



Drug Trafficking Act 1994

1994 CHAPTER 37

PART I

CONFISCATION ORDERS

Exercise of powers for the realisation of property

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

- [^{F1}(1) The following provisions apply to the powers conferred—
- (a) on the High Court or a county court by sections 26 to 30 of this Act; or
 - (b) on a receiver appointed under section 26 or 29 of this Act or in pursuance of a charging order.
- (2) Subject to the following provisions of this section, the powers shall be exercised with a view to making available for satisfying the confiscation order or, as the case may be, any confiscation order that may be made in the defendant's case, the value for the time being of realisable property held by any person, by means of the realisation of such property.
- (3) In the case of realisable property held by a person to whom the defendant has directly or indirectly made a gift caught by this Act, the powers shall be exercised with a view to realising no more than the value for the time being of the gift.
- (4) The powers shall be exercised with a view to allowing any person other than the defendant or the recipient of any such gift to retain or recover the value of any property held by him.
- (5) In exercising the powers, no account shall be taken of any obligations of the defendant or of the recipient of any such gift which conflict with the obligation to satisfy the confiscation order.
- (6) An order may be made or other action taken in respect of a debt owed by the Crown.]

Status: Point in time view as at 24/02/2003.

Changes to legislation: Drug Trafficking Act 1994, Cross Heading: Exercise of powers for the realisation of property is up to date with all changes known to be in force on or before 10 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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- F1** Ss. 1-54 repealed (30.12.2002 for the repeal of ss. 42-48; 24.2.2003 for the repeal of ss. 49-54; 24.3.2003 for the repeal ss. 1-38, 41) by [Proceeds of Crime Act 2002 \(c.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

Modifications etc. (not altering text)

- C1** S. 31(2)-(6) applied (S.) (1.4.1996) by 1995 c. 43, [ss. 16\(7\)](#), 50(2)

Status:

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Changes to legislation:

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