



Drug Trafficking Act 1994

1994 CHAPTER 37

PART I

CONFISCATION ORDERS

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- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c.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- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c.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

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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)

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.
 - (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\(1\)](#)

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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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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 60(6A)(aa) inserted by [2003 c. 44 Sch. 36 para. 12\(3\)](#)
- s. 60(6A)(aa) words substituted by [2015 c. 2 Sch. 11 para. 15\(3\)](#) (This amendment not applied to legislation.gov.uk. The text prospectively inserted by 2003 c. 44, Sch. 36 para. 12 has not yet been brought into force and therefore cannot be substituted.)