

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

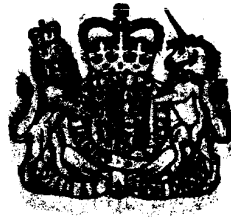
**No. 2,2529 of 21<sup>st</sup> December, 1989.**

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I ASSENT,  
DEREK REFFELL,  
GOVERNOR.

21<sup>st</sup> December, 1989.



**GIBRALTAR.**

**No. 42 of 1989.**

**AN ACT** to amend Criminal Procedure Act.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Criminal Procedure (Amendment) (No: 3) Act, 1989.

**New Section.**

2. The Criminal Procedure Act is amended by inserting after section 233 the following section-

**“Powers of forfeiture.**

233A. (1) Subject to the following provisions of this section where a person is convicted of an offence and-

(a) the Court by or before which he is convicted is satisfied that any property which has been lawfully seized from him or which was' in his possession or under his control at the time when he 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 him to be used for that purpose, or

(b) the offence or an offence which the Court has taken into consideration in determining his sentence consists of unlawful possession of property which-

( i ) has been lawfully seized from him;

or

(ii) was in his possession or under his control at the time when he was apprehended for the offence for which he has been convicted or when a summons in respect of that offence was issued.

the Court may make an order under this section 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 and without regard to any restrictions on forfeiture contained in this or any other Act.

(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 orders (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 section to include the taking of any steps after it has been committed for the purposes of disposing of any property to which it relates or avoiding apprehension or detection.

(4) An order under this section shall operate to deprive the offender of his 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".

Passed by the Gibraltar House of Assembly on the 12th day of December, 1989.

C. M. COOM,

Clerk to the Assembly.