



AN BILLE UM FHÁLTAIS Ó CHOIREACHT (LEASÚ) 2003
PROCEEDS OF CRIME (AMENDMENT) BILL 2003

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement.
2. Interpretation.
3. Amendment of section 1 of the Act of 1996.
4. Amendment of section 4 of the Act of 1996.



AN BILLE UM FHÁLTAIS Ó CHOIREACHT (LEASÚ) 2003
PROCEEDS OF CRIME (AMENDMENT) BILL 2003

BILL

entitled

5 AN ACT TO AMEND THE PROCEEDS OF CRIME ACT 1996.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) This Act may be cited as the Proceeds of Crime (Amendment) Act 2003. Short title and commencement.

10 (2) This Act comes into operation one month after the date of its passing.

2.—In this Act, “Act of 1996” means the Proceeds of Crime Act 1996. Interpretation.

3.—Section 1(1) of the Act of 1996 is amended by the insertion after the definition of “disposal order” of the following definition: Amendment of section 1 of the Act of 1996.

15 “‘drug related initiatives’ means voluntary and State funded programmes established to discourage people from taking drugs, or established to assist in the rehabilitation of drug users.”

4.—(1) Section 4(1) of the Act of 1996 is amended by the substitution of “3 years” for “7 years”. Amendment of section 4 of the Act of 1996.

20 (2) Section 4(5) of the Act of 1996 is amended by the substitution of “drug related initiatives identified by the Minister for Justice, Equality and Law Reform” for “the Exchequer by the Minister”.

(3) Section 4 of the Act of 1996, as so amended, is set out in a Table to this section.

25 **Table**

Disposal Order. 4.—(1) Subject to *subsection (2)*, where an interlocutory order has been in force for not less than 3 years in relation to specified property, the Court, on application to it in that behalf by the applicant, may make an order (“a disposal

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order”) directing that the whole or, if appropriate, a specified part of the property be transferred, subject to such terms and conditions as the Court may specify, to the Minister or to such other person as the Court may determine. 5

(2) Subject to *subsections (6) and (8)*, the Court shall make a disposal order in relation to any property the subject of an application under *subsection (1)* unless it is shown to its satisfaction that that particular property does not constitute, 10 directly or indirectly, proceeds of crime and was not acquired, in whole or in part, with or in connection with property that, directly or indirectly, constitutes proceeds of crime.

(3) The applicant shall give notice to the respondent (unless the Court is satisfied that it is not reasonably possible to ascertain his or her whereabouts), and to such other (if any) persons as the Court may direct of an application under this section. 15 20

(4) A disposal order shall operate to deprive the respondent of his or her rights (if any) in or to the property to which it relates and, upon the making of the order, the property shall stand transferred to the Minister or other person to whom it relates. 25

(5) The Minister may sell or otherwise dispose of any property transferred to him or her under this section, and any proceeds of such a disposition and any moneys transferred to him or her under this section shall be paid into or disposed of for the benefit of drug related initiatives identified by the Minister for Justice. 30

(6) In proceedings under *subsection (1)*, before deciding whether to make a disposal order, the Court shall give an opportunity to be heard by the Court and to show cause why the order should not be made to any person claiming ownership of any of the property concerned. 35

(7) The Court, if it considers it appropriate to do so in the interests of justice, on the application of the respondent or, if the whereabouts of the respondent cannot be ascertained, on its own initiative, may adjourn the hearing of an application under *subsection (1)* for such period not exceeding 2 years as it considers reasonable. 40 45

(8) The Court shall not make a disposal order if it is satisfied that there would be a serious risk of injustice.