

THE SHARING OF FORFEITED PROPERTY ACT

Acts
6 of 1999,
4 of 2007
S. 140.

[12th March, 1999.]

1. This Act may be cited as the Sharing of Forfeited Property Act. Short title.

2.—(1) In this Act, unless the context otherwise requires— Interpreta-
tion.

“Convention” means the Vienna Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988;

“convention state” means a foreign state which is a party to the Convention;

“forfeited property” means any property which is the subject of a relevant agreement, being property which falls within any of the following categories—

(a) any property which is forfeited property pursuant to a forfeiture order or a pecuniary penalty order made under section 5(3) of the Proceeds of Crime Act; 4/2007
S.140(3)(a)
(i).

(b) any amount paid under an order made under section 5(5) of that Act; 4/2007
S.140(3)(a)
(i).

(c) any property which, pursuant to a request by a convention state is the subject of—

(i) foreign forfeiture order or a foreign pecuniary penalty order registered in the Supreme Court and having effect, pursuant to section 27(3) and (4) of the Mutual Assistance (Criminal Matters) Act; or

(ii) a forfeiture order or a pecuniary penalty order under the Proceeds of Crime Act made and enforced under section 27(8) of the Mutual Assistance (Criminal Matters) Act; 4/2007
S.140(3)(a)
(i).

SHARING OF FORFEITED PROPERTY

(d) any property located in a convention state—

(i) in relation to which a request is made to that state, under section 13 of the Mutual Assistance (Criminal Matters) Act, for the enforcement of a forfeiture order or pecuniary penalty order made under the Proceeds of Crime Act; or

(ii) which is forfeited in a convention state under the laws of that state;

“relevant agreement” means an agreement made between Jamaica and a convention state, providing for the sharing of forfeited property.

(2) For the purposes of this Act “foreign forfeiture order” and “foreign pecuniary order” have the same meaning as in the Mutual Assistance (Criminal Matters) Act.

4/2007
S.140(3)(b)

Application of
Act to conven-
tion states.

3.—(1) Where a relevant agreement has been made with a convention state, the Minister may, by order, declare that the provisions of this Act shall apply in respect of that state subject to such exceptions, adaptations or modifications as the Minister, having due regard to the terms of such agreement, may deem expedient to specify in the order for the purpose of implementing such terms.

(2) An order under subsection (1) shall be subject to affirmative resolution.

Attorney-
General to
certify
property for
sharing.

4.—(1) Forfeited property may be shared with a convention state only if the Attorney-General certifies in writing that it is proper for the property to be so shared.

(2) The Attorney-General shall, in issuing a certificate under subsection (1), have regard to the provisions of the Proceeds of Crime Act and any other relevant law.

4/2007
S. 140(3)(b).

5.—(1) There shall be established for the purposes of this Act, a fund into which shall be paid—

Forfeited
Property
Fund.
4/2007
S. 140(3)(c).

- (a) any amount paid to the Crown pursuant to section 5 of the Proceeds of Crime Act in relation to property which is the subject of a relevant agreement;
- (b) the proceeds of the sale of any property to which a certificate under section 4 relates; and
- (c) any amounts transmitted to Jamaica pursuant to a relevant agreement.

(2) The fund referred in subsection (1) shall be under the control and management of a public officer designated by the Minister.

(3) The moneys of the fund shall be—

- (a) held in a bank approved by the Minister, in which public funds may lawfully be deposited;
- (b) used in accordance with directions in writing issued by the Minister, for the purposes of health, education and national security.

6. The Minister may make regulations for the purpose of giving effect to the provisions of this Act.

Regulations.