

ORDER IN COUNCIL

XII
1988

ratifying a Projet de Loi

ENTITLED

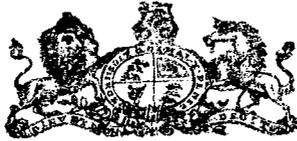
The Drug Trafficking Offences (Bailiwick of Guernsey) Law, 1988

(Registered on the Records of the Island of Guernsey
on the 31st day of January, 1989.)



1988

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 31st day of January 1989 before Sir Charles Frossard, Kt., Bailiff; present: Brian Ernest Herbert Joy, Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, John Edward Morris, Charles Anthony Spensley and Kenneth John Rowe, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 21st December 1988 approving and ratifying a *Projet de Loi* of the States of Guernsey entitled "The Drug Trafficking Offences (Bailiwick of Guernsey) Law, 1988", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered, that the said Order in Council be registered on the records of this Island, and that an extract of this present Act, together with a copy of the said Order in Council be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 21st day of December, 1988

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 12th day of December 1988 in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

‘1. That, in pursuance of their Resolution of the 28th day of July 1988, the States of Deliberation at a meeting held on the said 28th day of September 1988, approved a Bill or “Projet de Loi” entitled “The Drug Trafficking Offences (Bailiwick of Guernsey) Law, 1988”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 2nd day of November 1988 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 5th day of October 1988 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or “Projet

de Loi" is set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Drug Trafficking Offences (Bailiwick of Guernsey) Law, 1988", and to order that the same shall have force of law in the Bailiwick of Guernsey.'

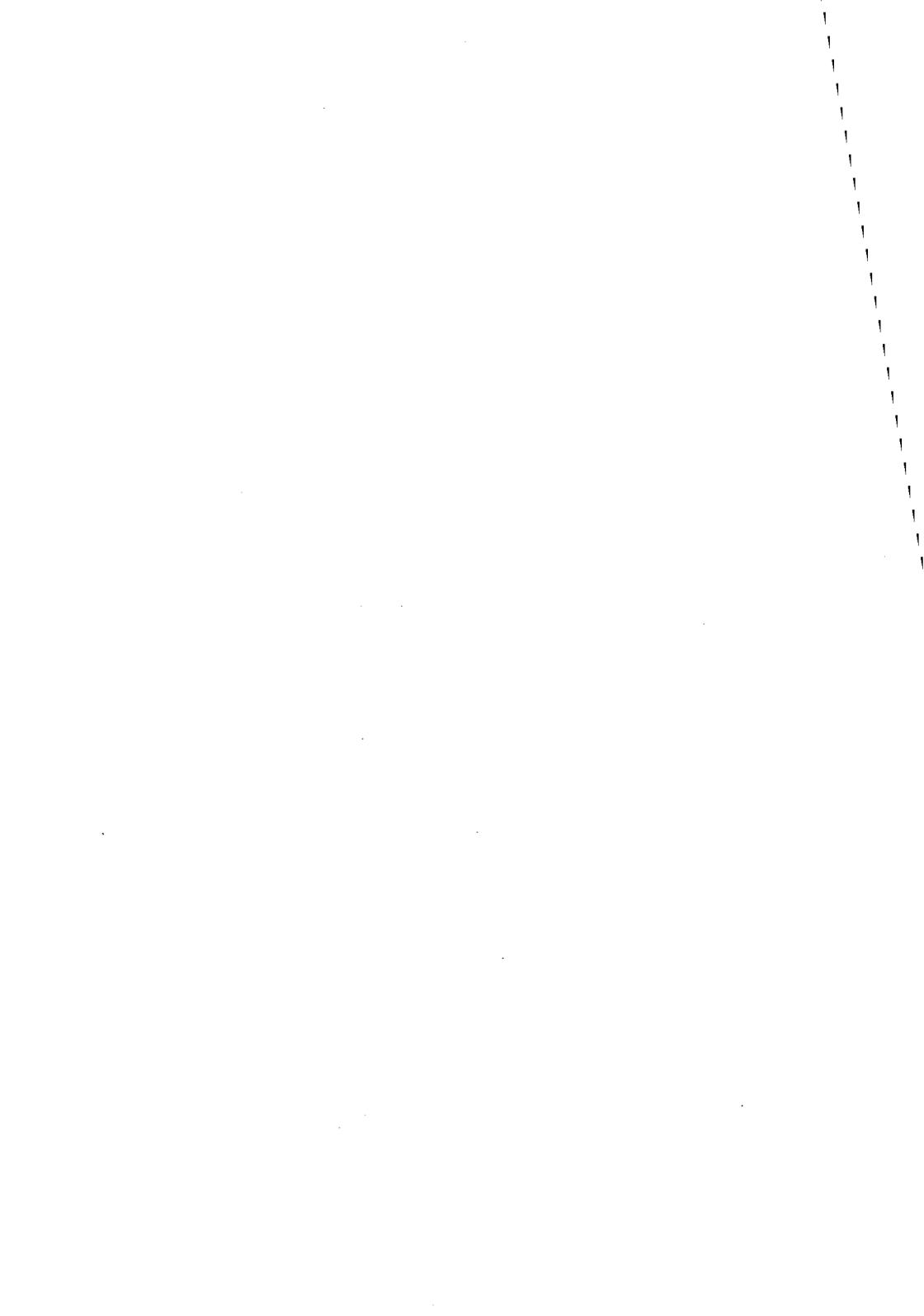
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

G. I. de Denev.



PROJET DE LOI

ENTITLED

The Drug Trafficking Offences (Bailiwick of Guernsey) Law, 1988

ARRANGEMENT OF SECTIONS

Section

Confiscation of proceeds of drug trafficking

1. Confiscation orders.
2. Assessing the proceeds of drug trafficking.
3. Statements relating to drug trafficking.
4. Amount to be recovered under confiscation orders.
5. Confiscation orders: definition of terms.

Enforcement etc. of confiscation orders

6. Procedures for enforcing orders under section 1.
7. Restraint orders and charging orders: general provisions.
8. Restraint orders.
9. Realty charging orders.
10. Personalty charging orders.
11. Realisation of property.
12. Application of proceeds of realisation and other sums.
13. Exercise of powers by Royal Court or Her Majesty's Sheriff.
14. Variation of confiscation orders.
15. Defendant's affairs declared in a state of désastre.
16. Winding up of company holding realisable property.
17. Liability of Her Majesty's Sheriff.
18. Compensation.

