

GUERNSEY STATUTORY INSTRUMENT

2024 No. 16

The Administrative Forfeiture of Assets (Forfeiture Notices) (Bailiwick of Guernsey) Regulations, 2024

<i>Made</i>	<i>4th March, 2024</i>
<i>Coming into operation</i>	<i>26th April, 2024</i>
<i>Laid before the States</i>	<i>, 2024</i>

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred upon it by sections 45(4) and 63(6) of the Forfeiture of Assets in Civil Proceedings (Bailiwick of Guernsey) Law, 2023^a, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Application.

1. These Regulations apply to the giving of a forfeiture notice, which for the purposes of these Regulations means -

^a Order in Council No. VI of 2023.

- (a) a forfeiture notice under section 45 of the Law for the purpose of forfeiting any property detained under section 41 of the Law, or
- (b) an account forfeiture notice under section 63 of the Law for the purpose of forfeiting any money held in an account maintained with a bank in the Bailiwick.

Giving of a forfeiture notice.

2. (1) A forfeiture notice must be given to the following persons in accordance with section 136 of the Law -

- (a) each person to whom notice of the relevant order has been given, and
- (b) each person who has been identified as being known to be affected by the relevant order but who has not been given notice of, or a copy of, the relevant order.

(2) The reference to section 136 of the Law in paragraph (1) excludes section 136(5), but, for the avoidance of doubt, a forfeiture notice may be given to a person in accordance with directions of a court or by publication in accordance with section 136(4) of the Law.

(3) Where there are no such persons as are mentioned in paragraph (1), a forfeiture notice may be given by publication on two occasions in La Gazette Officielle with at least five business days in between each publication; a forfeiture notice so given is to be regarded as having been given on the second occasion on which the notice is so published.

(4) Where a forfeiture notice is to be given outside the Bailiwick, nothing in these Regulations authorises or requires any person to do anything which is contrary to the law of the country where the forfeiture notice is to be given.

Interpretation.

3. In these Regulations, unless the context requires otherwise -

"**forfeiture notice**" has the meaning given by regulation 1,

"**the Law**" means the Forfeiture of Assets in Civil Proceedings (Bailiwick of Guernsey) Law, 2023, and

"**the relevant order**" means -

(a) in the case of a notice under section 45 of the Law, the most recent order made under section 41(1) of the Law in respect of the property sought to be forfeited, and

(b) in the case of a notice under section 63 of the Law, means the most recent order made under section 60(1) of the Law in respect of the money sought to be forfeited.

Extent

4. These Regulations have effect in the Bailiwick of Guernsey.

Citation.

5. These Regulations may be cited as the Administrative Forfeiture of Assets (Forfeiture Notices) (Bailiwick of Guernsey) Regulations, 2024.

Commencement.

6. These Regulations shall come into force on 26th April, 2024.

Dated this 4th day of March, 2024



ROBERT PROW

President of the the Committee for Home Affairs

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the giving of forfeiture notices under section 45, and the giving of account forfeiture notices under section 63, of the Forfeiture of Assets in Civil Proceedings (Bailiwick of Guernsey) Law, 2023.

These Regulations come into force on 26th April, 2024.