

Island of  Guernsey

Ordinance of the States

**XLV
2004**

Made 8th December, 2004
Coming into operation 1st January, 2005

**The Health Service (Benefit)
(Amendment) Ordinance, 2004**

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

THE STATES, in pursuance of their Resolution of the 28th day of January, 2004^a and in exercise of the powers conferred on them by section 35 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999^b and section 49 of the Drug Trafficking (Bailiwick of Guernsey) Law, 2000^c, hereby order:-

Amendment of Proceeds of Crime and Drug Trafficking Ordinances.

1. The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Enforcement of Overseas Confiscation Orders) Ordinance, 1999^d ("the Proceeds of Crime Ordinance") and the Drug Trafficking (Bailiwick of Guernsey) Law (Enforcement of External Forfeiture Orders) Ordinance, 2000^e ("the Drug Trafficking Ordinance") are amended in accordance with the provisions of this Ordinance.

Amendments to the Proceeds of Crime Ordinance.

2. In the Proceeds of Crime Ordinance -

(a) for section 1(2) substitute -

^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.

^d Ordinance No XXXIII of 1999.

^e Ordinance No. XXVIII of 2000.

No. XLIV of 2004

"(2) In relation to a designated country, the relevant provisions of the Law shall apply, subject to the modifications specified in Schedule 2 to this Ordinance, to -

- (a) external confiscation orders;
- (b) proceedings which have been or are to be instituted in the designated country and which may result in an external confiscation order being made there; or
- (c) a criminal investigation in the designated country which may result in an external confiscation order being made there.";

(b) in section 3(1)(a) after "or that proceedings are to be instituted, " insert "or that a criminal investigation has been commenced, ";

(c) in Schedule 2 after paragraph 6(d) insert-

"(dA) after subsection (2) insert -

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

- (a) a criminal investigation has been started in a designated country with regard to criminal conduct, and

- (b) there is reasonable cause to believe that the alleged offender has benefited from his criminal conduct.";"; and
- (d) in Schedule 2 in paragraph 9 -
 - (i) in paragraph (a) of the inserted section 27A after "or to be instituted in the specified country concerned" insert "or in proceedings that may follow a criminal investigation commenced in the designated country concerned"; and
 - (ii) in paragraphs (a) and (c) of the inserted section 27A for "specified" substitute "designated".

Amendments to Drug Trafficking Ordinance.

3. In the Drug Trafficking Ordinance -

- (a) in section 1(3) after "designated country," insert "or a person who is the subject of a criminal investigation with regard to drug trafficking in a designated country,";
- (b) in section 2(1) after "or in respect of which such an order could be made in the proceedings referred to in subsections (2) or (3)" insert "or in proceedings following the investigation referred to in subsection (3A)";
- (c) after section 2(3) insert -

No. XLIV of 2004

"(3A) A restraint order may also be made where it appears to the Royal Court that -

- (a) a criminal investigation has been started in a designated country with regard to drug trafficking, and
- (b) there is reasonable cause to believe that the alleged offender has benefited from drug trafficking.";
- (d) in section 3(a) after "or to be instituted in the designated country concerned" insert "or in proceedings that may follow a criminal investigation with regard to drug trafficking in the designated country concerned,"; and
- (e) in section 9(1)(a) after "or that proceedings are to be instituted there" insert "or that there is a criminal investigation with regard to drug trafficking there".

Citation.

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