Section

Offence of assisting drug traffickers

19. Assisting another to retain the benefit of drug trafficking.

Enforcement of external orders

20. Reciprocal arrangements.
21. Registration of external confiscation orders.

Investigations into drug trafficking

22. Order to make material available.
23. Authority for search.
24. Interpretation of sections 22 and 23.
25. Offence of prejudicing investigation.

Miscellaneous

26. General interpretation.
27. Rules of Court.
28. Citation and commencement.

PROJET DE LOI

ENTITLED

The Drug Trafficking Offences (Bailiwick of Guernsey) Law, 1988

THE STATES, in pursuance of their Resolution of the 14th day of July, 1988, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Confiscation of proceeds of drug trafficking

1. (1) Where a person appears before the Royal Court to be sentenced in respect of one or more drug trafficking offences (and has not previously been sentenced or otherwise dealt with in respect of his conviction for the offence or, as the case may be, any of the offences concerned), the Court shall act as follows. Confiscation orders.

(2) The Court shall first determine whether he has benefited from drug trafficking.

(3) For the purposes of this Law, a person who has at any time (whether before or after the coming into force of this section) received any payment or other reward in connection with drug trafficking carried on by him or another has benefited from drug trafficking.

(4) If the Court determines that he has so benefited, the Court shall, before sentencing or otherwise dealing with him in respect of the offence or, as the case may be, any of the offences concerned, determine in accordance with section 4 of this Law the amount to be recovered in his case by virtue of this section.

(5) The Court shall then, in respect of the offence or offences concerned—

- (a) order him to pay that amount,
- (b) take account of the order before—
 - (i) imposing any fine on him, or
 - (ii) making any order involving any payment by him, or
 - (iii) making any order under section 26 (forfeiture orders) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974(a) (“the Law of 1974”), and
- (c) subject to paragraph (b) of this subsection, leave the order out of account in determining the appropriate sentence or other manner of dealing with the defendant.

(6) No enactment restricting the power of a court dealing with an offender in a particular way from dealing with him also in any other way shall by reason only of the making of an order under this section restrict the Royal Court from dealing with an offender in any way the Court considers appropriate in respect of a drug trafficking offence.

(7) In this Law—

- (a) an order under this section is referred to as a “confiscation order”, and
- (b) a person against whom proceedings have been instituted for a drug trafficking offence is referred to (whether or not he has been convicted) as “the defendant”.

(a) Ordres en Conseil Vol. XXIV, p. 273; No. XVIII of 1983; No. VI of 1988.

2. (1) For the purposes of this Law—

Assessing
the proceeds
of drug
trafficking.

- (a) any payments or other rewards received by a person at any time (whether before or after the coming into force of section 1 of this Law) in connection with drug trafficking carried on by him or another are his proceeds of drug trafficking, and
- (b) the value of his proceeds of drug trafficking is the aggregate of the values of the payments or other rewards.

(2) The Royal Court may, for the purpose of determining whether the defendant has benefited from drug trafficking and, if he has, of assessing the value of his proceeds of drug trafficking, make the following assumptions, except to the extent that any of the assumptions are shown to be incorrect in the defendant's case.

(3) Those assumptions are—

- (a) that any property appearing to the Court—
 - (i) to have been held by him at any time since his conviction, or
 - (ii) to have been transferred to him at any time since the beginning of the period of six years ending when the proceedings were instituted against him,
 was received by him, at the earliest time at which he appears to the Court to have held it, as a payment or reward in connection with drug trafficking carried on by him,
- (b) that any expenditure of his since the beginning of that period was met out of payments received by him in connection with drug trafficking carried on by him, and

(c) that, for the purpose of valuing any property received or assumed to have been received by him at any time as such a reward, he received the property free of any other interests in it.

(4) Subsection (2) of this section does not apply if the only drug trafficking offence in respect of which the defendant appears before the Court to be sentenced is an offence under section 19 of this Law.

(5) For the purpose of assessing the value of the defendant's proceeds of drug trafficking in a case where a confiscation order has previously been made against him, the Court shall leave out of account any of his proceeds of drug trafficking that are shown to the Court to have been taken into account in determining the amount to be recovered under that order.

Statements
relating to
drug
trafficking.

3. (1) Where—

(a) there is tendered to the Royal Court by Her Majesty's Procureur a statement as to any matters relevant to the determination of whether the defendant has benefited from drug trafficking or to the assessment of the value of his proceeds of drug trafficking, and

(b) the defendant accepts to any extent any allegation in the statement,

the Court may, for the purposes of that determination and assessment, treat his acceptance as conclusive of the matters to which it relates.

(2) Where—

(a) a statement is tendered under subsection (1)(a) of this section, and

(b) the Court is satisfied that a copy of that statement has been served on the defendant, the Court may require the defendant to indicate to what extent he accepts each allegation in the statement and, so far as he does not accept any such allegation, to indicate any matters he proposes to rely on.

(3) If the defendant fails in any respect to comply with a requirement under subsection (2) of this section he may be treated for the purposes of this section as accepting every allegation in the statement apart from—

- (a) any allegation in respect of which he has complied with the requirement, and
- (b) any allegation that he has benefited from drug trafficking or that any payment or other reward was received by him in connection with drug trafficking carried on by him or another.

(4) Where—

- (a) there is tendered to the Royal Court by the defendant a statement as to any matters relevant to determining the amount that might be realised at the time the confiscation order is made, and
- (b) Her Majesty's Procurer accepts to any extent any allegation in the statement,

the Court may, for the purposes of that determination, treat the acceptance by Her Majesty's Procurer as conclusive of the matters to which it relates.

(5) An allegation may be accepted or a matter indicated for the purposes of this section either—

- (a) orally before the Court, or
- (b) in writing in accordance with rules of court made under section 27 of this Law.

(6) No acceptance by the defendant under this section that any payment or other reward was received by him in connection with drug trafficking carried on by him or another shall be admissible in evidence in any proceedings for an offence.

Amounts to be recovered under confiscation orders.

4. (1) Subject to subsection (3) of this section, the amount to be recovered in the defendant's case under the confiscation order shall be the amount the Royal Court assesses to be the value of the defendant's proceeds of drug trafficking.

