



Drug Trafficking Act 1994

1994 CHAPTER 37

PART I

CONFISCATION ORDERS

Introductory

^{F1} **Meaning of “drug trafficking” and “drug trafficking offence”.**

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); S.I. 2002/3015, [art. 2](#), Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

Confiscation orders

^{F12} **Confiscation orders.**

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); S.I. 2002/3015, [art. 2](#), Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts.

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10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); S.I. 2003/1725, art. 2(1)

F13 Postponed determinations.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); S.I. 2002/3015, [art. 2](#), [Sch.](#) (with [art. 3](#)); S.I. 2003/120, art. 2, [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); S.I. 2003/1725, art. 2(1)

F14 Assessing the proceeds of drug trafficking.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); S.I. 2002/3015, [art. 2](#), [Sch.](#) (with [art. 3](#)); S.I. 2003/120, art. 2, [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); S.I. 2003/1725, art. 2(1)

F15 Amount to be recovered under confiscation order.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); S.I. 2002/3015, [art. 2](#), [Sch.](#) (with [art. 3](#)); S.I. 2003/120, art. 2, [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); S.I. 2003/1725, art. 2(1)

F16 Meaning of “amount that might be realised” and “realisable property”.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

F17 Value of property etc.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

F18 Gifts caught by this Act.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

F19 Application of procedure for enforcing fines.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

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F1 10 Interest on sums unpaid under confiscation orders.

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Textual Amendments

- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); [S.I. 2002/3015, art. 2, Sch.](#) (with art. 3); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3-6) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#)); [S.I. 2003/333, art. 2, Sch.](#) (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); [S.I. 2003/1725, art. 2\(1\)](#)

Statements etc in connection with confiscation orders

F1 11 Statements relating to drug trafficking.

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Extent Information

- E1** S. 11 extends to England and Wales only except that s. 11(11) extends also to Scotland.

Textual Amendments

- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); [S.I. 2002/3015, art. 2, Sch.](#) (with art. 3); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3-6) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#)); [S.I. 2003/333, art. 2, Sch.](#) (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); [S.I. 2003/1725, art. 2\(1\)](#)

F1 12 Provision of information by defendant.

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Textual Amendments

- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); [S.I. 2002/3015, art. 2, Sch.](#) (with art. 3); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3-6) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#)); [S.I. 2003/333, art. 2, Sch.](#) (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); [S.I. 2003/1725, art. 2\(1\)](#)

Further proceedings in connection with confiscation orders

F1 13 Reconsideration of case where court has not proceeded under section 2.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

F1 14 Re-assessment of whether defendant has benefited from drug trafficking.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

F1 15 Revised assessment of proceeds of drug trafficking.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

F1 16 Increase in realisable property.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

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F1 17 Inadequacy of realisable property.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); [S.I. 2002/3015, art. 2, Sch.](#) (with art. 3); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3-6) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#)); [S.I. 2003/333, art. 2, Sch.](#) (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); [S.I. 2003/1725, art. 2\(1\)](#)

F1 18 Compensation.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); [S.I. 2002/3015, art. 2, Sch.](#) (with art. 3); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3-6) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#)); [S.I. 2003/333, art. 2, Sch.](#) (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); [S.I. 2003/1725, art. 2\(1\)](#)

Confiscation orders where defendant has absconded or died

F1 19 Powers of High Court where defendant has absconded or died.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); [S.I. 2002/3015, art. 2, Sch.](#) (with art. 3); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3-6) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#)); [S.I. 2003/333, art. 2, Sch.](#) (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); [S.I. 2003/1725, art. 2\(1\)](#)

F1 20 Effect of conviction where High Court has acted under section 19.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch.

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11 para. 25(1)(2)(a), **Sch. 12**; S.I. 2002/3015, **art. 2**, Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

F121 Variation of confiscation orders made by virtue of section 19.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by Proceeds of Crime Act 2002 (c. 29), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), **Sch. 12**; S.I. 2002/3015, **art. 2**, Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

F122 Compensation etc where absconder is acquitted.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by Proceeds of Crime Act 2002 (c. 29), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), **Sch. 12**; S.I. 2002/3015, **art. 2**, Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

F123 Power to discharge confiscation order and order compensation where absconder returns.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by Proceeds of Crime Act 2002 (c. 29), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), **Sch. 12**; S.I. 2002/3015, **art. 2**, Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

F124 Provisions supplementary to sections 21, 22 and 23.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

Restraint orders and charging orders

F1 25 Cases in which restraint orders and charging orders may be made.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

F1 26 Restraint orders.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

F1 27 Charging orders in respect of land, securities etc.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts.](#)

Status: Point in time view as at 01/07/2005.

