

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,983 of 14th February, 2013

B. 04/13

BILL

FOR

AN ACT to amend the Tobacco Act, 1997.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Tobacco (Amendment) Act 2013 and comes into operation on the day of publication.

Amendment of the Tobacco Act, 1997.

2.(1) The Tobacco Act, 1997 is amended in accordance with this section.

(2) For subsection (2) of section 17 substitute—

“(2) Any thing seized or detained under subsection (1) above as being liable to forfeiture shall be retained in the custody of the Police or Customs Officer, as the case may be, until—

- (a) any criminal proceedings brought in respect thereof are concluded; or
- (b) it is decided that no such proceeding should be brought; or
- (c) an order is made under subsection (3) in relation to that thing.

(3) On an application made by the Attorney General or a claimant of the thing the magistrates' court may-

- (a) make an order for the delivery of the thing to the person appearing to the court to be the owner thereof; or
- (b) make such other order with respect to the thing as the court may think fit.”.

(3) After section 17 insert-

“Power to make orders with respect to property in possession of Police or Customs Officer.

17AA. Where any property, other than property liable to forfeiture under this Act, has come into the possession of a Police or Customs Officer in connection with any criminal offence under this Act, the magistrates' court may, on the application of the Attorney General or by a claimant of the property-

- (a) make an order for the delivery of the property to the person appearing to the court to be the owner thereof; or,
 - (b) make such other order with respect to the property as the court may think fit.”.
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EXPLANATORY MEMORANDUM

This Bill introduces two amendments to the Tobacco Act, 1997 which extend the powers of the magistrates' court in relation to things seized or which come into the possession of a Police or Customs Officer in connection with any criminal offence under the Tobacco Act, 1997.

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