

Authorised Version No. 003
Crimes (Confiscation) Regulations 2014

S.R. No. 42/2014

Authorised Version incorporating amendments as at
2 July 2014

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
1 Objective	1
2 Authorising provision	1
3 Commencement	1
4 Revocation	1
5 Form of notice under section 465A of the Crimes Act 1958	1
6 Form of notice under section 465D of the Crimes Act 1958	2
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SCHEDULES	3
SCHEDULE 1—Notice that Seized Property is Being Held	3
SCHEDULE 2—Notice that Seized Property is Being Held	5
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ENDNOTES	7
1. General Information	7
2. Table of Amendments	8
3. Explanatory Details	9

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1 Objective

The objective of these Regulations is to prescribe forms for the purposes of sections 465A and 465D of the **Crimes Act 1958**.

2 Authorising provision

These Regulations are made under section 505A of the **Crimes Act 1958**.

3 Commencement

- (1) These Regulations, except regulation 7, come into operation on 7 June 2014.
- (2) Regulation 7 comes into operation on the day that section 278 of the **Victoria Police Act 2013** comes into operation.

4 Revocation

The Crimes (Confiscation) Regulations 2004¹ are **revoked**.

5 Form of notice under section 465A of the Crimes Act 1958

For the purposes of section 465A(2)(b) of the **Crimes Act 1958**, the prescribed form of notice that seized property is being held under section 79 of the **Confiscation Act 1997** is the form set out in Schedule 1.

r. 6

6 Form of notice under section 465D of the Crimes Act 1958

For the purposes of section 465D(2)(b) of the **Crimes Act 1958**, the prescribed form of notice that seized property is being held under section 79 of the **Confiscation Act 1997** is the form set out in Schedule 2.

Reg. 7
revoked by
S.R. No.
42/2014
reg. 7(3).

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SCHEDULES

SCHEDULE 1

Regulation 5

Sch. 1
amended by
S.R. No.
42/2014
reg. 7(1).

NOTICE THAT SEIZED PROPERTY IS BEING HELD
(Section 465A)

You have received this notice because a magistrate has made a direction affecting property in which you have an interest.

A warrant under section 465 of the **Crimes Act 1958** was issued

at *(insert time)* on *(insert date)* by _____ Magistrate

The warrant was issued to—

Name, Rank, No.

Address

The warrant authorised the seizure of property in connection with a criminal investigation. When the warrant was issued, the magistrate directed under section 465(1B) of the **Crimes Act 1958** that the police officer who applied for the warrant hold or retain specified property seized under the warrant after it was no longer required for evidentiary purposes under that Act. The magistrate made this direction on the basis that the specified property was also *tainted property* under the **Confiscation Act 1997**.

The warrant was executed at *(insert address or description of land or premises)*.

When the warrant was executed, police seized property in which you have an interest. This property is described below.

This property is no longer required for evidentiary purposes under the **Crimes Act 1958**. In accordance with the direction of the magistrate, the property will be held by the police and dealt with under the **Confiscation Act 1997**, as if it had been seized under a warrant under section 79 of that Act.

Property which will be held

(insert description of property)

Crimes (Confiscation) Regulations 2014
S.R. No. 42/2014

Sch. 1

Property seized under a warrant under section 79 of the **Confiscation Act 1997** may be returned to you in certain circumstances under section 97 of that Act.

Victoria Police or Asset Confiscation Operations, Infringement Management and Enforcement Services in the Department of Justice may be contacted for more information at (*insert contact details*).

SCHEDULE 2

Regulation 6

Sch. 2
amended by
S.R. No.
42/2014
reg. 7(2).

NOTICE THAT SEIZED PROPERTY IS BEING HELD
(Section 465D)

You have received this notice because the Magistrates' Court has made a direction affecting property in which you have an interest.

A warrant under section 465 of the **Crimes Act 1958** was issued

at *(insert time)* on *(insert date)* by _____ Magistrate

The warrant was issued to—

Name, Rank, No.

Address

The warrant authorised the seizure of property in connection with a criminal investigation. When the warrant was executed, police seized property in which you have an interest. This property is described below.

The warrant was executed at *(insert address or description of land or premises)*.

When the warrant was returned to the Magistrates' Court, the Court directed under section 465C of the **Crimes Act 1958** that a police officer hold or retain the property described below after it was no longer required for evidentiary purposes under that Act. The Magistrates' Court made this direction on the basis that this property was also *tainted property* under the **Confiscation Act 1997**.

This property is no longer required for evidentiary purposes. In accordance with the direction of the Magistrates' Court, the property will be held by the police and dealt with under the **Confiscation Act 1997**, as if it had been seized under a warrant under section 79 of that Act.

Property which will be held

(insert description of property)

Crimes (Confiscation) Regulations 2014
S.R. No. 42/2014

Sch. 2

Property seized under a warrant under section 79 of the **Confiscation Act 1997** may be returned to you in certain circumstances under section 97 of that Act.

Victoria Police or Asset Confiscation Operations, Infringement Management and Enforcement Services in the Department of Justice may be contacted for more information at (*insert contact details*).

ENDNOTES

1. General Information

The Crimes (Confiscation) Regulations 2014, S.R. No. 42/2014 were made on 27 May 2014 by the Governor in Council under section 505A of the **Crimes Act 1958**, No. 6231/1958 and came into operation as follows:

Regulations 1–6 on 7 June 2014: regulation 3(1); regulation 7 on 1 July 2014: regulation 3(2).

The Crimes (Confiscation) Regulations 2014 will sunset 10 years after the day of making on 27 May 2024 (see section 5 of the **Subordinate Legislation Act 1994**).

Crimes (Confiscation) Regulations 2014
S.R. No. 42/2014

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Crimes (Confiscation) Regulations 2014 by statutory rules, subordinate instruments and Acts.

Crimes (Confiscation) Regulations 2014, S.R. No. 42/2014

<i>Date of Making:</i>	27.5.14
<i>Date of Commencement:</i>	Reg. 7(1)(2) on 1.7.14; reg. 3(2); reg. 7(3) on 2.7.14; reg. 7(3)

3. Explanatory Details

¹ Reg. 4: S.R. No. 56/2004.