(2) If the Court is satisfied as to any matter relevant for determining the amount that might be realised at the time the confiscation order is made (whether by an acceptance under section 3 of this Law or otherwise), the Court may issue a certificate giving the Court's opinion as to the matters concerned and shall do so if satisfied as mentioned in subsection (3) of this section.

(3) If the Court is satisfied that the amount that might be realised at the time the confiscation order is made is less than the amount the Court assesses to be the value of his proceeds of drug trafficking, the amount to be recovered in the defendant's case under the confiscation order shall be the amount appearing to the Court to be the amount that might be so realised.

Confiscation orders: definition of terms.

5. (1) In this Law "realisable property" means, subject to subsection (2) of this section—

- (a) any property held by the defendant, and

- (b) any property held by a person to whom the defendant has directly or indirectly made a gift caught by this Law.

(2) Property is not realisable property if an order under section 26 of the Law of 1974 (forfeiture orders) is in force in respect of the property.

(3) For the purposes of sections 3 and 4 of this Law the amount that might be realised at the time a confiscation order is made against the defendant is—

- (a) the total of the values at that time of all the realisable property held by the defendant, less

- (b) where there are obligations having priority at that time, the total amounts payable in pursuance of such obligations,

together with the total of the values at that time of all gifts caught by this Law.

(4) Subject to the following provisions of this section, for the purposes of this Law the value of property (other than cash) in relation to any person holding the property—

- (a) where any other person holds an interest in the property, is—

- (i) the market value of the first mentioned person's beneficial interest in the property, less

- (ii) the amount required to discharge any incumbrance (other than a charging order made under this Law) on that interest, and

- (b) in any other case, is its market value.

(5) Subject to subsection (9) of this section, references in this Law to the value at any time (referred to in subsection (6) of this section as “the material time”) of a gift caught by this Law or of any payment or reward are references to—

- (a) the value of the gift, payment or reward to the recipient when he received it adjusted to take account of subsequent changes in the value of money, or
- (b) where subsection (6) of this section applies, the value there mentioned,

whichever is the greater.

(6) Subject to subsection (9) of this section, if at the material time the recipient holds—

- (a) the property which he received (not being cash), or
- (b) property which, in whole or in part, directly or indirectly represents in his hands the property which he received,

the value referred to in subsection (5)(b) of this section is the value to him at the material time of the property mentioned in paragraph (a) of this subsection or, as the case may be, of the property mentioned in paragraph (b) of this subsection so far as it so represents the property which he received, but disregarding in either case any charging order made under this Law.

(7) For the purposes of subsection (3) of this section, an obligation has priority at any time if it is an obligation of the defendant to—

- (a) pay an amount due in respect of a fine, or other order of a court, imposed or made on

conviction of an offence, where the fine was imposed or order made before the confiscation order, or

- (b) pay any sum which, if the defendant's affairs had been declared to be in a state of "désastre" at the date of the confiscation order, would be included among the preferred debts (within the meaning of section 1 of the Preferred Debts (Guernsey) Law, 1983(b)).

(8) A gift (including a gift made before the commencement of section 1 of this Law) is caught by this law if—

- (a) it was made by the defendant at any time since the beginning of the period of six years ending when the proceedings were instituted against him, or
- (b) it was made by the defendant at any time and was a gift of property—
 - (i) received by the defendant in connection with drug trafficking carried on by him or another, or
 - (ii) which in whole or in part directly or indirectly represented in the defendant's hands property received by him in that connection.

(9) For the purposes of this Law—

- (a) the circumstances in which the defendant is to be treated as making a gift include those where he transfers property to another person directly or indirectly for a considera-

tion the value of which is significantly less than the value of the consideration provided by the defendant, and

- (b) in those circumstances, the preceding provisions of this section shall apply as if the defendant had made a gift of such share in the property as bears to the whole property the same proportion as the difference between the values referred to in paragraph (a) of this subsection bears to the value of the consideration provided by the defendant.

Enforcement etc. of confiscation orders

Procedures
for enforcing
orders under
section 1.

6. (1) Subject to subsections (2) and (3) of this section, where the Royal Court orders the defendant to pay any amount under section 1 of this Law, the Court may, if it thinks fit, order the defendant to be imprisoned until such amount is paid.

(2) The Court may, in its discretion, suspend such imprisonment on such terms as it thinks fit, or may limit the period of such imprisonment.

(3) The defendant shall not be imprisoned under this section for more than 10 years.

(4) A term of imprisonment imposed under this section shall be served consecutively to any other custodial sentence which the defendant may be liable to serve.

(5) The reference in subsection (4) of this section to any custodial sentence which the defendant is liable to serve in respect of the offence or offences is a reference to the term of imprisonment or Borstal Training (as the case may be) which he is liable to serve in respect of the offence or offences; and for the purposes of this subsection—

- (a) consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term, and
- (b) there shall be disregarded any sentence suspended under section 1 of the Criminal Justice (Power to Suspend Sentence) (Bailiwick of Guernsey) Law, 1972(c) which has not taken effect at the time when the term of imprisonment imposed under this section is due to begin to run.

(6) This section applies to confiscation orders made by the Criminal Division of the Court of Appeal as it applies to confiscation orders made by the Royal Court, and the references in this section to the Royal Court shall be construed accordingly.

7. (1) The powers conferred by sections 8(1), 9(1) and 10(1) of this Law are exercisable where—

Restraint
orders and
charging
orders:
general
provisions.

- (a) proceedings have been instituted in the Bailiwick against the defendant for a drug trafficking offence, and
- (b) the proceedings have not been concluded, and
- (c) the Court is satisfied that there is reasonable cause to believe that the defendant has benefited from drug trafficking.

(2) Those powers are also exercisable where the Court is satisfied—

- (a) that a person is to be charged with a drug trafficking offence, and
- (b) that there is reasonable cause to believe that he has benefited from drug trafficking.

(3) For the purposes of sections 8, 9 and 10 of this Law, at any time when those powers are exercisable before proceedings have been instituted—

(a) references in this Law to the defendant shall be construed as references to the person referred to in subsection (2)(a) of this section, and

(b) references in this Law to realisable property shall be construed as if, immediately before that time, proceedings had been instituted against the person referred to in subsection (2)(a) of this section for a drug trafficking offence.

