



Criminal Justice (Scotland) Act 1987

CHAPTER 41

CRIMINAL JUSTICE (SCOTLAND) ACT 1987

PART I

CONFISCATION OF PROCEEDS OF DRUG TRAFFICKING ETC.

Confiscation orders

- 1 Confiscation orders.
- 2 Postponed confiscation orders.
- 3 Assessing the proceeds of drug trafficking.
- 4 Statements relating to drug trafficking.
- 5 Realisable property.
- 6 Implicative gifts.
- 6A Increase in value of proceeds of drug trafficking or realisable property.
- 6B Confiscation orders where proceeds of crime discovered at later date.
- 7 Application of provisions relating to fines to enforcement of confiscation
- 7A Disposal of family home.

Restraint orders and interdict

- 8 Cases in which restraint orders may be made.
- 9 Restraint orders.
- 10 Seizure of property affected by restraint order.
- 11 Inhibition and arrestment of property affected by restraint order or by interdict under section 12.
- 11A Arrestment of property affected by restraint order.
- 12 Interdict of person not subject to restraint order.

Status: Point in time view as at 03/02/1995.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1987. (See end of Document for details)

Administrators

- 13 Administrators.
- 14 Functions of administrators.
- 15 Money received by administrator.
- 16 Application of proceeds of realisation and other sums.
- 17 Supervision of administrators.
- 18 Accounts and remuneration of administrator.
- 19 Effect of appointment under section 13 on diligence.
- 20 Further provision as to administrators.
- 21 Discharge of administrator.
- 22 Rules of court as regards accountant of court's supervision etc. of administrators.

Exercise of powers

- 23 Exercise of powers by Court of Session or administrator.
- 24 Power to facilitate realisation.

Variation of confiscation orders

- 25 Variation of confiscation order.

Compensation

- 26 Compensation.

Reciprocal arrangements for enforcement of confiscation orders

- 27 Recognition and enforcement of orders under Drug Trafficking Offences Act 1986.
- 28 Provisions supplementary to section 27.
- 28A Inhibition of Scottish property affected by order registered under section 27.
- 28B Arrestment of Scottish property affected by order registered under section 27.
- 29 Enforcement of Northern Ireland orders.
- 30 Enforcement of other external orders.
- 30A Registration of external confiscation orders.
- 31 Enforcement in England and Wales.
- 32 Order in Council as regards taking of action in designated country.

Sequestration etc. of estate comprising realisable property

- 33 Sequestration of person holding realisable property.
- 34 Bankruptcy in England and Wales of person holding realisable property.
- 35 Winding up company holding realisable property.
- 36 Property subject to floating charge.
- 37 Insolvency practitioners dealing with property subject to restraint order.

Forfeiture of property where accused has died

- 37A Forfeiture of property where accused has died.

Investigations and disclosure of information

- 38 Order to make material available.

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- 39 Authority for search.
- 40 Interpretation of sections 38 and 39.
- 40A Prosecution by order of the Commissioners of Customs and Excise.
- 41 Disclosure of information held by government departments.

Offences

- 42 Offence of prejudicing investigation.
- 43 Offence of assisting another to retain the proceeds of drug trafficking.
- 44 Offences relating to controlled drugs: fines.

Minor amendments, service, notice and interpretation

- 45 Minor amendments in relation to drug trafficking. 4 & 5 Geo. 5 c. 59.
- 46 Service and notice for purposes of Part I.
- 46A Extension of certain offences to Crown servants and exemptions for regulators etc.
- 47 Interpretation of Part I.

PART II

MISCELLANEOUS

Detention by customs officers

- 48 Detention and questioning by customs officers.
- 49 Right to have someone informed when detained
- 50 Detention in connection with certain drug smuggling offences.

Investigation of serious or complex fraud

- 51 Lord Advocate's direction.
- 52 Powers of investigation.
- 53 Offences in relation to investigations under section 52.
- 54 Disclosure of Information.
- 55 Power to petition for winding up etc. on information obtained under section 52.

Conditional offer by procurator fiscal

- 56 Conditional offer of fixed penalty by procurator fiscal.

Sittings of the High Court

- 57 High Court sittings.

Sentencing power of the sheriff

- 58 Sentencing power of sheriff in solemn procedure.

Detention of children

- 59 Detention of children in summary proceedings.

Evidence

- 60 Transcript of police interview sufficient evidence.
- 61 Evidence on commission.

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Miscellaneous

- 62 Ordaining to appear.
- 63 Power to permit witness to be in court during trial.
- 64 Aiding and abetting.
- 65 Compensation requirement in probation order.
- 66 Penalties in respect of summary conviction for certain offences.
- 67 Increases in periods of imprisonment for non-payment of fines etc.
- 68 Suspension of disqualification, forfeiture etc.

PART III

GENERAL

- 69 Interpretation.
- 70 Amendments and repeals.
- 71 Expenses.
- 72 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Minor and Consequential Amendments

The Juries Act 1949 (c. 27)

- 1 In paragraph (b) of section 2(1), for the words “on...

The Judicial Offices (Salaries etc.) Act 1952 (c. 12)

- 2 In section 2(1), for the words “circuit court expenses” there...
- 3

The Criminal Procedure (Scotland) Act 1975 (c. 21)

- 4 In section 5(1) (crimes committed in different districts)—
- 5 In section 86 (selection of jurors)— (a) for the words...
- 6 In section 113(2) (difference as to rotation of judges) at...
- 7 In section 129 (balloting of jurors), after the word “aside,”...
- 8 In each of sections 141(3) and 346(3) (which permit the...
- 9 In section 149(1) (calling additional evidence)— (a) for the words...
- 10 In each of sections 183(1) and 384(1) (probation orders)—
- 11 In section 212(1) (recall to young offenders institution on reconviction)
—...
- 12 In each of sections 215 and 426 (detention etc. deemed...
- 13 (1) In section 245(1) (quorum and sitting of the High...
- 14 (1) In section 268 (reckoning of time spent in custody...
- 15 In section 289B— (a) in subsection (7) for the words...

The Criminal Justice (Scotland) Act 1980 (c. 62)

- 16 In section 2 (police detention)— (a) in subsection (2), the...
- 17 In paragraph (b)(ii) of section 41(2) (construction of “detention” in...
- 18 (1) In Schedule 1 (certificates as to proof of certain...

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The Contempt of Court Act 1981 (c. 49)

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SCHEDULE 2 — Repeals

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