



Criminal Justice (Scotland) Act 1987

CHAPTER 41

CRIMINAL JUSTICE (SCOTLAND) ACT 1987

PART I

CONFISCATION OF PROCEEDS OF DRUG TRAFFICKING ETC.

Confiscation orders

- 1 Confiscation orders
- 2 Postponed confiscation orders
- 3 Assessing the proceeds of drug trafficking
- 4 Statements relating to drug trafficking
- 5 Realisable property
- 6 Implicative gifts
- 7 Application of provisions relating to fines to enforcement of confiscation orders

Restraint orders and interdict

- 8 Cases in which restraint orders may be made
- 9 Restraint orders
- 10 Seizure of property affected by restraint order
- 11 Inhibition and arrestment of property affected by restraint order or by interdict under section 12
- 12 Interdict of person not subject to restraint order

Administrators

- 13 Administrators
- 14 Functions of administrators
- 15 Money received by administrator
- 16 Application of proceeds of realisation and other sums

- 17 Supervision of administrators
- 18 Accounts and remuneration of administrator
- 19 Effect of appointment under section 13 on diligence
- 20 Further provision as to administrators
- 21 Discharge of administrator
- 22 Rules of court as regards accountant of court's supervision etc. of administrators

Exercise of powers

- 23 Exercise of powers by Court of Session or administrator
- 24 Power to facilitate realisation

Variation of confiscation orders

- 25 Variation of confiscation order

Compensation

- 26 Compensation

Reciprocal arrangements for enforcement of confiscation orders

- 27 Recognition and enforcement of orders under Drug Trafficking Offences Act 1986
- 28 Provisions supplementary to section 27
- 29 Enforcement of Northern Ireland orders
- 30 Enforcement of other external orders
- 31 Enforcement in England and Wales
- 32 Order in Council as regards taking of action in designated country

Sequestration etc. of estate comprising realisable property

- 33 Sequestration of person holding realisable property
- 34 Bankruptcy in England and Wales of person holding realisable property
- 35 Winding up company holding realisable property
- 36 Property subject to floating charge
- 37 Insolvency practitioners dealing with property subject to restraint order

Investigations and disclosure of information

- 38 Order to make material available
- 39 Authority for search
- 40 Interpretation of sections 38 and 39
- 41 Disclosure of information held by government departments

Offences

- 42 Offence of prejudicing investigation
- 43 Offence of assisting another to retain the proceeds of drug trafficking
- 44 Offences relating to controlled drugs: fines

Minor amendments, service, notice and interpretation

- 45 Minor amendments in relation to drug trafficking
- 46 Service and notice for purposes of Part I
- 47 Interpretation of Part I

PART II

MISCELLANEOUS

Detention by customs officers

- 48 Detention and questioning by customs officers
- 49 Right to have someone informed when detained
- 50 Detention in connection with certain drug smuggling offences

Investigation of serious or complex fraud

- 51 Lord Advocate's direction
- 52 Powers of investigation
- 53 Offences in relation to investigations under section 52
- 54 Disclosure of information
- 55 Power to petition for winding up etc. on information obtained under section 52

Conditional offer by procurator fiscal

- 56 Conditional offer of fixed penalty by procurator fiscal

Sittings of the High Court

- 57 High Court sittings

Sentencing power of the sheriff

- 58 Sentencing power of sheriff in solemn procedure

Detention of children

- 59 Detention of children in summary proceedings

Evidence

- 60 Transcript of police interview sufficient evidence
- 61 Evidence on commission

Miscellaneous

- 62 Ordaining to appear
- 63 Power to permit witness to be in court during trial
- 64 Aiding and abetting
- 65 Compensation requirement in probation order
- 66 Penalties in respect of summary conviction for certain offences
- 67 Increases in periods of imprisonment for non-payment of fines etc.
- 68 Suspension of disqualification, forfeiture etc.

PART III

GENERAL

- 69 Interpretation
- 70 Amendments and repeals
- 71 Expenses
- 72 Short title, commencement and extent

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

SCHEDULES

SCHEDULE 1 — Minor and Consequential Amendments

The Juries Act 1949 (c. 27)

- 1 In paragraph (b) of section 25(1), for the words "on...

The Judicial Offices (Salaries etc.) Act 1952 (c. 12)

- 2 In section 2(1), for the words "circuit court expenses" there...

The Road Traffic Act 1972 (c. 20)

- 3 In section 101 (endorsement of licences) for subsection (8) there...

The Criminal Procedure (Scotland) Act 1975 (c. 21)

- 4 In section 5(1) (crimes committed in different districts)—
 5 In section 86 (selection of jurors)— (a) for the words...
 6 In section 113(2) (difference as to rotation of judges) at...
 7 In section 129 (balloting of jurors), after the word "aside,"...
 8 In each of sections 141(3) and 346(3) (which permit the...
 9 In section 149(1) (calling additional evidence)— (a) for the words...
 10 In each of sections 183(1) and 384(1) (probation orders)—
 11 In section 212(1) (recall to young offenders institution on reconviction)
 —...
 12 In each of sections 215 and 426 (detention etc. deemed...
 13 (1) In section 245(1) (quorum and sitting of the High...
 14 (1) In section 268 (reckoning of time spent in custody...
 15 In section 289B— (a) in subsection (7) for the words...

The Criminal Justice (Scotland) Act 1980 (c. 62)

- 16 In section 2 (police detention)— (a) in subsection (2), the...
 17 In paragraph (b)(ii) of section 41(2) (construction of "detention" in...
 18 (1) In Schedule 1 (certificates as to proof of certain...

The Contempt of Court Act 1981 (c. 49)

- 19 (1) In section 15 (penalties for contempt of court in...

SCHEDULE 2 — Repeals