

E. R. B  
PRIME MINISTER

FORFEITURE OF ASSETS IN DRUGS CASES

You will remember you saw the Home Secretary's outline proposals for this legislation at the stage when it was envisaged it might be tacked on to the bill dealing with alcohol at football grounds. The two have now been uncoupled, and there is more of an opportunity to consider properly the detailed proposals the Home Secretary has developed. The note outlining his approach is at Flag A. Policy Unit have now provided advice, at Flag B.

You will see Hartley Booth believes that, in general terms, the Home Secretary's proposals are not tough enough. Hartley would like to see a closer link established between the money gained as a result of drug trafficking and the amount the convicted dealer is required to give up. He believes the forfeiture route, rather than the route of imposing large fines as proposed by the Home Secretary, is the right one to follow. However, if the Home Secretary's preferred option is pursued, Hartley feels that there should be a clear presumption that any fine should match the assets which have accrued illegally to the dealer.

Hartley also believes that the arrangements for freezing the assets of the accused should be tougher and simpler.

Hartley has not discussed his ideas in detail with the Home Office, and there may be some real practical difficulties to be overcome. But it seems important to establish, now there is more time, that the proposed legislation really will be strong enough to achieve the objective of confiscating the proceeds of drug related crime.

Content therefore that we should reflect to the Home Office your view that:

I think the legislation will ~~be~~ <sup>be</sup> a great disappointment to the ~~the~~ <sup>our</sup> beneficiaries

(i) the legislation must ensure that the loss to the convicted criminal is on a par with the assets he has illegally gained. One way of doing this would be to go down the forfeiture, rather than the fine, route and you would like to know the Home Secretary's assessment of the practicalities of doing so.

*Some courts may be closed and forfeiture is not possible. We*

(ii) The process by which the assets of the accused are frozen must be fool-proof and in particular should clearly put the burden of proof on the defendant where, before conviction, he wished to have some of his property unfrozen.

*need reciprocal agreements with other countries*

*Yes not*

Mark Addison

MARK ADDISON

24 June 1985