



# Drug Trafficking Offences Act 1986

## 1986 CHAPTER 32

### *Investigations into drug trafficking*

#### **27 Order to make material available.**

- (1) A constable . . . <sup>F1</sup> may, for the purpose of an investigation into drug trafficking, apply to a Circuit judge . . . <sup>F1</sup> for an order under subsection (2) below in relation to particular material or material of a particular description.
- (2) If on such an application the judge . . . <sup>F1</sup> is satisfied that the conditions in subsection (4) below are fulfilled, he may make an order that the person who appears to him to be in possession of the material to which the application relates shall—
  - (a) produce it to a constable for him to take away, or
  - (b) give a constable access to it,within such period as the order may specify.

This subsection is subject to section 30(11) of this Act.

- (3) The period to be specified in an order under subsection (2) above shall be seven days unless it appears to the judge . . . <sup>F1</sup> that a longer or shorter period would be appropriate in the particular circumstances of the application.
  - (4) The conditions referred to in subsection (2) above are—
    - (a) that there are reasonable grounds for suspecting that a specified person has carried on or has benefited from drug trafficking,
    - (b) that there are reasonable grounds for suspecting that the material to which the application relates—
      - (i) is likely to be of substantial value (whether by itself or together with other materials) to the investigation for the purpose of which the application is made, and
      - (ii) does not consist of or include items subject to legal privilege or excluded material, and
    - (c) that there are reasonable grounds for believing that it is in the public interest, having regard—

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*Status: Point in time view as at 15/02/1994. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Drug Trafficking Offences Act 1986, Section 27. (See end of Document for details)*

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- (i) to the benefit likely to accrue to the investigation if the material is obtained, and
  - (ii) to the circumstances under which the person in possession of the material holds it,

that the material should be produced or that access to it should be given.
- (5) Where the judge <sup>F2</sup> . . . makes an order under subsection (2)(b) above in relation to material on any premises he may, on the application of a constable . . . <sup>F1</sup> order any person who appears to him to be entitled to grant entry to the premises to allow a constable to enter the premises to obtain access to the material.
- (6) Provision may be made by Crown Court Rules . . . <sup>F1</sup> as to—
  - (a) the discharge and variation of orders under this section, and
  - (b) proceedings relating to such orders.
- (7) An order of a Circuit Judge under this section shall have effect as if it were an order of the Crown Court.
- (8) Where the material to which an application under [<sup>F3</sup>subsection (1) above] relates consists of information contained in a computer—
  - (a) an order under subsection (2)(a) above shall have effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible, and
  - (b) an order under subsection (2)(b) above shall have effect as an order to give access to the material in a form in which it is visible and legible.
- (9) An order under subsection (2) above—
  - (a) shall not confer any right to production of, or access to, items subject to legal privilege or excluded material,
  - (b) shall have effect notwithstanding any obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise, and
  - (c) may be made in relation to material in the possession of an authorised government department.
- [<sup>F4</sup>(10) An application under subsection (1) or (5) above may be made ex parte to a judge in chambers.]

#### Textual Amendments

- F1** Words repealed by [Criminal Justice \(Scotland\) Act 1987 \(c. 41, SIF 39:1\)](#), ss. 47(4)(a), 70(2), [Sch. 2](#)
- F2** Words in s. 27(5) repealed (15.2.1994) by 1993 c. 36, ss. 24(6), 79(14), [Sch. 6 Pt. I](#) (with s. 78(6)(9)); [S.I. 1999/71, art. 2, Sch.](#)
- F3** Words in s. 27(8) substituted (*prosp.*) by 1993 c. 36, ss. 24(5), 78(3) (with s. 78(6)(9))
- F4** [S. 27\(10\)](#) added (*prosp.*) by 1993 c. 36, ss. 24(5), 78(3) (with s. 78(6)(9))

**Status:**

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