

No. 17 of 2006

VIRGIN ISLANDS

DRUG TRAFFICKING OFFENCES (AMENDMENT) ACT, 2006

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement.
2. Interpretation.
3. Section 35 amended.

I Assent

**(Sgt.) DAVID PEAREY,
Governor.
16th October, 2006**

VIRGIN ISLANDS

No. 17 of 2006

An Act to amend the Drug Trafficking Offences Act, 1992 (No. 5 of 1992).

[Gazetted 2nd November, 2006]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and
commencement.

1. This Act may be cited as the Drug Trafficking Offences (Amendment) Act, 2006 and shall come into force on the 1st day of December, 2006.

Interpretation.
No. 5 of 1992

2. In this Act, “the principal Act” means the Drug Trafficking Offences Act, 1992.

Section 35
amended.

3. Section 35 of the principal Act is amended by adding after subsection (3), the following subsections:

“(4) Subject to subsection (6), where a person is convicted of an offence under this Act, the court

- (a) may, in passing sentence, order forfeiture to the Government of the Territory of any real property or any ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description shown to the satisfaction of the court to relate to the offence; and

- (b) shall, in passing sentence, order forfeiture to the Government of the Territory of any article, money or valuable consideration shown to the satisfaction of the court to relate to the offence.

(5) Subject to subsection (6), where, in a trial for an offence under this Act, it is shown to the satisfaction of the court that any property is or represents proceeds of drug trafficking or has been, is being or is reasonably likely to be, used in connection with the retention, control, acquisition, possession, use, concealment, disguising, conversion, transfer or moving of proceeds of drug trafficking, the court may, whether or not the defendant is convicted of the offence, order forfeiture to the Government of the Territory of any such property.

(6) The court shall not order anything to be forfeited under subsection (4) or (5) unless an opportunity has been given to the person claiming to be the owner or other person interested in it to show cause within twenty-one days from the date of conviction why the order should not be made.

(7) Forfeiture under subsection (4) shall extend

- (a) to any property which there is reason to believe has been obtained from the proceeds of anything relating to the offence for which a person is convicted or to a conspiracy to commit any such offence; or
- (b) to anything into which any such property has been converted.”.

Passed by the Legislative Council this 3rd day of October, 2006.

(Sgd.) V. INEZ ARCHIBALD,
Speaker.

(Sgd.) ALVA MC CALL,
Acting Clerk of the Legislative Council.