(4) A restraint order or a charging order—

(a) may be made only on an application by Her Majesty's Procureur,

(b) may be made on an ex parte application to the Bailiff otherwise than in open court,

(c) shall provide for notice to be given to persons affected by the order, and

(d) may be made subject to conditions, including, without prejudice to the generality of the foregoing, conditions as to the time when the order is to become effective.

(5) A restraint order or a charging order—

(a) may be discharged or varied in relation to any property;

(b) shall be discharged—

(i) when proceedings for the offences are concluded;

(ii) in the case of an order made by virtue of subsection (2) of this section, if the proposed proceedings are not instituted within such time as the Court considers reasonable;

- (iii) in the case of a charging order, if the amount whose payment is secured by it is lodged with Her Majesty's Greffier in Guernsey.

(6) An application for the discharge or variation of a restraint order or a charging order may be made by any person affected by it.

(7) The powers of the Court under this section, and under sections 8, 9 and 10 of this Law, to make, vary or discharge a restraint order or a charging order, to appoint Her Majesty's Sheriff as receiver, and to give directions, may be received by the Bailiff otherwise than in open court; and references to "the Royal Court" and to "the Court" in those provisions and in sections 13(1) and 16(2) shall be construed accordingly.

(8) In exceptional circumstances or in an emergency the power of the Royal Court to make a restraint order or a charging order may be exercised—

- (a) in relation to realisable property situated in the Island of Alderney, securities of the States of Alderney, securities of an Alderney company, other securities registered in a register kept in Alderney, units of a collective investment scheme in connection with which registration is carried on in Alderney or a vessel registered in a register maintained in Alderney, by the Chairman of the Court of Alderney or, if he is absent or unable to act, by any Jurat of the Court of Alderney.
- (b) in relation to realisable property situated in the Island of Sark, securities of the Chief Pleas of Sark, other securities registered in a register kept in Sark, units of a collective investment scheme in connection with

which registration is carried on in Sark or a vessel registered in a register maintained in Sark, by the Seneschal of Sark, on an application made ex parte, and otherwise than in open court, by Her Majesty's Procureur.

Restraint orders.

8. (1) The Royal Court may by order (in this Law referred to as a "restraint order") prohibit any person from dealing with any realisable property, subject to such conditions and exceptions as may be specified in the order.

(2) A restraint order may apply—

- (a) to all realisable property held by a specified person, whether the property is described in the order or not, and
- (b) to realisable property held by a specified person, being property transferred to him after the making of the order.

(3) This section shall not have effect in relation to any property which is for the time being the subject of a charging order under section 9 or section 10 of this Law.

(4) Where the Court has made a restraint order, the Court may at any time appoint Her Majesty's Sheriff as receiver—

- (a) to take possession of any realisable property, and
- (b) in accordance with the Court's directions, to manage or otherwise deal with any property in respect of which he is appointed, subject to such exceptions and conditions as may be specified by the Court; and the Court may require any person having possession of property in respect of which Her Majesty's Sheriff is appointed as receiver under this section to give possession of it to Her Majesty's Sheriff.

(5) For the purposes of this section, dealing with property held by any person includes (without prejudice to the generality of the expression)—

- (a) where a debt is owed to that person, making a payment to any person in reduction of the amount of the debt, and
- (b) removing the property from the Bailiwick.

(6) Where the Court has made a restraint order, an officer of police may for the purpose of preventing any realisable property being removed from the Bailiwick, seize the property.

(7) Property seized under subsection (6) of this section shall be dealt with in accordance with the Court's directions.

9. (1) The Royal Court may make a realty charging order in respect of realisable property consisting of real property situate in the Bailiwick, securing the payment to the Crown of any amount which has been, or which may be, ordered to be paid by the defendant under a confiscation order.

Realty
charging
orders.

(2) A realty charging order shall forthwith be registered—

- (a) if the real property in respect of which it is made is in the Island of Guernsey, in the Livre des Hypothèques, Actes de Cour et Obligations at the Greffe in Guernsey;
- (b) if that real property is in the Island of Alderney, by noting it against the entry relating to the land concerned in the Alderney Land Register as if an application had been made under section 18(1) of the

Alderney Land and Property, etc. Law, 1949(d) and concurred in by the registered owner of the land as mentioned in section 18(2) of that Law;

- (c) if that real property is in the Island of Sark, at the Greffe in Sark as if it were a judgment debt ordered to be registered against the real property concerned by an Act of the Court of the Seneschal.

(3) A realty charging order shall have effect as a preliminary vesting order in favour of the Crown (with priority from the date of its registration); except that, notwithstanding any rules of court or rules of customary law to the contrary, the Crown shall remain entitled to levy execution upon, and to recover out of, the defendant's personal property all or any part of any amount which has been, or which may be, ordered to be paid by the defendant under a confiscation order.

**Personalty
charging
orders.**

10.(1) The Royal Court may make a personalty charging order in respect of any realisable property described in subsection (2) of this section, securing the payment to the Crown of any amount which has been, or which may be, ordered to be paid by the defendant under confiscation order.

(2) The property referred to in subsection (1) of this section is—

- (a) any interest in real property (not being itself real property) situated in the Bailiwick; and
(b) any interest in securities of—

- (i) the States of Guernsey, the States of Alderney or the Chief Pleas of Sark;
 - (ii) any Bailiwick company;
 - (iii) any body incorporated outside the Bailiwick or of any country or territory outside the Bailiwick, which are registered in a register kept in the Bailiwick; and
- (c) any interest in units of any collective investment scheme in connection with which registration is carried on in the Bailiwick; and
 - (d) any interest in a vessel registered in a register maintained in the Bailiwick; and
 - (e) dividends or interest payable in respect of any property described in paragraphs (b) or (c) of this subsection.

(3) A personalty charging order shall have effect as an absolute assignment to the Crown of the interest concerned, made in accordance with section 2 of the Law of Property (Miscellaneous Provisions) (Guernsey) Law, 1979^(e) notwithstanding subsection (3) of that section, the requirements of that section as to notice and writing being deemed to have been complied with by the charging order, and by the giving of notice in accordance with its provisions, respectively.