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10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

F128 Charging orders: supplementary provisions.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by Proceeds of Crime Act 2002 (c. 29), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), Sch. 12; S.I. 2002/3015, art. 2, Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

Realisation of property

F129 Realisation of property.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by Proceeds of Crime Act 2002 (c. 29), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), Sch. 12; S.I. 2002/3015, art. 2, Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

F130 Application of proceeds of realisation and other sums.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by Proceeds of Crime Act 2002 (c. 29), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), Sch. 12; S.I. 2002/3015, art. 2, Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

Status: Point in time view as at 01/07/2005.

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Exercise of powers for the realisation of property

F131 Exercise by High Court, county court or receiver of powers for the realisation of property.

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Textual Amendments

- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

Insolvency of defendants etc

F132 Bankruptcy of defendant etc.

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Textual Amendments

- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

F133 Sequestration in Scotland of defendant etc.

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Textual Amendments

- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

F134 Winding up of company holding realisable property.

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Status: Point in time view as at 01/07/2005.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

Protection for insolvency officers etc

^{F1}35 Insolvency officers dealing with property subject to restraint order.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

^{F1}36 Receivers: supplementary provisions.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

Enforcement of orders made outside England and Wales

^{F1}37 Recognition and enforcement of orders and functions under Part I of the Criminal Justice (Scotland) Act 1987.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch.](#)

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11 para. 25(1)(2)(a), **Sch. 12**; S.I. 2002/3015, **art. 2**, Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by **Land Registration Act 2002** (c. 9), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

^{F1}38 Enforcement of Northern Ireland orders.

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Textual Amendments

- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by **Proceeds of Crime Act 2002** (c. 29), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), **Sch. 12**; S.I. 2002/3015, **art. 2**, Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by **Land Registration Act 2002** (c. 9), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

39 Enforcement of external confiscation orders.

[^{F1}(1) Her Majesty may by Order in Council—

- (a) direct in relation to a country or territory outside the United Kingdom designated by the Order (a “designated country”) that, subject to such modifications as may be specified, the relevant provisions of this Act shall apply to external confiscation orders and to proceedings which have been or are to be instituted in the designated country and may result in an external confiscation order being made there;
 - (b) make—
 - (i) such provision in connection with the taking of action in the designated country with a view to satisfying a confiscation order,
 - (ii) such provision as to evidence or proof of any matter for the purposes of this section and section 40 of this Act, and
 - (iii) such incidental, consequential and transitional provision, as appears to Her Majesty to be expedient; and
 - (c) (without prejudice to the generality of this subsection) direct that, in such circumstances as may be specified, proceeds which arise out of action taken in the designated country with a view to satisfying a confiscation order shall be treated as reducing the amount payable under the order to such extent as may be specified.
- (2) In this section “external confiscation order” means an order made by a court in a designated country for the purpose of recovering, or recovering the value of, payments or other rewards received in connection with drug trafficking.
 - (3) An Order in Council under this section may make different provision for different cases or classes of case.
 - (4) The power to make an Order in Council under this section includes power to modify the relevant provisions of this Act in such a way as to confer power on a person to exercise a discretion.

Status: Point in time view as at 01/07/2005.

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- (5) An Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) For the purposes of this section, “the relevant provisions of this Act” are this Part, except sections 10 and 16, and Part IV.]

Textual Amendments

- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); S.I. 2002/3015, [art. 2](#), Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

40 Registration of external confiscation orders.

- [^{F1}(1) On an application made by or on behalf of the Government of a designated country, the High Court may register an external confiscation order made there if—
- (a) it is satisfied that at the time of registration the order is in force and not subject to appeal;
 - (b) it is satisfied, where the person against whom the order is made did not appear in the proceedings, that he received notice of the proceedings in sufficient time to enable him to defend them; and
 - (c) it is of the opinion that enforcing the order in England and Wales would not be contrary to the interests of justice.
- (2) In subsection (1) above “appeal” includes—
- (a) any proceedings by way of discharging or setting aside a judgment; and
 - (b) an application for a new trial or a stay of execution.
- (3) The High Court shall cancel the registration of an external confiscation order if it appears to the court that the order has been satisfied by payment of the amount due under it.
- (4) In this section “designated country” and “external confiscation order” have the same meaning as in section 39 of this Act.]

