



Jersey

**CRIMINAL JUSTICE (FORFEITURE
ORDERS) (JERSEY) LAW 2001**

Revised Edition

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CRIMINAL JUSTICE (FORFEITURE ORDERS) (JERSEY) LAW 2001

Arrangement

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CRIMINAL JUSTICE (FORFEITURE ORDERS) (JERSEY) LAW 2001

A **LAW** to empower courts to deprive offenders of property utilized in furtherance of crime, and for connected purposes

Commencement [[see endnotes](#)]

1 Interpretation

In this Law –

“compensation order” has the meaning given to it in the Criminal Justice (Compensation Orders) (Jersey) Law 1994;¹

“police” means the States of Jersey Police Force or the Honorary Police;

“property” does not include immovable property.

2 Power to deprive offender of property used, or intended for use, for purposes of crime

(1) Subject to the following provisions of this Article, where a person is convicted of an offence and –

(a) the court by or before which the person is convicted is satisfied that any property which has been lawfully seized from the person or which was in the person’s possession or under the person’s control at the time when he or she was apprehended for the offence or when a summons in respect of it was issued –

(i) has been used for the purpose of committing, or facilitating the commission of, any offence, or

(ii) was intended by the person to be used for that purpose; or

(b) the offence, or an offence which the court has taken into consideration in determining the person’s sentence, consists of unlawful possession of property which –

- (i) has been lawfully seized from the person, or
- (ii) was in the person's possession or under the person's control at the time when he or she was apprehended for the offence of which he or she has been convicted or when a summons in respect of that offence was issued,

the court may make an order under this Article in respect of that property, and may do so whether or not it also deals with the offender in respect of the offence in any other way.

- (2) In considering whether to make such an order in respect of any property a court shall have regard –
 - (a) to the value of the property; and
 - (b) to the likely financial and other effects on the offender of the making of the order (taken together with any other order that the court contemplates making).
- (3) Facilitating the commission of an offence shall be taken for the purposes of this Article to include the taking of any steps after the offence has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection.
- (4) An order under this Article shall operate to deprive the offender of the offender's rights, if any, in the property to which it relates, and the property shall, if not already in their possession, be taken into the possession of the police.
- (5) Where any property has come into the possession of the police by virtue of paragraph (4) the court that made the order under paragraph (1) may, on application by a claimant of the property, make an order for the delivery of the property to the person appearing to the court to be the owner thereof.
- (6) No application under paragraph (5) –
 - (a) shall be made after the expiration of 3 months from the date on which the order under paragraph (1) in respect of the property was made or 3 months from the date on which any appeal from that order was disposed of; and
 - (b) shall succeed unless the claimant satisfies the court either that the claimant had not consented to the offender having possession of the property or, where an order is made under paragraph (1)(a), that the claimant did not know, and had no reason to suspect, that the property was likely to be used for the purpose mentioned in that paragraph.
- (7) Property in the possession of the police by virtue of paragraph (4) and not subject to an order under paragraph (5) or Article 3 shall be disposed of in accordance with the Police Force (Disposal of Property) (Jersey) Regulations 1975.²

3 Application of proceeds of forfeited property

- (1) Where a court makes an order under Article 2 in a case where –

- (a) the offender has been convicted of an offence which has resulted in a person suffering personal injury, loss or damage; or
- (b) any such offence is taken into consideration by the court in determining sentence,

the court may also make an order that any proceeds which arise from the disposal of the property and which do not exceed a sum specified by the court shall be paid to that person.

- (2) The court may only make an order under this Article if it is satisfied that but for the inadequacy of the means of the offender it would have made a compensation order under which the offender would have been required to pay compensation of an amount not less than the specified amount.
- (3) An order under this Article has no effect before the end of a period of 3 months after it is made or 3 months after any appeal from that order is disposed of or if a successful application under Article 2(5) is made.

4 Citation

This Law may be cited as the Criminal Justice (Forfeiture Orders) (Jersey) Law 2001.

ENDNOTES**Table of Legislation History**

Legislation	Year and Number	Commencement
Criminal Justice (Forfeiture Orders) (Jersey) Law 2001	L.6/2001	2 March 2001

Table of Renumbered Provisions

Original	Current
1(2), (3), (4)	spent, omitted from this revised edition

Table of Endnote References

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- ¹ *chapter 08.200*
² *chapter 23.375.45*