(4) The States of Guernsey Advisory and Finance Committee may from time to time by order amend subsection (2) of this section and such an order may make consequential amendments to section 7(8) of this Law; but any such order shall be laid as soon as possible before a meeting of the States

^{e)} Ordres en Conseil Vol. XXVII, p. 132.

of Guernsey and if at that or their next meeting the States resolve that the order be annulled it shall cease to have effect, but without prejudice to anything done under it or to the making of a new order under this subsection.

Realisation
of property.

11. Where—

- (a) in proceedings instituted for a drug trafficking offence a confiscation order is made, and
- (b) the order is not subject to appeal, and
- (c) the proceedings have not been concluded, the Royal Court may, on an application by Her Majesty's Procureur,—
 - (i) empower Her Majesty's Sheriff to realise any realisable property in such manner as the Court may direct;
 - (ii) order any person having possession of realisable property (other than property which is for the time being subject to a realty charging order) to give possession of it to Her Majesty's Sheriff;
 - (iii) order any person holding an interest in realisable property (other than an interest which is for the time being subject to a realty charging order) to make such payment to Her Majesty's Sheriff in respect of any beneficial interest held by the defendant or, as the case may be, the recipient of a gift caught by this Law, as the Court may direct; and the Court may, on the payment being made, by order transfer, grant or extinguish any interest in the property.

12. (1) Subject to subsection (2) of this section
- (a) the proceeds of a realisation of any property under this Law, and
- (b) any other sums, being property held by the defendant, in the hands of Her Majesty's Sheriff pursuant to this Law

Application of proceeds of realisation and other sums.

shall, after such payments (if any) as the Court may direct have been made out of them, be applied on the defendant's behalf towards the satisfaction of the confiscation order in the same manner as if the confiscation order were a fine imposed by the Court.

(2) If, after the amount payable under the confiscation order has been fully paid, any such sums remain in the hands of Her Majesty's Sheriff, he shall distribute those sums—

- (a) among such of those who held property which has been realised under this Law, and
- (b) in such proportions,

as the Court may direct after giving a reasonable opportunity for such persons to make representations to the Court.

13. (1) The following provisions apply to the powers conferred on the Royal Court by sections 8 to 12 of this Law, and on Her Majesty's Sheriff when appointed under this Law.

Exercise of powers by Royal Court or Her Majesty's Sheriff.

(2) Subject to the following provisions of this section, the powers shall be exercised with a view to making available for satisfying the confiscation order or, as the case may be, any confiscation order that may be made in the defendant's case the value for the time being of realisable property held by any person by the realisation of such property.

(3) In the case of realisable property held by a person to whom the defendant has directly or indirectly made a gift caught by this Law, the powers shall be exercised with a view to realising no more than the value for the time being of the gift.

(4) The powers shall be exercised with a view to allowing any person other than the defendant or the recipient of any such gift to retain or recover the value of any property held by him.

(5) An order may be made or other action taken in respect of a debt owed by or on behalf of the Crown or the States of Guernsey or Alderney or the Chief Pleas of Sark.

(6) In exercising those powers, no account shall be taken of any obligations of the defendant or of the recipient of any such gift which conflict with the obligation to satisfy the confiscation order.

Variation of
confiscation
orders.

14. (1) If, on an application by the defendant in respect of a confiscation order, the Royal Court is satisfied that the realisable property is insufficient for the payment of any amount remaining to be recovered under the order the Court shall issue a certificate to that effect, giving the Court's reasons.

(2) For the purposes of subsection (1) of this section—

(a) in the case of realisable property held by a person whose affairs have been declared to be in a state of *désastre* the Court shall take into account the extent to which any property held by him may be distributed among creditors, and

- (b) the Court may disregard any insufficiency in the realisable property which appears to the Court to be attributable wholly or partly to anything done by the defendant for the purpose of preserving any property held by a person to whom the defendant had directly or indirectly made a gift caught by this Law from any risk of realisation under this Law.

(3) Where a certificate has been issued under subsection (1) of this section, the defendant may apply to the Court for the amount to be recovered under the order to be reduced.

(4) The Court, on an application under subsection (3) of this section—

- (a) shall substitute for the amount to be recovered under the order such lesser amount as the Court thinks just in all the circumstances of the case, and
- (b) may substitute for the term of imprisonment fixed under section 6 in respect of the amount to be recovered under the order a shorter term in respect of the lesser amount.

15. Where the affairs of a person who holds realisable property are declared in a state of *désastre*—

Defendant's
affairs
declared in
a state of
désastre.

- (a) property for the time being subject to a restraint order, and
- (b) any proceeds of property realised by virtue of this Law for the time being in the hands of Her Majesty's Sheriff, as receiver appointed under this Law,

shall be excluded from that person's estate for the purposes of those *désastre* proceedings.

Winding up
of company
holding
realisable
property.

16. (1) Where realisable property is held by a Bailiwick company and an order for the winding up of the company has been made or a resolution has been passed by the company for its voluntary winding up, the functions of the liquidator (or any provisional liquidator) shall not be exercisable in relation to—

- (a) property for the time being subject to a restraint order made before the relevant time, and
- (b) any proceeds of property realised by virtue of this Law for the time being in the hands of Her Majesty's Sheriff as receiver appointed under this Law.

(2) Where, in the case of a Bailiwick company, such an order has been made or such a resolution has been passed, the powers conferred on the Royal Court by sections 8 to 12 of this Law or on Her Majesty's Sheriff as receiver so appointed shall not be exercised in relation to any realisable property held by the company in relation to which the functions of the liquidator are exercisable—

- (a) so as to inhibit him from exercising those functions for the purpose of distributing any property held by the company to the company's creditors, or
- (b) so as to prevent the payment out of any property of expenses (including the remuneration of the liquidator or any provisional liquidator) properly incurred in the winding up in respect of the property.

(3) Nothing in the Companies (Guernsey) Laws,

1908 to 1973(f) or the Companies (Alderney) Laws, 1894 and 1962(g) shall be taken as restricting, or enabling the restriction of, the exercise of those powers.

(4) Subsection (2) of this section does not affect the enforcement of a charging order made before the relevant time or on property which was subject to a restraint order at the relevant time.