Textual Amendments

- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); S.I. 2002/3015, [art. 2](#), Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

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Interpretation

^{F1}41 Interpretation of Part I.

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Textual Amendments

- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); [S.I. 2002/3015, art. 2, Sch.](#) (with art. 3); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3-6) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#)); [S.I. 2003/333, art. 2, Sch.](#) (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); [S.I. 2003/1725, art. 2\(1\)](#)

PART II

DRUG TRAFFICKING MONEY IMPORTED OR EXPORTED IN CASH

42 Seizure and detention.

^{F2}

Textual Amendments

- F2** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); [S.I. 2002/3015, art. 2, Sch.](#) (with art. 3); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3-6) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#)); [S.I. 2003/333, art. 2, Sch.](#) (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); [S.I. 2003/1725, art. 2\(1\)](#)

43 Forfeiture.

^{F3}

Textual Amendments

- F3** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); [S.I. 2002/3015, art. 2, Sch.](#) (with art. 3); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3-6) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#)); [S.I. 2003/333, art. 2, Sch.](#) (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); [S.I. 2003/1725, art. 2\(1\)](#)

44 Appeal against forfeiture order made by a magistrates' court.

^{F4}

Status: Point in time view as at 01/07/2005.

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Textual Amendments

F4 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

45 Appeal against forfeiture order made by sheriff.

F5

Textual Amendments

F5 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

46 Rules of court.

F6

Textual Amendments

F6 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

47 Receipts.

F7

Textual Amendments

F7 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

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48 Interpretation of Part II.

F8

Textual Amendments

F8 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); S.I. 2002/3015, [art. 2](#), Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

PART III

OFFENCES IN CONNECTION WITH PROCEEDS OF DRUG TRAFFICKING

F149 Concealing or transferring proceeds of drug trafficking.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); S.I. 2002/3015, [art. 2](#), Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

F150 Assisting another person to retain the benefit of drug trafficking.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), Sch. 11 para. 25(1)(2)(a), [Sch. 12](#); S.I. 2002/3015, [art. 2](#), Sch. (with art. 3); S.I. 2003/120, art. 2, Sch. (with arts. 3-6) (as amended (20.2.2003) by S.I. 2003/333, art. 14); S.I. 2003/333, art. 2, Sch. (with arts. 10-13); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), Sch. 11 para. 32, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

F151 Acquisition, possession or use of proceeds of drug trafficking.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

^{F1}52 Failure to disclose knowledge or suspicion of money laundering.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

^{F1}53 Tipping-off.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

^{F1}54 Penalties.

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Textual Amendments

F1 Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 25\(1\)\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2002/3015](#), [art. 2](#), [Sch.](#) (with [art. 3](#)); [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3-6](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#)); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (with [arts. 10-13](#)); and ss. 26, 28 amended (13.10.2003) in so far as still in force by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 32](#), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), [art. 2\(1\)](#)

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PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Modifications etc. (not altering text)

- C1** Part IV (ss. 55-69) applied with modifications (1.1.1997) by S.I. 1996/2880, arts. 3-6, **Schs. 1-3** (as amended by S.I. 1997/2980, arts. 2-5, **Sch.**)

Investigations into drug trafficking

55 Order to make material available.

- (1) A constable may, for the purpose of an investigation into drug trafficking, apply to a Circuit judge 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 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 has effect subject to section 59(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 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^{F9} ... 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 material) 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—
 - (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 makes an order under subsection (2)(b) above in relation to material on any premises he may, on the application of a constable, order any person who

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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) An application under subsection (1) or (5) above may be made ex parte to a judge in chambers.
- (7) Provision may be made by [^{F10}Criminal Procedure Rules] as to—
 - (a) the discharge and variation of orders under this section; and
 - (b) proceedings relating to such orders.
- (8) An order of a Circuit judge under this section shall have effect as if it were an order of the Crown Court.
- (9) Where the material to which an application under 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.
- (10) 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;

and in this subsection “authorised government department” means a government department which is an authorised department for the purposes of the Crown^{M1} Proceedings Act 1947.

