



Drug Trafficking Act 1994

1994 CHAPTER 37

PART II

DRUG TRAFFICKING MONEY IMPORTED OR EXPORTED IN CASH

43 Forfeiture

- (1) A magistrates' court or in Scotland the sheriff may order the forfeiture of any cash which has been seized under section 42 of this Act if satisfied, on an application made while the cash is detained under that section, that the cash directly or indirectly represents any person's proceeds of drug trafficking, or is intended by any person for use in drug trafficking.
- (2) Any application for an order under this section shall be made—
 - (a) by the Commissioners of Customs and Excise or a constable if made to a magistrates' court; and
 - (b) by a procurator fiscal if made to the sheriff.
- (3) The standard of proof in proceedings on an application under this section shall be that applicable to civil proceedings; and an order may be made under this section whether or not proceedings are brought against any person for an offence with which the cash in question is connected.
- (4) Proceedings on an application under this section to the sheriff shall be civil proceedings.