(5) In this section—

“the relevant time” means—

- (a) where no order for the winding up of the company has been made, the time of the passing of the resolution for voluntary winding up,
- (b) where such an order has been made and, before the presentation of the petition for the winding up of the company, such a resolution had been passed by the company, the time of the passing of the resolution, and
- (c) in any other case where such an order has been made, the time of the making of the order.

17. Where Her Majesty's Sheriff as receiver appointed under this Law takes any action—

Liability of
Her
Majesty's
Sheriff.

- (a) in relation to property which is not realisable property, being action which he would be entitled to take if it were such property, and

(f) Ordres en Conseil Vol. IV, p. 178; Vol. X, p. 298; Vol. XVII, p. 444; Vol. XX, p. 17; Vol. XXIV, p. 14.

(g) Ordres en Conseil Vol. II, p. 451; Vol. XIX, p. 33.

- (b) believing, and having reasonable grounds for believing, that he is entitled to take that action in relation to that property,

he shall not be liable to any person in respect of any loss or damage resulting from his action except in so far as the loss or damage is caused by his negligence.

Compensation.

18. (1) If proceedings are instituted against a person for a drug trafficking offence or offences and either—

- (a) the proceedings do not result in his conviction for any drug trafficking offence, or
- (b) where he is convicted of one or more drug trafficking offences—
 - (i) the conviction is, or the convictions concerned are, quashed or
 - (ii) he is pardoned by Her Majesty in respect of the conviction or convictions,

the Royal Court may, on an application by a person who held property which was realisable property, order compensation to be paid to the applicant.

(2) The Court shall not order compensation to be paid in any case unless the Court is satisfied—

- (a) that there has been some serious default on the part of a person concerned in the investigation or prosecution of the offence or offences concerned, being a person mentioned in subsection (4) of this section, and that, but for that default, the proceedings would not have been instituted or continued, and

(b) that the applicant has suffered substantial loss in consequence of anything done in relation to the property by or in pursuance of an order of the Court under sections 8 to 11 of this Law.

(3) The amount of compensation to be paid under this section shall be such as the Court thinks just in all the circumstances of the case.

(4) Compensation payable under this section shall be paid by the States of Guernsey—

(a) where the person in default was a member of the Island Police Force, and

(b) where the person in default was a States Revenue officer within the meaning of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972(h).

Offence of assisting drug traffickers

19. (1) Subject to subsection (3) of this section, if a person enters into or is otherwise concerned in an arrangement whereby—

Assisting another to retain the benefit of drug trafficking.

(a) the retention or control by or on behalf of another (in this section called "A") of A's proceeds of drug trafficking is facilitated (whether by concealment, removal from the jurisdiction, transfer to nominees or otherwise), or

(b) A's proceeds of drug trafficking—

(i) are used to secure that funds are placed at A's disposal, or

(ii) are used for A's benefit to acquire property by way of investment,

knowing or suspecting that A is a person who carries on or has carried on drug trafficking or has benefited from drug trafficking, he is guilty of an offence.

(2) In this section, references to any person's proceeds of drug trafficking include a reference to any property which in whole or in part directly or indirectly represented in his hands his proceeds of drug trafficking.

(3) Where a person discloses to an officer of police a suspicion or belief that any funds or investments are derived from or used in connection with drug trafficking or any matter on which such a suspicion or belief is based—

(a) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by contract, and

(b) if he does any act in contravention of subsection (1) of this section and the disclosure relates to the arrangement concerned, he does not commit an offence under this section if the disclosure is made—

(i) before he does the act concerned, being an act done with the consent of the officer of police, or

(ii) after he does the act, but is made on his initiative and as soon as it is reasonable for him to make it.

(4) In proceedings against a person for an offence under this section, it is a defence to prove—

- (a) that he did not know or suspect that the arrangement related to any person's proceeds of drug trafficking, or
 - (b) that he did not know or suspect that by the arrangement the retention or control by or on behalf of A of any property was facilitated or, as the case may be, that by the arrangement any property was used as mentioned in subsection (1) of this section, or
 - (c) that—
 - (i) he intended to disclose to an officer of police such a suspicion, belief or matter as is mentioned in subsection (3) of this section in relation to the arrangement, but
 - (ii) there is reasonable excuse for his failure to make disclosure in accordance with subsection (3)(b) of this section.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 14 years or to a fine, or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding twice the amount of level 5 on the uniform scale, or to both.

Enforcement of external orders

20. (1) The States may by Ordinance—

- (a) direct in relation to any specified country or territory which is within the British Islands, or in relation to any specified country or territory which is for the time

Reciprocal
arrange-
ments.

being designated by an Order in Council made by Her Majesty under section 26 of the Drug Trafficking Offences Act 1986 ("a specified country") that, subject to such modifications as may be specified, sections 7 to 17 and section 26 of this Law shall apply—

- (i) to orders which are made by courts in the specified country for purposes that appear to the States similar to those for which confiscation orders are made under this Law ("external confiscation orders"), and which are registered under section 21 of this Law; and
 - (ii) to proceedings in which external confiscation orders may be made that have been instituted but not concluded in that country or that are to be instituted there; and
- (b) make—
- (i) provision in connection with the taking of action in the specified country with a view to satisfying a confiscation order; and
 - (ii) provision as to evidence or proof of any matter for the purposes of this section and section 21 of this Law; and
 - (iii) incidental, consequential and transitional provision; and
- (c) without prejudice to the generality of this subsection, direct that in such circumstances as may be specified proceeds arising out of action taken in the specified country with

a view to satisfying a confiscation order shall be treated as reducing the amount payable under the order to such extent as may be specified.

(2) An Ordinance under this section may make different provision in relation to different specified countries and for different cases or classes of circumstances; and a modification made by such an Ordinance may confer power on a person to exercise a discretion.

21. (1) On an application made by or on behalf of the government of a specified country, the Ordinary Court may register an external confiscation order made there if—

Registration
of external
confiscation
orders.

- (a) it is satisfied that at the time of registration the order is in force and not subject to appeal; and
- (b) it is satisfied, where the person against whom the order is made did not appear in the proceedings, that he received notice of the proceedings in sufficient time to enable him to defend them; and
- (c) it is of the opinion that enforcing the order in the Bailiwick would not be contrary to the interests of justice.

(2) In subsection (1) of this section “appeal” includes—

- (a) any proceedings by way of discharging or setting aside a judgment; and

(b) an application for a new trial or a stay of execution.

