

THE DRUG OFFENCES (FORFEITURE  
OF PROCEEDS) ACT

ARRANGEMENT OF SECTIONS

PART I. *Preliminary*

1. Short title.
2. Interpretation.

PART II. *Forfeiture Orders, Pecuniary Penalty Orders  
and Related Matters*

3. Application for forfeiture order and pecuniary penalty order.
4. Notice of application.
5. Amendment of application.
6. Procedure on application.
7. Forfeiture order on conviction.
8. Effect of forfeiture order.
9. Voidable transfers.
10. Protection of third parties.
11. Discharge of forfeiture order or pecuniary penalty order on appeal and quashing of conviction.
12. Payment instead of forfeiture order.
13. Enforcement of orders made under section 12.

*Pecuniary Penalty Orders*

14. Pecuniary penalty order on conviction.
15. Rules for determining benefit and assessing value.
16. Statements relating to benefits from commission of prescribed offences.
17. Amount to be recovered under pecuniary penalty order.
18. Variation of pecuniary penalty orders.
19. Judge may lift corporate veil.

PART III. *Provisions relating to Investigations and Preservation of Property liable to Forfeiture and Pecuniary Penalty Orders*

*Powers of Search and Seizure*

20. Warrant to search premises for tainted property.
21. Restrictions on issue of search warrants.
22. Matters to be included in search warrant.
23. Other tainted property may be seized.
24. Record of property seized.
25. Return of property seized.
26. Retention of property seized.

*Restraint Orders*

27. Application for restraint order.
28. Restraint orders.
29. Undertakings by Crown.
30. Notice of application for restraint order.
31. Service of restraint order.
32. Registration of restraint order.
33. Contravention of restraint order.
34. Duration of restraint order.

*Review of Search Warrants*

35. Review of search warrants and restraint orders.
36. Automatic expiry of restraint orders.
37. Disposal of property seized or dealt with.

*Production Orders and other Information Gathering Powers*

38. Production and inspection orders.
39. Scope of police powers under production order, etc.
40. Evidential value of information.
41. Variation of production order.
42. Failure to comply with production order.
43. Search warrant to facilitate investigations.

*Monitoring Orders*

44. Monitoring orders.
45. Monitoring orders not to be disclosed.
46. Retention of records of financial institutions.
47. Register of original documents.
48. Communication of information to law enforcement authorities.
49. Interpretation.

PART IV. *General*

50. Appeals.
51. Amendment of Schedule.
52. Compensation.
53. Regulations.
54. Costs.
55. Standard of proof.
56. Savings.

SCHEDULE

THE DRUG OFFENCES (FORFEITURE  
OF PROCEEDS) ACT

Acts  
16 of 1994,  
29 of 1996,  
18 of 2005  
2nd Sch.

[15th August, 1994.]

PART I. *Preliminary*

1. This Act may be cited as the Drug Offences (Forfeiture of Proceeds) Act. Short title.

2.—(1) In this Act—

Interpreta-  
tion.

“benefit ” includes any property, service or advantage  
whether direct or indirect;

“Commissioner” means the Commissioner of Police;

“constable” means a member of the Jamaica Constabulary  
Force;

“forfeiture order” means an order made under section 7;

“interest” in relation to property, means—

(a) a legal or equitable interest in the property; or

(b) a right, power or privilege in connection with  
property;

“pecuniary penalty order” means an order made under  
section 14;

“prescribed offence” means an offence specified in the  
Schedule;

Schedule.

“property” includes money and all other property, real or  
personal, including things in action and other  
intangible or incorporeal property;

“realizable property” means, subject to subsection (2) (b)—

(a) any property held by a person who has been  
convicted of or charged with, a prescribed  
offence; and

- (b) any property held by a person to whom a person so convicted or charged has directly or indirectly made a gift caught by this Act;

“relevant application period” in relation to a person’s conviction of a prescribed offence, means the period of six months after the day on which the person was convicted of the offence;

“restraint order” means an order made pursuant to section 28;

“tainted property” in relation to a prescribed offence, means—

- (a) property used in, or in connection with, the commission of the offence; or
- (b) property derived, obtained or realized directly or indirectly by the person convicted from the commission of the offence.

(2) For the purposes of this Act—

- (a) a reference to a benefit derived or obtained by, or otherwise accruing to, a person (“A”) includes a reference to a benefit derived or obtained by, or otherwise accruing to, another person at A’s request or direction;
- (b) property is not realizable property if—
  - (i) there is in force in respect of that property a forfeiture order under this Act or under any other enactment;
  - (ii) a forfeiture order is proposed to be made against that property under this Act or any other enactment;
- (c) property is held by a person if he has any interest in it.