



Criminal Justice (Scotland) Act 1987

1987 CHAPTER 41

^{F1}PART I

CONFISCATION OF PROCEEDS OF DRUG TRAFFICKING ETC.

Minor amendments, service, notice and interpretation

[^{F1}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 ^{M1}Bankruptcy (Scotland) Act 1985.
- (2) This Part of this Act shall (except where the context otherwise requires) be construed as one with the ^{M2}1975 Act.
- (3) This Part of this Act applies to property whether it is situated in Scotland or elsewhere.

*Changes to legislation: There are currently no known outstanding effects for the
Criminal Justice (Scotland) Act 1987, Section 47. (See end of Document for details)*

- (4) References in this Part of this Act—
- (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.]

Textual Amendments

F1 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)

Marginal Citations

M1 1985 c. 66

M2 1975 c. 21.

Changes to legislation:

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