(3) The Ordinary Court shall cancel the registration of an external confiscation order if it appears to the court that the order has been satisfied by payment of the amount due under it or by the person against whom it was made serving imprisonment in default of payment or by any other means.

Investigations into drug trafficking

Order to
make
material
available.

22. (1) Subject to subsection (9) of this section, an officer of police may, for the purpose of an investigation into drug trafficking, apply on oath to the Bailiff for an order under subsection (2) of this section in relation to particular material or material of a particular description.

(2) If on such an application the Bailiff is satisfied that the conditions in subsection (4) of this section are fulfilled, he may make an order that the person who appears to him to be in possession of the material to which the application relates shall—

(a) produce it to an officer of police for him to take away, or

(b) give an officer of police access to it, within such period as the order may specify.

(3) The period to be specified in an order under subsection (2) of this section shall be seven days unless it appears to the Bailiff that a longer or shorter period would be appropriate in the particular circumstances of the application.

(4) The conditions referred to in subsection (2) of this section are—

- (a) that there are reasonable grounds for suspecting that a specified person has carried on or has benefited from drug trafficking, and
- (b) that there are reasonable grounds for suspecting that the material to which the application relates—
 - (i) is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made, and
 - (ii) does not consist of or include items subject to legal professional privilege, and
- (c) that there are reasonable grounds for believing that it is in the public interest, having regard—
 - (i) to the benefit likely to accrue to the investigation if the material is obtained, and
 - (ii) to the circumstances under which the person in possession of the material holds it,
 that the material should be produced or that access to it should be given.

(5) Where the Bailiff makes an order under subsection (2)(b) of this section in relation to material on any premises he may, on the application of an officer of police order any person who appears to him to be entitled to grant entry to the premises to allow an officer of police to enter the premises to obtain access to the material.

(6) Provision may be made by rules under section 27 of this Law as to—

- (a) the discharge and variation of orders under this section, and
- (b) proceedings relating to such orders.

(7) Where the material to which an application under this section relates consists of information contained in a computer—

- (a) an order under subsection (2)(a) of this section shall have effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible, and
- (b) an order under subsection (2)(b) of this section shall have effect as an order to give access to the material in a form in which it is visible and legible.

(8) An order under subsection (2) of this section—

- (a) shall not confer any right to production of, or access to, items subject to legal professional privilege,
- (b) shall have effect notwithstanding any obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise, and
- (c) may be made in relation to material in the possession of the States of Guernsey, the States of Alderney or the Chief Pleas of Sark.

(9) No application for an order under subsection (2) of this section may be made without the consent of Her Majesty's Procureur.

23. (1) Subject to subsection (6) of this section, an officer of police may, for the purpose of an investigation into drug trafficking, apply to the Bailiff on oath for a warrant under this section in relation to specified premises. Authority
for search.

(2) On such application the Bailiff may issue a warrant authorising an officer of police to enter and search the premises, by force if necessary, if the Bailiff is satisfied—

- (a) that an order made under section 22 of this Law in relation to material on the premises has not been complied with, or
- (b) that the conditions in subsection (3) of this section are fulfilled, or
- (c) that the conditions in subsection (4) of this section are fulfilled.

(3) The conditions referred to in subsection (2)(b) of this section are—

- (a) that there are reasonable grounds for suspecting that a specified person has carried on or has benefited from drug trafficking, and
- (b) that the conditions in section 22(4)(b) and (c) of this Law are fulfilled in relation to any material on the premises, and
- (c) that it would not be appropriate to make an order under that section in relation to the material because—
 - (i) it is not practicable to communicate with any person entitled to produce the material, or
 - (ii) it is not practicable to communicate with any person entitled to grant access

to the material or entitled to grant entry to the premises on which the material is situated, or

- (iii) the investigation for the purposes of which the application is made might be seriously prejudiced unless an officer of police could secure immediate access to the material.

(4) The conditions referred to in subsection (2)(c) of this section are—

- (a) that there are reasonable grounds for suspecting that a specified person has carried on or has benefited from drug trafficking, and
- (b) that there are reasonable grounds for suspecting that there is on the premises material relating to the specified person or to drug trafficking which is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made, but that the material cannot at the time of the application be particularised, and
- (c) that—
 - (i) it is not practicable to communicate with any person entitled to grant entry to the premises, or
 - (ii) entry to the premises will not be granted unless a warrant is produced, or
 - (iii) the investigation for the purpose of which the application is made might be seriously prejudiced unless an officer of

police arriving at the premises could secure immediate entry to them.

(5) Where an officer of police has entered premises in the execution of a warrant issued under this section, he may seize and retain any material, other than items subject to legal professional privilege, which is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the warrant was issued.

(6) No application for a warrant under this section may be made without the consent of Her Majesty's Procurer.

24. In sections 22 and 23 of this Law—

Interpreta-
tion of
sections 22
and 23.

“items subject to legal professional privilege” means—

- (a) communications between a professional legal adviser and his client,
- (b) communications made in connection with or in contemplation of legal proceedings and for the purposes of these proceedings,

being communications which would in legal proceedings be protected from disclosure by virtue of any rule of law relating to the confidentiality of communications, and

“premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft,
- (b) any offshore installation, and

(c) any tent or moveable structure.

Offence of
prejudicing
investigation.

25. (1) Where, in relation to an investigation into drug trafficking, an order under section 22 of this Law has been made, or has been applied for and has not been refused, or a warrant under section 23 of this Law has been issued, a person who, knowing or suspecting that the investigation is taking place, makes any disclosure which is likely to prejudice the investigation is guilty of an offence.

(2) In proceedings against a person for an offence under this section, it is a defence to prove—

- (a) that he did not know or suspect that the disclosure was likely to prejudice the investigation, or
- (b) that he had lawful authority or reasonable excuse for making the disclosure.

(3) A person guilty of an offence under this section shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding twice the amount of level 5 on the uniform scale, or to both.

Miscellaneous

General
interpreta-
tion.