Textual Amendments

F9 Words in s. 55(4)(a) repealed (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 25\(2\)\(b\)](#), [Sch. 12](#); [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

F10 Words in s. 55(7) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 364](#); [S.I. 2004/2066](#), art. 2(c)(xvii) (with art. 3)

Modifications etc. (not altering text)

C2 S. 55 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, [Sch. 1](#)
S. 55 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), [Sch. 3](#)

Marginal Citations

M1 [1947 c. 44](#).

56 Authority for search.

- (1) A constable may, for the purpose of an investigation into drug trafficking, apply to a Circuit judge for a warrant under this section in relation to specified premises.

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- (2) On such application the judge may issue a warrant authorising a constable to enter and search the premises if the judge is satisfied—
- (a) that an order made under section 55 of this Act in relation to material on the premises has not been complied with;
 - (b) that the conditions in subsection (3) below are fulfilled; or
 - (c) that the conditions in subsection (4) below are fulfilled.
- (3) The conditions referred to in subsection (2)(b) above are—
- (a) that there are reasonable grounds for suspecting that a specified person has carried on ^{F11}... drug trafficking;
 - (b) that the conditions in subsection (4)(b) and (c) of section 55 of this Act are fulfilled in relation to any material on the premises; and
 - (c) that it would not be appropriate to make an order under that section in relation to the material because—
 - (i) it is not practicable to communicate with any person entitled to produce the material;
 - (ii) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to the premises on which the material is situated; or
 - (iii) the investigation for the purpose of which the application is made might be seriously prejudiced unless a constable could secure immediate access to the material.
- (4) The conditions referred to in subsection (2)(c) above are—
- (a) that there are reasonable grounds for suspecting that a specified person has carried on ^{F12}... drug trafficking;
 - (b) that there are reasonable grounds for suspecting that there is on the premises material relating to the specified person or to drug trafficking which is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made, but that the material cannot at the time of the application be particularised; and
 - (c) that—
 - (i) it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (ii) entry to the premises will not be granted unless a warrant is produced; or
 - (iii) the investigation for the purpose of which the application is made might be seriously prejudiced unless a constable arriving at the premises could secure immediate entry to them.
- (5) Where a constable has entered premises in the execution of a warrant issued under this section, he may seize and retain any material, other than items subject to legal privilege and excluded material, which is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the warrant was issued.

Status: Point in time view as at 01/07/2005.

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Textual Amendments

- F11** Words in s. 56(3)(a) repealed (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 11 para. 25\(2\)\(b\), Sch. 12; S.I. 2003/120, art. 2, Sch. \(with arts. 3, 4\) \(as amended \(20.2.2003\) by S.I. 2003/333, art. 14\)](#)
- F12** Words in s. 56(4)(a) repealed (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 11 para. 25\(2\)\(b\), Sch. 12; S.I. 2003/120, art. 2, Sch. \(with arts. 3, 4\) \(as amended \(20.2.2003\) by S.I. 2003/333, art. 14\)](#)

Modifications etc. (not altering text)

- C3** S. 56 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880, arts. 3\(2\), 4-6, Sch. 1 S. 56 modified \(E.W.\) \(1.1.1997\) by S.I. 1996/2880, art. 3\(2\), Sch. 3](#)
- C4** S. 56(5): Power of seizure extended (*prosp.*) by [2001 c. 16, ss. 50, 52-54, 68, 138\(2\), Sch. 1 Pt. 1 para. 59](#)
S. 56(5) modified (*prosp.*) by [2001 c. 16, ss. 55, 57\(3\), 68, 138\(2\), Sch. 1 Pt.3 para. 108](#)
- C5** S. 56(5) powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\), ss. 50, 138\(2\), Sch. 1 para. 59 \(with ss. 52-54, 68\); S.I. 2003/708, art. 2\(a\)](#)
- C6** S. 56(5) modified (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\), ss. 55, 138\(2\), Sch. 1 para. 108 \(with ss. 57\(3\), 68\); S.I. 2003/708, art. 2\(a\)](#)

57 Provisions supplementary to sections 55 and 56.

- (1) For the purposes of sections 21 and 22 of the Police ^{M2}and Criminal Evidence Act 1984 (access to, and copying and retention of, seized material)—
- (a) an investigation into drug trafficking shall be treated as if it were an investigation of or in connection with an offence; and
 - (b) material produced in pursuance of an order under section 55(2)(a) of this Act shall be treated as if it were material seized by a constable.
- (2) In sections 55 and 56 of this Act “excluded material”, “items subject to legal privilege” and “premises” have the same meaning as in the 1984 Act.

