Western Australia

Crimes (Confiscation of Profits) (General) Regulations 1994

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CONTENTS

1. Citation 1

2. Prescribed particulars of a restraining order (section 26 (1)) 1

3. Form of embargo notice prescribed (section 31A) 1

4. Certain indictable offences prescribed as serious offences 2

5. Certain indictable offences prescribed as serious drug offences 2

Schedule 1

NOTES

Western Australia

CRIMES (CONFISCATION OF PROFITS) ACT 1988

Crimes (Confiscation of Profits) (General) Regulations 1994

##### 1. Citation

These regulations may be cited as the *Crimes (Confiscation of Profits) (General) Regulations 1994.*

##### 2. Prescribed particulars of a restraining order (section 26 (1))

The following particulars are the particulars of a restraining order, not relating to land or to an interest in land, that must be recorded under section 26 (1) of the Act —

(a) a description of the property which is the subject of the restraining order;

(b) the name and the last known address of the registered proprietor of the property; and

(c) certification by an appropriate officer of —

(i) the date of the order;

(ii) the Court which made the order; and

(iii) the action number of the application for the order.

##### 3. Form of embargo notice prescribed (section 31A)

An embargo notice under section 31A of the Act shall be in the form of Form 1 in Schedule 1.

##### 4. Certain indictable offences prescribed as serious offences

For the purposes of the definition of “serious offence” in section 3 (1) of the Act (and without limiting paragraph (a) of that definition), an indictable offence against the laws of Western Australia of which a person is summarily convicted is a serious offence.

[Regulation 4 inserted in Gazette 20 February 1998 p.939.]

##### 5. Certain indictable offences prescribed as serious drug offences

For the purposes of the definition of “serious drug offence” in section 3 (1) of the Act (and without limiting paragraph (a) of that definition), an offence against section 6 (1) or 7 (1) of the *Misuse of Drugs Act 1981* of which a person is summarily convicted is a serious drug offence.

[Regulation 5 inserted in Gazette 20 February 1998 p.939.]

Schedule 1

[regulation 3]

**FORM 1**

WESTERN AUSTRALIA

*CRIMES (CONFISCATION OF PROFITS) ACT 1988*

**EMBARGO NOTICE**

(Section 31A)

I,........................................................................................….………................... ,

[insert name and designation of police officer]

being authorized by Part 5 of the *Crimes (Confiscation of Profits) Act 1988* to seize the following property —

..........................................................................................................………....

.........................................................................................................……….....

........................................................................................................………......

...................................................................................................………...........

.................................................................................................………..............

[insert particulars of property]

which cannot, or cannot readily, be seized, or which I do not wish to seize,

give notice of an **EMBARGO** in respect of that property, under section 31A of the *Crimes (Confiscation of Profits) Act 1988*.

THIS NOTICE was given to....................................................……….....…….....

.........................................................................

.........................................................................

.........................................................................

[insert name and address of possessor

of the property or of any other person

to whom notice is given]

on this .……..... day of ....……............... 19.…….. .

...................................................

[name of police officer]

NOTE —  The attention of the person to whom this notice is given is drawn to section 31A of the *Crimes (Confiscation of Profits) Act 1988*.

Notes

1. This is a compilation of the *Crimes (Confiscation of Profits) (General) Regulations 1994* and includes the amendments referred to in the following Table.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Crimes (Confiscation of Profits) (General) Regulations 1994* | 31 Mar 1994 pp.1441‑2 | 31 Mar 1994 |
| *Crimes (Confiscation of Profits) (General) Amendment Regulations 1998* | 20 Feb 1998 p.939 | 20 Feb 1998 |