26. (1) In this Law—

“Alderney company” means a body incorporated under the Law entitled “Loi relative aux

- Sociétés Anonymes ou à Responsabilité Limitée” registered on 22nd May 1894⁽ⁱ⁾;
- “the Alderney Land Register” means the register established under Part III of the Alderney Land and Property Law, 1949;
- “Bailiwick company” means a body incorporated under the Law entitled “Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée” registered on 21st March 1908^(j) or under the Law entitled “Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée” registered on 22nd May 1894;
- “charging order” means a realty charging order and a personalty charging order;
- “collective investment scheme” has the meaning given in Schedule 1 to the Protection of Investors (Bailiwick of Guernsey) Law, 1987^(k);
- “confiscation order” has the meaning given by section 1(7) of this Law;
- “corresponding law” has the same meaning as in the Law of 1974;
- “the Court” and “the Royal Court” both mean the Royal Court of Guernsey, sitting as a Full Court;
- “Court of Appeal” means the court established by the Court of Appeal (Guernsey) Law, 1961^(l);
- “defendant” has the meaning given by section 1(7) of this Law;

(i) Ordres en Conseil Vol. II, p. 451.

(j) Ordres en Conseil Vol. IV, p. 178.

(k) Order in Council No. XX of 1987.

(l) Ordres en Conseil Vol. XVIII, p. 315.

“drug trafficking” means doing or being concerned in any of the following, whether in the Bailiwick or elsewhere—

- (a) producing or supplying a controlled drug where the production or supply contravenes section 3(1) of the Law of 1974 or a corresponding law;
- (b) transporting or storing a controlled drug where possession of the drug contravenes section 4(1) of that Law or a corresponding Law;
- (c) importing or exporting a controlled drug where the importation or exportation is prohibited by section 2(1) of that Law or a corresponding law;

and includes a person, whether in the Bailiwick or elsewhere, entering into or being otherwise concerned in an arrangement whereby—

- (i) the retention or control by or on behalf of another person of the other person’s proceeds of drug trafficking is facilitated, or
- (ii) the proceeds of drug trafficking by another person are used to secure that funds are placed at the other person’s disposal or are used for the other person’s benefit to acquire property by way in investment;

“drug trafficking offence” means any of the following—

- (a) an offence under section 3(2) or (3) or 4(3) of the Law of 1974 (production, supply and possession for supply of controlled drugs);
- (b) an offence under section 19 of that Law (assisting in or inducing commission outside the Bailiwick of offence punishable under a corresponding law);
- (c) an offence under—
 - (i) section 23(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 (improper importation),
 - (ii) section 30(2) of that Law (exportation), or
 - (iii) section 77 of that Law (fraudulent evasion),
 in connection with a prohibition or restriction on importation or exportation having effect by virtue of section 2 of the Law of 1974;
- (d) an offence under section 19 of this Law;
- (e) an offence of conspiracy to commit any of the offences in paragraphs (a) to (d) of this definition;
- (f) an offence of attempting to commit any of those offences;
- (g) an offence of inciting another to commit any of those offences (whether under section 18 of the Law of 1974 or otherwise); and

(h) aiding, abetting, counselling or procuring the commission of any of those offences;

“enactment” includes an Order in Council, an Ordinance and a statutory instrument;

“external confiscation order” has the meaning given by section 20(1)(a)(i) of this Law;

“Her Majesty’s Procureur” includes Her Majesty’s Comptroller;

“interest”, in relation to property, includes right;

“the Law of 1974” means the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974;

“officer of police” means—

(a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

(b) in relation to the Island of Alderney, a member of the said salaried police force, a member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a special constable appointed by the Court of Alderney under section 15 of the Government of Alderney Law, 1987(m);

(c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey; and

(m) Order in Council No. IV of 1987.

(d) throughout the Bailiwick, a States Revenue officer within the meaning of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972;

“ Ordinary Court ” means the Royal Court sitting as an Ordinary Court;

“ personalty charging order ” means an order under section 10(1) of this Law;

“ proceeds of drug trafficking ” has the meaning given by section 2(1)(a) of this Law;

“ property ” includes money and all other property, real or personal, immovable or moveable, including things in action and other intangible or incorporeal property, and interests in property, whether vested or contingent, and whether present or future;

“ realisable property ” is to be construed in accordance with section 5(1) of this Law;

“ realty charging order ” means an order under section 9(1) of this Law;

“ restraint order ” has the meaning given by section 8(1) of this Law.

(2) This law applies to property whether it is situated in the Bailiwick or elsewhere.

(3) References in this Law to offences include a reference to offences committed before the coming into force of section 1 of this Law; but nothing in this Law imposes any duty or confers any power on any court in or in connection with proceedings against a person for a drug trafficking offence instituted before the coming into force of that section.

(4) References in this Law to anything received in connection with drug trafficking include a reference to anything received both in that connection and in some other connection.

(5) The following provisions shall have effect for the interpretation of this Law.

(6) Property is held by any person if he holds or is beneficially entitled (under a trust, as a member of a body corporate or otherwise) to that property or to any interest in it.

(7) References to property held by a person include a reference to property vested in his committee of creditors or in a liquidator.

(8) References to an interest held by a person beneficially in property include a reference to an interest which would be held by him beneficially if the property were not so vested.

(9) Property is transferred by one person to another if the first person transfers or grants to the other any interest in the property.

(10) Proceedings for an offence are instituted in the Bailiwick when a person is charged with the offence; and where the application of this subsection would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times.

(11) Proceedings in the Bailiwick for an offence are concluded—

- (a) when (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of a confiscation order being made in the proceedings;
- (b) on the satisfaction of a confiscation order made in the proceedings (whether by pay-

ment of the amount due under the order or by the defendant serving imprisonment in default).

(12) An order is subject to appeal until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal in which the order could be varied or set aside.

(13) Except in so far as the context otherwise requires any reference in this Law to any other enactment includes a reference to that enactment as repealed and re-enacted, amended, extended or applied by or under any other enactment including this Law.

27. The Royal Court may, from time to time, make rules dealing generally with all matters of procedure and incidental matters arising under this Law and for carrying this Law into effect.

Rules of Court.

28. (1) This Law may be cited as the Drug Trafficking Offences (Bailiwick of Guernsey) Law, 1988.

Citation and commencement.

(2) This Law shall come into operation on such date as the States of Guernsey may by Ordinance appoint, and different dates may be appointed for different provisions and for different purposes.

K. H. TOUGH,

Her Majesty's Greffier.