Modifications etc. (not altering text)

- C7** S. 57 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880, arts. 3\(2\), 4-6, Sch. 1 S. 57 modified \(E.W.\) \(1.1.1997\) by S.I. 1996/2880, art. 3\(2\), Sch. 3](#)

Marginal Citations

- M2** [1984 c. 60.](#)

58 Offence of prejudicing investigation.

- (1) Where, in relation to an investigation into drug trafficking—
- (a) an order under section 55 of this Act has been made or has been applied for and has not been refused, or
 - (b) a warrant under section 56 of this Act has been issued,
- a person is guilty of an offence if, knowing or suspecting that the investigation is taking place, he makes any disclosure which is likely to prejudice the investigation.

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- (2) In proceedings against a person for an offence under this section, it is a defence to prove—
 - (a) that he did not know or suspect that the disclosure was likely to prejudice the investigation; or
 - (b) that he had lawful authority or reasonable excuse for making the disclosure.
- (3) Nothing in subsection (1) above makes it an offence for a professional legal adviser to disclose any information or other matter—
 - (a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or
 - (b) to any person—
 - (i) in contemplation of, or in connection with, legal proceedings; and
 - (ii) for the purpose of those proceedings.
- (4) Subsection (3) above does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.
- (5) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.

Modifications etc. (not altering text)

C8 S. 58 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880, arts. 3\(2\), 4-6, Sch. 1](#)
S. 58 modified (E.W.) (1.1.1997) by [S.I. 1996/2880, art. 3\(2\), Sch. 3](#)

59 Disclosure of information held by government departments.

- ^{F13}(1)
- ^{F13}(2)
- ^{F13}(3)
- ^{F13}(4)
- ^{F13}(5)
- ^{F13}(6)
- ^{F13}(7)
- ^{F13}(8)
- ^{F13}(9)
- ^{F13}(10)
- (11) ^{F14}... in the case of material in the possession of an authorised government department, an order under section 55(2) of this Act may require any officer of the department (whether named in the order or not) who may for the time being be in possession of

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the material concerned to comply with it, and such an order shall be served as if the proceedings were civil proceedings against the department.

- (12) The person on whom such an order is served—
- (a) shall take all reasonable steps to bring it to the attention of the officer concerned; and
 - (b) if the order is not brought to that officer's attention within the period [^{F15}specified in an order under section 55(2)], shall report the reasons for the failure to the court;
- and it shall also be the duty of any other officer of the department in receipt of the order to take such steps as are mentioned in paragraph (a) above.
- (13) In this section “authorised government department” means a government department which is an authorised department for the purposes of the Crown ^{M3} Proceedings Act 1947.

Extent Information

E2 S. 59 extends to England and Wales only except that s. 59(10)-(13) extend also to Scotland.

Textual Amendments

F13 S. 59(1)-(10) repealed (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 11 para. 25\(2\)\(c\), Sch. 12](#); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#))

F14 Words in s. 59(11) repealed (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 11 para. 25\(2\)\(c\), Sch. 12](#); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#))

F15 Words in s. 59(12)(b) substituted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 11 para. 25\(3\)](#); [S.I. 2003/120, art. 2, Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#))

Modifications etc. (not altering text)

C9 S. 59 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880, arts. 3\(2\), 4-6, Sch. 1](#)
S. 59 modified (E.W.) (1.1.1997) by [S.I. 1996/2880, art. 3\(2\), Sch. 3](#)

Marginal Citations

M3 1947 c. 44.

