

ORDER IN COUNCIL

II
2005

ratifying a Projet de Loi

ENTITLED

The Proceeds of Crime and Drug Trafficking (Bailiwick of Guernsey) (Amendment) Law, 2004

(Registered on the Records of the Island of Guernsey
on the 7th March, 2005.)



2005

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 7th day of March, 2005 before Sir de Vic Carey, Bailiff; present:—
Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward
Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory,
Esquires, The Reverend Peter Gerald Lane, Michael Henry De La
Mare, Esquires, and Susan Mowbray, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 9th day of February, 2005, approving and ratifying the Projet de Loi entitled “The Proceeds of Crime and Drug Trafficking (Bailiwick of Guernsey) (Amendment) Law, 2004”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED:-

1. That the said Order in Council be registered on the records of this Island and
2. 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 S n schal of Sark for registration on the records of those Islands respectively.

At the Court at Buckingham Palace

The 9th day of February, 2005

PRESENT,

The Queen's Most Excellent Majesty in Council

THE FOLLOWING report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“IN ACCORDANCE WITH YOUR MAJESTY’S General Order of Reference of the 22nd day of February 1952 the Committee have considered a petition of the States of Guernsey:”

“That, in pursuance of their Resolution of 28th January, 2004, the States of Deliberation at a meeting on 8th December, 2004, approved a Projet de Loi entitled “The Proceeds of Crime and Drug Trafficking (Bailiwick of Guernsey) (Amendment) Law, 2004” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the Projet de Loi is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction “The Proceeds of Crime and Drug Trafficking (Bailiwick of Guernsey) (Amendment) Law, 2004” and to order that it shall have force of law in the Bailiwick of Guernsey.

“THE COMMITTEE have considered the Projet de Loi and have agreed to report that it may be advisable for Your Majesty to approve and ratify it.”

HER MAJESTY, having taken the Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the Projet de Loi (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Bailiwick of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

HER MAJESTY'S Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Proceeds of Crime and Drug Trafficking (Bailiwick of Guernsey) (Amendment) Law, 2004

THE STATES, in pursuance of their Resolution of the 28th day of January, 2004^a, 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.

Amendment of Proceeds of Crime and Drug Trafficking Laws.

1. The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999^b ("the Proceeds of Crime Law") and the Drug Trafficking (Bailiwick of Guernsey) Law, 2000^c ("the Drug Trafficking Law") are amended in accordance with the provisions of this Law.

The Proceeds of Crime Law.

2. (1) After section 25(2) of the Proceeds of Crime Law insert -

"(2A) The powers mentioned in subsection (1) are also exercisable where -

^a Article VIII of Billet d'État No. I of 2004.

^b Order in Council No. VIII of 1999; amended by Ordinances XXVIII of 1999 and XII of 2002.

^c Order in Council No. VII of 2000.

- (a) a criminal investigation has been started in the Bailiwick with regard to criminal conduct, and
- (b) there is reasonable cause to believe that the alleged offender has benefited from his criminal conduct."

(2) In section 35(1)(a)(ii) of the Proceeds of Crime Law for "or that are to be instituted there" substitute "or to a criminal investigation being conducted there concerning criminal conduct".

The Drug Trafficking Law.

3. (1) After section 25(3) of the Drug Trafficking Law insert -

"(3A) The powers mentioned in subsection (1) are also exercisable where -

- (a) a criminal investigation has been started in the Bailiwick with regard to drug trafficking, and
- (b) there is reasonable cause to believe that the alleged offender has benefited from drug trafficking."

(2) In section 35(1)(a)(ii) of the Drug Trafficking Law for "or that are to be instituted there" insert "or to a criminal investigation being conducted there concerning drug trafficking".

Citation.

4. This Law may be cited as the Proceeds of Crime and Drug Trafficking (Bailiwick of Guernsey) (Amendment) Law, 2004.