

A BILL

entitled

PROCEEDS OF CRIME AMENDMENT ACT 2012

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WHEREAS it is expedient to amend the Proceeds of Crime Act 1997;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Proceeds of Crime Act 1997 ("the principal Act") may be cited as the Proceeds of Crime Amendment Act 2012.

Amends Part VI heading

2 The heading to Part VI of the principal Act is amended by deleting the word "cash" and substituting the word "property".

Amends section 50

3 Section 50 of the principal Act is amended—

(a) in the headnote by deleting the word "cash" and substituting the word "property";

(b) by repealing and replacing subsection (1) as follows—

"(1) A police officer may seize and detain, in accordance with this Part, any property which is—

(a) being imported into Bermuda;

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- (b) being exported from Bermuda; or
- (c) found in the execution of his duties,

if the officer has reasonable grounds for suspecting that it directly or indirectly represents any person's proceeds of criminal conduct or is intended by any person for use in any criminal conduct.”;

- (c) in subsection (1A) by deleting the word “cash” wherever it occurs and substituting the word “property”;
- (d) in subsection (2) by deleting the word “cash” wherever it occurs and substituting the word “property”;
- (e) in subsection (3) by deleting the word “cash” wherever it occurs and substituting the word “property”;
- (f) in subsection (5) by deleting the word “cash” wherever it occurs and substituting the word “property”; and
- (g) in subsection (6) by deleting the word “cash” wherever it occurs and substituting the word “property”.

Amends section 51

4 Section 51 of the principal Act is amended—

- (a) in subsection (1) by deleting the word “cash” wherever it occurs and substituting the word “property”;
- (b) in subsection (2) by deleting the word “cash” and substituting the word “property”;
- (c) in subsection (4) by deleting the word “the” before the word “cash” and substituting the word “any”; and
- (d) in subsection (5)—
  - (i) by deleting the words “cash (or any remaining cash)” and substituting the words “property (or, in the case of cash, any remaining cash)” ; and
  - (ii) by inserting after the word “interest” the words “in the case of cash”.

Amends section 52

5 Section 52(4) of the principal Act is amended—

- (a) in the definition of “exported”, by deleting the word “cash” and substituting the word “property”; and
- (b) by inserting immediately after the definition of “exported” the following definition—

“property” includes cash and all other tangible personal property, but does not include any real property.”.

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Commencement

6 This Act shall come into operation on such day as the Minister responsible for justice may appoint by notice published in the Gazette.

## PROCEEDS OF CRIME AMENDMENT BILL 2012

### EXPLANATORY MEMORANDUM

This Bill seeks to expand Part VI of the Proceeds of Crime Act 1997 (“the principal Act”), to allow a police officer to seize any tangible personal property (excluding any real property) he reasonably suspects to be the proceeds of crime, imported to or exported from Bermuda or found by an officer in the execution of his duties.

Clause 1 is self-explanatory.

Clause 2 makes the necessary amendment to the heading to Part VI of the principal Act.

Clause 3 amends section 50 of the principal Act to allow a police officer to seize any tangible property imported or exported from Bermuda or any property found by an officer in the execution of his duties he reasonably suspects to be the proceeds of any crime.

Clause 4 makes the necessary amendments to section 51 of the principal Act, to broaden the scope of property that can be seized.

Clause 5 makes the necessary amendments to section 52 of the principal Act, to broaden the scope of property that can be seized.

Clause 6 provides for the commencement by way of notice in the Gazette.