

Subsidiary Legislation made under s.50.

## **Police (Unclaimed Property) Rules 1991**

**LN.1991/100**

*Commencement*

**6.6.1991**

---

### **ARRANGEMENT OF RULES**

Rule

1. Title.
2. Interpretation.
3. Publication.
4. Disposal.
5. Distribution of Moneys.
6. Storing and Inspection
7. Right of Early Disposal.

**Title.**

1. These Rules may be cited as the Police (Unclaimed Property) Rules 1991

**Interpretation.**

2. In these regulations “property” shall not include livestock of any kind.

**Publication.**

3.(1) In relation to any property in his possession which has remained unclaimed for the last 3 months, the Commissioner of Police shall cause a notice to be posted in a prominent place at the Magistrates Court and Central Police Station.

- (a) describing that property and calling upon any person who may have a claim thereto to appear at the Central Police Station between the hours of 09.00 and 16.00 on Monday to Friday inclusive and establish his claim within three months from the date of first publication of such notice; and
- (b) indicating the date after which the unclaimed property will be disposed of as provided in rule 4.

(2) The Commissioner of Police shall cause to be published in the Gibraltar Gazette a notice in similar terms to that prescribed in sub-rule (1) as soon as possible after its first posting in the Magistrates Court and the Central Police Station.

**Disposal.**

4. Property remaining unclaimed at the end of the three months period specified in rule 3(1)(a) may be disposed of as the Commissioner of Police may determine including detention or destruction of the property for sale or auction or by private treaty for the benefit of any person who may establish his claims to the property in accordance with these rules.

**Distribution of Money.**

5. Any moneys realised as a result of action taken in accordance with Rule 4 shall—

- (a) be retained for the benefit of any person who can establish a claim to that property within five months of the date of publication of the notice specified in 3(1); and

- (b) in the event that no claim is established in accordance with (a) forthwith be paid into the Police Reward Fund after deduction of any expenses incurred in the sale or other disposal of the property.

**Storing and Inspection.**

6. During the time that any property remains unclaimed, the Commissioner of Police shall use all reasonable endeavours-

- (a) to ensure that the property is handled and stored with due care; and
- (b) to make the property available for inspection to such persons as the Commissioner reasonably believes may have a claim to the property.

**Right of Early Disposal.**

7. Notwithstanding the provisions of these Rules, the Commissioner may destroy, cause to be destroyed or otherwise dispose of any unclaimed property in charge which is in his opinion,-

- (a) a danger to health or safety,
- (b) decomposing,
- (c) noxious,
- (d) unstable, or
- (e) otherwise unsuitable by its nature to be retained in accordance with these rules.