



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 4

#### SEIZURE AND FORFEITURE OF DRUG-CUTTING AGENTS

##### *Supplementary*

#### 65 Interpretation etc

- (1) For the purposes of this Part, a substance is used as a “drug-cutting agent” if it is added to a controlled drug in connection with the unlawful supply or exportation of the drug.
- (2) In this Part—
  - “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971 (see section 2 of that Act);
  - “enactment” includes—
    - (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
    - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
    - (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation;
  - “entitled”, in relation to a substance, is to be read in accordance with subsection (3);
  - “police or customs officer” has the meaning given by section 52(2);
  - “premises” includes any place and, in particular, includes—
    - (a) any vehicle, vessel, aircraft or hovercraft;
    - (b) any offshore installation within the meaning given by section 1 of the Mineral Workings (Offshore Installations) Act 1971;
    - (c) any renewable energy installation within the meaning given by section 104 of the Energy Act 2004;
    - (d) any tent or movable structure;

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*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Section 65. (See end of Document for details)*

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- “search and seizure warrant” means a warrant under section 52;  
“supplying” includes distributing;  
“unlawful” means—
- (a) in relation to a supply, unlawful under section 4 of the Misuse of Drugs Act 1971;
  - (b) in relation to an exportation, prohibited under section 3 of that Act.
- (3) The persons “entitled” to a substance for the purposes of this Part are—
- (a) the person from whom it was seized;
  - (b) (if different) any person to whom it belongs.
- (4) Where a retrial is ordered on a person's appeal against conviction for an offence, a reference in this Part to the determination of the appeal is a reference to the conclusion of proceedings for the offence on retrial.
- (5) In the application of this Part to Scotland, a reference to a magistrates' court or to a justice of the peace is to be read as a reference to a sheriff.
- (6) An application to a sheriff for an order under section 60, 61, 63 or 64 must be made by summary application.
- (7) In the application of this Part to Northern Ireland—
- (a) a reference to a justice of the peace in section 52 is to be read as a reference to a lay magistrate;
  - (b) a reference to a magistrates' court or a justice of the peace in section 60, and any other reference to a magistrates' court, is to be read as a reference to a court of summary jurisdiction.

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**Commencement Information**

**II** S. 65 in force at 3.5.2015 by S.I. 2015/820, reg. 2(j)

**Changes to legislation:**

There are currently no known outstanding effects for the Serious Crime Act 2015, Section 65.