



Drug Trafficking Act 1994

1994 CHAPTER 37

PART I

CONFISCATION ORDERS

Interpretation

41 Interpretation of Part I

- (1) This section shall have effect for the interpretation of this Part.
- (2) 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);and where the application of this subsection would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times.
- (3) Proceedings for a drug trafficking offence are concluded—
 - (a) when the defendant is acquitted on all counts;
 - (b) if he is convicted on one or more counts, but the court decides not to make a confiscation order against him, when it makes that decision; or
 - (c) if a confiscation order is made against him in those proceedings, when the order is satisfied.

Status: This is the original version (as it was originally enacted).

- (4) An application under section 13, 14 or 19 of this Act is concluded—
 - (a) if the court decides not to make a confiscation order against the defendant, when it makes that decision; or
 - (b) if a confiscation order is made against him as a result of that application, when the order is satisfied.
- (5) An application under section 15 or 16 of this Act is concluded—
 - (a) if the court decides not to vary the confiscation order in question, when it makes that decision; or
 - (b) if the court varies the confiscation order as a result of the application, when the order is satisfied.
- (6) A confiscation order is satisfied when no amount is due under it.
- (7) For the purposes of this section as it applies to sections 32 and 33 of this Act, a confiscation order is also satisfied when the defendant in respect of whom it was made has served a term of imprisonment or detention in default of payment of the amount due under the order.
- (8) An order is subject to appeal until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal on which the order could be varied or set aside.