

GUERNSEY STATUTORY INSTRUMENT

2010 No. 80

**The Police (Property) Regulations, 2010**

<i>Made</i>	<i>10<sup>th</sup> August, 2010</i>
<i>Coming into operation</i>	<i>16<sup>th</sup> August, 2010</i>
<i>Laid before the States</i>	<i>, 2010</i>

**THE HOME DEPARTMENT**, in exercise of the powers conferred on it by section 2 and 4 of the Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006<sup>a</sup> and all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Unclaimed property in possession of police.**

1. (1) Subject to regulation 2, this regulation applies to property in the possession of the police to which Part I of the Law applies in respect of which the owner has not been ascertained and no order of a competent court has been made.

(2) Subject to section 2(4) of the Law (which provides for the sale of property which is perishable or the custody of which involves unreasonable expense or inconvenience), property to which this regulation applies shall not be disposed of until it has remained in the possession of the police for a year.

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Order in Council No. XXII of 2007.

**Property used, etc, for purposes of crime.**

2. (1) This regulation applies to property which is in the possession of the police by virtue of section 3 of the Law and in respect of which no application by a claimant has been made within six months of the making of the order under that section or no such application has succeeded.

(2) Subject to section 2(4) of the Law, property to which this regulation applies shall not be disposed of until the expiration of six months from the date on which the order in respect of property was made under that section on the conviction of an offender or, if an application by a claimant of the property has been made within that period or the offender has appealed against the conviction or sentence, until that application or appeal has been determined.

**Sale of property and application of proceeds.**

3. (1) After the expiration of the period referred to in regulation 1(2) or 2(2), as the case may be, property to which these Regulations apply (other than money) may be sold.

(2) The proceeds of all sales under these Regulations and any money to which these Regulations apply shall be paid to the States, kept in a separate account to be called the Police Property Law Fund ("**the Fund**") and administered by the Department in accordance with these Regulations.

(3) The Fund, or any part thereof, may be invested as the Department thinks fit and the income derived from the investments shall be added to and become part of the Fund.

(4) The moneys, including income from investments standing to the credit of the Fund, shall be applicable -

(a) to defray expenses incurred in the conveyance, storage

and safe custody of the property and in connection with its sale and otherwise in executing these Regulations;

(b) to pay reasonable compensation, the amount of which shall be fixed by the Department, to persons by whom property has been delivered to the police;

(c) to make payments of such amounts as the Department may determine for such charitable purposes as the Department may select.

(5) The Chief Officer of Police may, at the request of the Home Department, exercise the powers and perform the duties of the Department under the foregoing provisions of these Regulations.

(6) The Fund shall be audited by an auditor nominated for that purpose by the Department.

**Property may be retained by Department in certain circumstances.**

4. (1) After the expiration of the period referred to in regulation 1(2) or 2(2), as the case may be, if in the opinion of the Department property to which these Regulations apply (other than money) can be used for police purposes, the Department may determine that the property is to be retained by the Department and the property shall vest in the Department on the making of the determination.

(2) A determination under paragraph (1) shall be recorded in writing and published in such manner as the Department thinks fit and that record shall include the date on which the determination is made.

(3) No determination under paragraph (1) shall be made in relation to any property in relation to which an order has been made under section 5 of the

Law.

**Destruction of property in certain circumstances.**

5. If the Chief Officer of Police is satisfied that the nature of any property to which these Regulations apply is such that it is not in the public interest that it should be sold or retained, it shall be destroyed or otherwise disposed of in accordance with his directions.

**Interpretation.**

6. (1) In these Regulations, unless the context requires otherwise -

"**Chief Officer of Police**" means the Chief Officer of the salaried police force of the island of Guernsey,

"**the Department**" means the States of Guernsey Home Department,

"**the Law**" means the Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006,

"**police**" means the salaried police force of the Island of Guernsey and also -

(a) in relation to Alderney, any police force which may be established by the States of Alderney, and

(b) in relation to Sark, the Constable and the Vingtenier.

(2) The Interpretation (Guernsey) Law, 1948<sup>b</sup> applies to the interpretation of these Regulations.

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<sup>b</sup> Ordres en Conseil Vol. XIII, p. 355.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Citation and commencement.**

7. These Regulations may be cited as the Police (Property) Regulations, 2010 and shall come into force on the 16<sup>th</sup> August 2010.

Dated this *10* day of *August*, 2010  
*G H Mahy*

DEPUTY G H MAHY  
Minister of the States Home Department  
For and on behalf of the Department

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EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the sale and application of the proceeds of sale, or the retention, by the Home Department of unclaimed property in the possession of police where such property has come into the possession of police in connection with their investigation into a suspected offence or property used for the purposes of crime which has been forfeited by a court after conviction.