be construed in accordance with section 30(2) of this Act;
  - “drug trafficking” has the meaning assigned by section 1(6) of this Act;
  - “implicative gift” shall be construed in accordance with section 6 of this Act;
  - “realisable property” shall be construed in accordance with section 5 of this Act;
  - “restraint order” has the meaning assigned by section 9 of this Act; and
  - “the 1985 Act” means the <sup>M2</sup>Bankruptcy (Scotland) Act 1985.
- (2) This Part of this Act shall (except where the context otherwise requires) be construed as one with the <sup>M3</sup>1975 Act.
- (3) This Part of this Act applies to property whether it is situated in Scotland or elsewhere.
- (4) References in this Part of this Act—

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- (a) to offences include a reference to offences committed before the commencement of section 1 of this Act; but nothing in this Act imposes any duty or confers any power on any court in or in connection with proceedings against a person for an offence to which that section relates instituted before the commencement of that section;
  - (b) to anything received in connection with drug trafficking include a reference to anything received both in that connection and in some other connection; and
  - (c) to property held by a person include a reference to property vested in the interim or permanent trustee in his sequestration or in his trustee in bankruptcy or liquidator.
- (5) For the purposes of this Part of this Act (and subject to subsections (8) and (9) of section 30 of this Act), proceedings are concluded as regards an offence where—
- (a) the trial diet is deserted *simpliciter*;
  - (b) the accused is acquitted or, under section 101 of the 1975 Act, discharged or liberated;
  - (c) the High Court sentences or otherwise deals with him without making a confiscation order and without postponing a decision as regards making such an order;
  - (d) after such postponement as is mentioned in paragraph (c) above, the High Court decides not to make a confiscation order;
  - (e) his conviction is quashed; or
  - (f) either the amount of a confiscation order made has been paid or there remains no liability to imprisonment in default of so much of that amount as is unpaid.]

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**Textual Amendments**

**F6** Pt. I (ss. 1-47) repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with **Sch. 3** paras. 1, 3, 6, 16, 17)

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**Marginal Citations**

**M2** 1985 c. 66

**M3** 1975 c. 21.

**Changes to legislation:**

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