[^{F16}59A Construction of sections 55 to 59

- (1) This section has effect for the purposes of sections 55 to 59.
- (2) A reference to a constable includes a reference to a customs officer.
- (3) A customs officer is a person commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979 (c. 2).
- (4) Drug trafficking means doing or being concerned in any of the following (whether in England and Wales or elsewhere)—
 - (a) producing or supplying a controlled drug where the production or supply contravenes section 4(1) of the Misuse of Drugs Act 1971 or a corresponding law;

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- (b) transporting or storing a controlled drug where possession of the drug contravenes section 5(1) of that Act or a corresponding law;
 - (c) importing or exporting a controlled drug where the importation or exportation is prohibited by section 3(1) of that Act or a corresponding law;
 - (d) manufacturing or supplying a scheduled substance within the meaning of section 12 of the Criminal Justice (International Co-operation) Act 1990 where the manufacture or supply is an offence under that section or would be such an offence if it took place in England and Wales;
 - (e) using any ship for illicit traffic in controlled drugs in circumstances which amount to the commission of an offence under section 19 of that Act.
- (5) In this section “corresponding law” has the same meaning as in the Misuse of Drugs Act 1971.]

Textual Amendments

F16 S. 59A inserted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 25\(4\)](#); [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

Prosecution of offences etc

60 [F17 Revenue and Customs prosecutions]

- (1) Proceedings for a specified offence may be instituted [F18] by the Director of Revenue and Customs Prosecutions or by order of the Commissioners for Her Majesty’s Revenue and Customs] (“the Commissioners”).
- (2) Any proceedings for a specified offence which are [F19] instituted by order of the Commissioners] shall be commenced in the name of an officer [F20] of Revenue and Customs].
- F21(3)
- (4) Where the Commissioners investigate, or propose to investigate, any matter with a view to determining—
 - (a) whether there are grounds for believing that a specified offence has been committed, or
 - (b) whether a person should be prosecuted for a specified offence,
 that matter shall be treated as an assigned matter within the meaning of the Customs M4 and Excise Management Act 1979.
- (5) Nothing in this section shall be taken—
 - (a) to prevent any person (including any officer) who has power to arrest, detain or prosecute any person for a specified offence from doing so; or
 - (b) to prevent a court from proceeding to deal with a person brought before it following his arrest by an officer for a specified offence, even though the proceedings have not been instituted [F22] in accordance with this section].
- (6) In this section—
 - F23
...
“specified offence” means—

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- (a) an offence under ^{F24}... section 58 of this Act;
- (b) attempting to commit, conspiracy to commit or incitement to commit any such offence; ^{F24}...
- (c) ^{F24}...

^{F25}...

[^{F26}(6A) Proceedings for an offence are instituted—

- (a) when a justice of the peace issues a summons or warrant under section 1 of the Magistrates' Courts Act 1980 (issue of summons to, or warrant for arrest of, accused) in respect of the offence;
- (b) when a person is charged with the offence after being taken into custody without a warrant;
- (c) when a bill of indictment is preferred under section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 in a case falling within paragraph (b) of subsection (2) of that section (preferment by direction of the criminal division of the Court of Appeal or by direction, or with the consent, of a High Court judge).

(6B) Where the application of subsection (6A) would result in there being more than one time for the institution of proceedings they must be taken to have been instituted at the earliest of those times.]

^{F27}(7)

^{F27}(8)

Textual Amendments

- F17** S. 60 heading substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 59(f)**; S.I. 2005/1126, art. 2(2)(h)
- F18** Words in s. 60(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 59(a)**; S.I. 2005/1126, art. 2(2)(h)
- F19** Words in s. 60(2) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 59(b)(i)**; S.I. 2005/1126, art. 2(2)(h)
- F20** Words in s. 60(2) inserted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 59(b)(ii)**; S.I. 2005/1126, art. 2(2)(h)
- F21** S. 60(3) repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 59(c)**, **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)
- F22** Words in s. 60(5)(b) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 59(d)**; S.I. 2005/1126, art. 2(2)(h)
- F23** Words in s. 60(6) repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 59(e)**, **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)
- F24** Words in s. 60(6) repealed (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 25(2)(d)**, **Sch. 12**; S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)
- F25** Words in s. 60(6) repealed (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 25(2)(e)**, **Sch. 12**; S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)
- F26** S. 60(6A)(6B) inserted (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 25(5)**; S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)
- F27** S. 60(7)(8) repealed (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 25(2)(f)**, **Sch. 12**; S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)

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Modifications etc. (not altering text)

- C10** S. 60 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, [Sch. 1](#)
S. 60 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), [Sch. 3](#)

Marginal Citations

- M4** [1979 c. 2.](#)

61 Extension of certain offences to Crown servants and exemptions for regulators etc.

- (1) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, [^{F28}section 58] of this Act shall apply to such persons in the public service of the Crown, or such categories of person in that service, as may be prescribed.

