



# Drug Trafficking Act 1994

## 1994 CHAPTER 37

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Prosecution of offences etc*

#### 60 [F<sup>1</sup>Revenue and Customs prosecutions]

- (1) Proceedings for a specified offence may be instituted [F<sup>2</sup>by [F<sup>3</sup>the Director of Public 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 [F<sup>4</sup>instituted by order of the Commissioners] shall be commenced in the name of an officer [F<sup>5</sup>of Revenue and Customs].

F<sup>6</sup>(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<sup>MI</sup> 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 [F<sup>7</sup>in accordance with this section].

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*Changes to legislation: Drug Trafficking Act 1994, Cross Heading: Prosecution of offences etc is up to date with all changes known to be in force on or before 05 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) View outstanding changes*

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(6) In this section—

<sup>F8</sup>  
...

“specified offence” means—

- (a) an offence under <sup>F9</sup>... section 58 of this Act;
- (b) attempting to commit, conspiracy to commit or incitement to commit any such offence; <sup>F9</sup>...
- (c) <sup>F9</sup>...

<sup>F10</sup>  
...

[<sup>F11</sup>(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.]

<sup>F12</sup>(7) .....

<sup>F12</sup>(8) .....

#### Textual Amendments

- F1** 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)
- F2** 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)
- F3** Words in s. 60(1) substituted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 2 para. 9**
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)

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- F10** 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)
- F11** 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)
- F12** 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)

#### Modifications etc. (not altering text)

- C1** 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](#)
- C2** S. 60(6)(b) modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 6 para. 25](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, art. 2(a)

#### Marginal Citations

- M1** 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, [<sup>F13</sup>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.

<sup>F14</sup>(2) .....

<sup>F14</sup>(3) .....

<sup>F14</sup>(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

- F13** 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)
- F14** 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)

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**Modifications etc. (not altering text)**

- C3** 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](#)

**Changes to legislation:**

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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.)