

Statutory Document No. 2008/0751



Proceeds of Crime Act 2008

PROCEEDS OF CRIME ACT 2008 (EXEMPTIONS FROM CIVIL RECOVERY) ORDER 2008¹

Approved by Tynwald: 22 October 2008
Coming into Operation: 1 November 2008

In exercise of the powers conferred on the Department of Home Affairs by section 61 of the Proceeds of Crime Act 2008¹, the following Order is hereby made: —

1 Citation and commencement

This Order may be cited as the Proceeds of Crime Act 2008 (Exemptions from Civil Recovery) Order 2008 and, subject to section 223(3), shall come into operation on 1st November 2008.

2 Exemptions from civil recovery

- (1) Property which, apart from this Order, would be recoverable property and is —
- (a) prescribed in Part 1 of the Schedule to this Order; or
 - (b) disposed of in pursuance of an enactment prescribed in Part 2 of the Schedule to this Order,

is not recoverable or (as the case may be) associated property.

- (2) Where particular circumstances are prescribed in Part 2 of the Schedule to this Order in relation to an enactment, paragraph (1)(b) applies only in those circumstances.

MADE 22 OCTOBER 2008

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¹ 2008 c.13

SCHEDULE

Article 2

PART 1

PRESCRIBED PROPERTY

Property forfeited in pursuance of powers conferred by the customs and excise Acts, as defined by section 184(1) of the Customs and Excise Management Act 1986².

PART 2

PRESCRIBED ENACTMENTS – PROPERTY WHICH IS NOT RECOVERABLE PROPERTY

Section 138 of the Army Act 1955³ (restitution or compensation for theft etc.) (including where it has effect by virtue of paragraph 17 of Schedule 3 to the Armed Forces Act 1976⁴, in circumstances other than where the disposal is of money which is paid as or towards compensation under section 138(5) of that Act or the disposal is the restitution of property given in exchange under section 138(6) of that Act.

Section 138 of the Air Force Act 1995⁵ (restitution or compensation for theft etc.), in circumstances other than where the disposal is of money which is paid as or towards compensation under section 138(5) of that Act or the disposal is the restitution of property given in exchange under section 138(6) of that Act.

Section 76 of the Naval Discipline Act 1957⁶ (restitution or compensation on conviction of larceny etc.), in circumstances other than where the disposal is the restitution of property given in exchange under section 76(2)(a) of that Act or the disposal is of money which is paid as or towards compensation under section 76(2)(b) or (3) of that Act.

Section 3 of the Obscene Publications and Indecent Advertisements Act 1907⁷ (powers of search and seizure).

Section 11(2) of the Sea Fish (Conservation) Act 1967 (penalties for offences)⁸.

² 1986 c.34

³ 1955 c.18 (of Parliament). Applied to the Island by S.I. 1996 No.723.

⁴ 1976 c.52 (of Parliament).

⁵ 1955 c.19 (of Parliament). Applied to the Island by S.I. 1996 No. 719.

⁶ 1957 c.53 (of Parliament). Applied to the Island by S.I. 1996 No. 727.

⁷ Chapter VIII, p.91.

⁸ 1967 c.84 (of Parliament). Applied to the Island by S.I. 1973 No. 237 and S.I. 1977 No.

Section 25(1) of the Firearms Act 1947⁹ (forfeiture and disposal of firearms).

Section 27 of the Misuse of Drugs Act 1976¹⁰ (forfeiture).

Section 15 of the Forgery Act 1952¹¹ (powers of search, forfeiture etc),

Section 40 of the Drug Trafficking Act 1996¹² (forfeiture).

Paragraph 3 of the Schedule to the Noise Act 2006¹³ (forfeiture), in the circumstances where no order is made under paragraph 4 of that Schedule for the delivery of the equipment to a person appearing to be the owner of the equipment.

Section 14 of the Criminal Justice Act 2001¹⁴ (forfeiture of knives and publication), in the circumstances where no order is made under section 15 of that Act for the delivery of the property to a person appearing to be the owner of the property.

Section 16 of the Anti-Terrorism and Crime Act 2003¹⁵ (forfeiture).

Paragraph 6 of Schedule 3 to the Anti-Terrorism and Crime Act 2003 (forfeiture).

⁹ Chapter XVI, p.586

¹⁰ 1976 c.21.

¹¹ Chapter XVIII, p.6.

¹² 1996 c.3.

¹³ 2006 c.6.

¹⁴ 2001 c.4.

¹⁵ 2003 c.6.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.