^{F29}(2)

^{F29}(3)

^{F29}(4)

- (5) In this section—

“the Crown” includes the Crown in right of Her Majesty’s Government in Northern Ireland; and

“prescribed” means prescribed by regulations made by the Secretary of State.

- (6) Any power to make regulations under this section shall be exercisable by statutory instrument.

- (7) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F28** Words in s. 61(1) substituted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 25\(6\)](#); [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

- F29** S. 61(2)-(4) repealed (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 25\(2\)\(g\)](#), [Sch. 12](#); [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

Modifications etc. (not altering text)

- C11** S. 61 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, [Sch. 1](#)
S. 61 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), [Sch. 3](#)

Interpretation of Act

^{F30}62 Meaning of “property” and related expressions.

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Status: Point in time view as at 01/07/2005.

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Textual Amendments

F30 S. 62 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), Sch. 11 para. 25(2)(h), [Sch. 12](#); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

63 General interpretation.

^{F31}(1)

^{F31}(2)

(3) Subject to section 66(2) and (6) of this Act—

^{F32}(a)

(b) any reference in this Act to “drug trafficking” includes a reference to drug trafficking carried out before the commencement of this Act.

Textual Amendments

F31 S. 63(1)(2) repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), Sch. 11 para. 25(2)(h), [Sch. 12](#); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

F32 S. 63(3)(a) repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), Sch. 11 para. 25(2)(h), [Sch. 12](#); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

Modifications etc. (not altering text)

C12 S. 63 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, [Sch. 1](#)
S. 63 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), [Sch. 3](#)

^{F33}**64 Index of defined expressions.**

.....

Textual Amendments

F33 S. 64 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), Sch. 11 para. 25(2)(h), [Sch. 12](#); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

Supplemental

65 Consequential amendments and modifications of other Acts.

(1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments there specified (being amendments consequential upon the provisions of this Act).

(2) In section 1(2)(a) of the Rehabilitation ^{M5} 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 imposed on a conviction does not include a reference to an amount payable under a confiscation order.

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- (3) Section 281(4) of the Insolvency ^{M6} Act 1986 (discharge of bankrupt not to release him from liabilities in respect of fines, etc.) shall have effect as if the reference to a fine included a reference to a confiscation order.
- (4) Section 55(2) of the Bankruptcy ^{M7} (Scotland) Act 1985 (discharge of debtor not to release him from liabilities in respect of fines etc.) shall have effect as if the reference to a fine included a reference to a confiscation order.

Extent Information

E3 S. 65(1) extends to Scotland and Northern Ireland see s. 68(1)-(3); s. 65(2)-(4) have the same extent as the enactments to which they relate see s.68(5).

Modifications etc. (not altering text)

C13 S. 65 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, [Sch. 1](#)
S. 65 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), [Sch. 3](#)

Marginal Citations

M5 1974 c. 53.
M6 1986 c. 45.
M7 1985 c. 66.

66 Transitional provisions and savings.

- (1) The transitional provisions and savings set out in Schedule 2 to this Act shall have effect.
- (2) Part I and section 59 of this Act shall not apply—
- in relation to any proceedings for, or in respect of, an offence if the person accused (or, as the case may be, convicted) of that offence was charged with the offence (whether by the laying of an information or otherwise) before the date on which this Act comes into force, or
 - in relation to any proceedings not within paragraph (a) above instituted before that date,
- and references in this subsection to proceedings include a reference to any order made by a court in the proceedings.
- (3) Accordingly (and without prejudice to section 16 of the Interpretation ^{M8} Act 1978), the relevant enactments and any instrument made under any of those enactments shall continue to apply in relation to any proceedings within subsection (2)(a) or (b) above (and, in particular, in relation to any confiscation order, within the meaning of the Drug ^{M9} Trafficking Offences Act 1986, made in any such proceedings) as if this Act had not been passed.
- (4) In subsection (3) above “the relevant enactments” are—
- the enactments reproduced in Part I and section 59 of this Act,
 - any other enactment reproduced by this Act, so far as applicable in relation to any of the enactments reproduced in that Part or that section, and
 - any enactment amended by this Act,
- but do not include any enactment which, immediately before the date on which this Act comes into force, had not come into force.

