



Jersey

PROCEEDS OF CRIME (ENFORCEMENT OF CONFISCATION ORDERS) (AMENDMENT) (JERSEY) REGULATIONS 2022

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PROCEEDS OF CRIME (ENFORCEMENT OF CONFISCATION ORDERS) (AMENDMENT) (JERSEY) REGULATIONS 2022

Made

10th February 2022

Coming into force

in accordance with Regulation 8

THE STATES make these Regulations under Articles 28A and 38 of the [Proceeds of Crime \(Jersey\) Law 1999](#) –

1 Amendment of the [Proceeds of Crime \(Enforcement of Confiscation Orders\) \(Jersey\) Regulations 2008](#)

These Regulations amend the [Proceeds of Crime \(Enforcement of Confiscation Orders\) \(Jersey\) Regulations 2008](#).

2 Regulation 4 (evidence of proceedings and orders in a country or territory outside Jersey) amended

In Regulation 4(1) after sub-paragraph (g) there is inserted –

- “(h) that an order (however described) made or to be made by a court of that country or territory has the purpose of, or will have the purpose of –
 - (i) recovering property used or intended to be used in criminal conduct or predicate conduct; or
 - (ii) recovering property equal to the value of the property referred to in clause (i).”

3 Regulation 7 (satisfaction of confiscation orders in a country or territory outside Jersey) amended

In Regulation 7 –

- (a) in the heading, after “confiscation orders” there is inserted “or instrumentalities forfeiture orders”;
- (b) in paragraph (1) –
 - (i) in sub-paragraph (a) after “Article 3 of the Law” there is inserted “or an instrumentalities forfeiture order has been made under Article 28B of the Law”,

- (ii) after “the amount payable under the confiscation order” there is inserted “or the value of property forfeited under the instrumentalities forfeiture order”.

4 Regulation 8 (conversion of currency) amended

In Regulation 8(1) after “confiscation order” there is inserted “or instrumentalities forfeiture order”.

5 Regulation 9 (citation) amended

In Regulation 9 after “Confiscation” there is inserted “and Instrumentalities Forfeiture”.

6 Schedule amended

In the Schedule –

- (a) in paragraph 1 (Article 1 amended) after sub-paragraph (1)(f) there is inserted –

- “(g) for the definition “predicate conduct” there is substituted the following definition –

- “ “predicate conduct” means, where the overseas conduct corresponds to an offence under Article 30 or 31, or an attempt or conspiracy to commit such an offence, the conduct that was alleged to give the property its criminal character;”.

- (b) in paragraph 2 (Article 2 amended) –

- (i) in sub-paragraph (a) after “paragraphs (1)” there is inserted “, (1A)”,

- (ii) in the substituted Article 2(2)(a) after “a confiscation order” there is inserted “or an instrumentalities forfeiture order”;

- (c) in paragraph 3 (Part 2 amended) –

- (i) in sub-paragraph (2) for “28A” there is substituted “28B”,

- (ii) in sub-paragraph (6) for “ “confiscation order” wherever” there is substituted “ “confiscation order or instrumentalities forfeiture order” wherever”,

- (iii) for sub-paragraph (7) there is substituted –

- “(7) In Article 22, in paragraph (2) for “, 18, 19, 20 and 28B” there is substituted “and 20”.

- (iv) in sub-paragraph (8) –

- (A) in clause (a) for “ “confiscation order” there” there is substituted “ “confiscation order or instrumentalities forfeiture order” there”,

- (B) in clause (b) in the substituted paragraph (8), after “proceeds of criminal conduct” there is inserted “or instrumentalities or property of equal value to the instrumentalities”;

- (d) in paragraph 6(3) for “Proceeds of Crime (Enforcement of Confiscation Orders) (Jersey) Regulations 2008” there is substituted “Proceeds of Crime (Enforcement of Confiscation and Instrumentalities Forfeiture Orders) (Jersey) Regulations 2008”.
- (e) in the [Proceeds of Crime \(Jersey\) Law 1999](#) as modified by the [Proceeds of Crime \(Enforcement of Confiscation Orders\) \(Jersey\) Regulations 2008](#) –
 - (i) for the heading “The Proceeds of Crime (Jersey) Law 1999 as modified by the Proceeds of Crime (Enforcement of Confiscation Orders) (Jersey) Regulations 2008” there is substituted “The Proceeds of Crime (Jersey) Law 1999 as modified by the Proceeds of Crime (Enforcement of Confiscation and Instrumentalities Forfeiture Orders) (Jersey) Regulations 2008”,
 - (ii) in Article 1(1) –
 - (A) in the definition “external confiscation order” after subparagraph (c) there is inserted –
 - “(d) for the purposes of recovering property used in or intended to be used in such conduct or in predicate conduct outside Jersey or recovering property of equal value to such property;”,
 - (B) after the definition “police officer” there is inserted the following definition –
 - “ “predicate conduct” means, where the overseas conduct corresponds to an offence under Article 30 or 31, or an attempt or conspiracy to commit such an offence, the conduct that was alleged to give the property its criminal character;”,
 - (iii) in Article 2(2)(a) after “a confiscation order” there is inserted “or an instrumentalities forfeiture order”,
 - (iv) in Article 24(8) after “proceeds of criminal conduct” there is inserted “or instrumentalities or property of equal value to the instrumentalities”.

7 Short title amended

In the short title after “Confiscation” there is inserted “and Instrumentalities Forfeiture”.

8 Citation and commencement

These Regulations may be cited as the Proceeds of Crime (Enforcement of Confiscation Orders) (Amendment) (Jersey) Regulations 2022 and come into force on the commencement of the Proceeds of Crime (Amendment No. 5) (Jersey) Law 202-¹.

ENDNOTES

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¹ *Law currently awaiting Privy Council sanction*