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10 DOWNING STREET

From the Private Secretary

25 June 1985

CONFISCATION OF THE PROFITS OF DRUG TRAFFICKING

I wrote to you on 11 June conveying the Prime Minister's views on the idea of linking up legislation on forfeiture of the profits of drug trafficking with football legislation to restrict alcohol at grounds in England and Wales. The two have now been uncoupled, and the Prime Minister has had a further look at the substance of the Home Secretary's proposals on forfeiture, as set out in his letter to the Lord President of 10 June.

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The Prime Minister believes it is vital that the legislation should be strong enough to ensure that the losses to the convicted criminal should be on a par with the assets he has illegally gained. One way of doing this might be to adopt the forfeiture, rather than the fine, route and she would like to know the Home Secretary's assessment of the practicalities of doing so.

The Prime Minister is also concerned that steps must be taken to secure reciprocal agreements with other countries so that the forfeiture legislation can be effective even where the assets of the drug traffickers may be out of this country.

Finally, the Prime Minister is concerned that the procedure whereby the assets of the accused are frozen pending the outcome of the trial must be strong enough and simple enough to ensure that they cannot be circumvented. In particular she feels that the burden of proof should be clearly put on the defendant, where, before the trial reaches a conclusion, he wished to have some of his property unfrozen.

I am copying this letter to Private Secretaries to Members of H Committee, Henry Steel (Law Officers Department), Iain Jack (Lord Advocate's Office), Brian Shillito (First Parliamentary Counsel's Office), and Richard Hatfield (Cabinet Office).

MARK ADDISON

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