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- (5) Subsection (2) above is without prejudice to section 4(7), 7(4), 26(3) or 29(7) of this Act.
- (6) Nothing in section 19(3) or (4) of this Act shall apply to any proceedings—
- (a) for an offence committed before the commencement of this Act; or
 - (b) for one or more offences, any one of which was so committed.

Modifications etc. (not altering text)

- C14** S. 66 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, [Sch. 1](#)
S. 66 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), [Sch. 3](#)

Marginal Citations

- M8** 1978 c. 30.
M9 1986 c. 32.

67 Repeals etc.

- (1) The enactments mentioned in Schedule 3 to this Act are repealed to the extent specified in the third column of that Schedule.
- (2) Paragraph 9 of Schedule 2 to the Criminal^{M10} Justice (Confiscation) (Northern Ireland) Order 1990 (which amends section 29(1) of the Criminal^{M11} Justice (International Co-operation) Act 1990) is hereby revoked.

Extent Information

- E4** S. 67(1) extends to Scotland and Northern Ireland see s. 68(2)(3); s. 67(2) extends to Northern Ireland only see 68(4).

Modifications etc. (not altering text)

- C15** S. 67 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, [Sch. 1](#)
S. 67 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), [Sch. 3](#)

Marginal Citations

- M10** [S.I. 1990/2588 \(N.I. 17\)](#).
M11 1990 c. 5.

68 Extent.

- (1) Subject to the following provisions of this section, this Act extends to England and Wales only.
- (2) The following provisions of this Act also extend to Scotland—
- ^{F34}(a)
 - ^{F34}(b)
 - ^{F34}(c)
 - (d) section [^{F35}59(11)] to (13);
 - (e) this section;
 - (f) section 69;

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- (g) sections ^{F36}..., 63, ^{F36}..., 65(1), 66 and 67(1), so far as they relate to provisions which extend to Scotland; and
 - (h) Schedule 2.
- (3) The following provisions of this Act also extend to Northern Ireland—
- ^{F37}(a)
 - (b) this section;
 - (c) section 69;
 - (d) sections 63, ^{F38}..., 65(1), 66 and 67(1), so far as they relate to provisions which extend to Northern Ireland; and
 - (e) Schedule 2.
- (4) Section 67(2) of this Act extends to Northern Ireland only.
- (5) The modifications of other enactments specified in section 65(2) to (4) of this Act, and the amendments specified in Schedule 1 to this Act, have the same extent as the enactments to which they relate.
- (6) Subject to subsection (7) below, the repeals contained in Schedule 3 to this Act have the same extent as the provisions to which they relate.
- (7) The repeals of—
- (a) sections 14 and 23A of the Criminal ^{M12} Justice (International Co-operation) Act 1990, and
 - (b) paragraph 5 of Schedule 4 to the Criminal ^{M13} Justice Act 1993, extend to England and Wales only.

Textual Amendments

- F34** S. 68(2)(a)-(c) repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 25\(2\)\(i\)](#), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)
- F35** Word in s. 68(2)(d) substituted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 25\(7\)](#); [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)
- F36** Words in s. 68(2)(g) repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 25\(2\)\(i\)](#), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)
- F37** S. 68(3)(a) repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 25\(2\)\(j\)](#), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)
- F38** Word in s. 68(3)(d) repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 25\(2\)\(j\)](#), [Sch. 12](#); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

Modifications etc. (not altering text)

- C16** S. 68 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, [Sch. 1](#)
S. 68 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), [Sch. 3](#)

Marginal Citations

- M12** 1990 c. 5.
M13 1993 c. 36.

69 Short title and commencement.

- (1) This Act may be cited as the Drug Trafficking Act 1994..

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- (2) This Act comes into force at the end of the period of three months beginning with the day on which it is passed.

Modifications etc. (not altering text)

- C17** S. 69 applied (with modifications) (E.W.) (1.1.1997) by [S.I. 1996/2880](#), arts. 3(2), 4-6, **Sch. 1**
S. 69 modified (E.W.) (1.1.1997) by [S.I. 1996/2880](#), art. 3(2), **Sch. 3**

Status:

Point in time view as at 01/07/2005.

Changes to legislation:

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