



# In the Royal Court of the Island of Guernsey

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The

Orders of the Royal Court

II

2023

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

3<sup>rd</sup> day of July, 2023 before Jessica Elizabeth Roland, Deputy Bailiff; present:- Stephen Murray Jones, OBE, Jonathan Grenfell Hooley, Steven John Morris, David John Robilliard, Stuart Michael Crisp, Esquires, Marilyn Jasmine King, Tina Jane Le Poidevin, Paul Martin Burnard, Esquire, Felicity Jane Quevâtre, Heather Reed, Simon Ernest Bodkin, James Robert Toynton, Esquires, Jurats.

**No. II Order, 2023**

ENTITLED

**THE FORFEITURE OF MONEY, ETC IN CIVIL PROCEEDINGS (BAILIWICK  
OF GUERNSEY) (AMENDMENT) RULES, 2023**

# The Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) (Amendment) Rules, 2023

THE ROYAL COURT, in exercise of the powers conferred on it by sections 62 and 64 of the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007<sup>a</sup> and all other powers enabling it in that behalf, hereby orders:-

## Amendment of the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Rules, 2012.

1. (1) The Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Rules, 2012<sup>b</sup> are amended as follows.

(2) After the header "*Applications for Forfeiture*", insert -

### "Summary forfeiture notice.

10A. (1) A summary forfeiture notice under section 12A of the Law must be -

(a) accompanied by a draft of the order that is intended to be sought, and

(b) supported by an affidavit.

(2) The date stated pursuant to section 12A(3)(c) of the Law must be at least 28 days after service of the notice.

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<sup>a</sup> Order in Council No. XVII of 2008; this enactment has been amended.

<sup>b</sup> Order of the Royal Court No. II of 2012.

**Summary forfeiture: standard directions.**

10B. (1) In this Rule, "P" has the meaning given by section 12B of the Law.

(2) Where the Court grants a request under section 12B(2)(b) of the Law, the following directions apply, unless the court at any time orders otherwise.

(3) P must serve within 28 days after the request being granted -

(a) a notice in writing setting out a summary of the reasons why P says the funds are not within section 12B(2)(a)(i) or (ii) of the Law, and

(b) the evidence, if any, that P relies on.

(4) P's notice and evidence must be served on -

(a) His Majesty's Procureur, and

(b) any other person on whom the summary forfeiture notice was served.

(5) His Majesty's Procureur may serve evidence ("**reply evidence**") in reply to P's notice and evidence.

(6) Where His Majesty's Procureur serves reply evidence, the reply evidence must be -

- (a) served within 28 days after receipt of P's notice and evidence, and
- (b) served on P and any other person on whom the summary forfeiture notice was served.

**Summary forfeiture: adjournment and variation.**

10C. For the avoidance of doubt -

- (a) nothing in the Law or these Rules prevents His Majesty's Procureur from making a request in identical terms to a request which may be made by P under section 12B(2)(b) of the Law, and
- (b) the Court may at any time vary the time for compliance with any step set out in Rule 10A or 10B."

(3) In Rule 11 -

- (a) for the heading, substitute "Standard forfeiture applications.", and
- (b) before "forfeiture application", in each place where it occurs, insert "standard".

(4) In Rules 12 to 16, including their headings, before "forfeiture application", in each place where it occurs, insert "standard".

(5) In the heading of Rule 15, after "evidence" insert "in standard forfeiture applications".

(6) In Rule 17, for "the hearing of the forfeiture application" substitute "a hearing of a standard forfeiture application or a hearing arising from a summary forfeiture notice".

(7) In Rule 18, for "section 17" substitute "section 17A".

**Citation.**

2. These Rules may be cited as the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) (Amendment) Rules, 2023.

**Commencement.**

3. These Rules shall come into force when they are made.