

Regulations made under section 19.

**Subsidiary  
1999/000**

**PUBLIC FINANCE (CONTROL AND AUDIT) ORDINANCE**

**DRUG OFFENCES (PREVENTION AND ENFORCEMENT) FUND  
REGULATIONS 1992**

1992/063

1.4.1992

**Revoked by LN 1997/041**

Amending enactments	Relevant current provisions	Commencement date
1995/026	rr. 3, 4(e)(f), 5(a)(b)(c)(d) and Schedule.	2.3.1995
1995/045	rr.3,4(e)(f), 5(a)(b)(i)(ii)(c)(d) and Schedule.	27.3.1995

**ARRANGEMENT OF REGULATIONS.**

Regulation

- 1.Title and commencement
- 2.Controlling Officer
- 3.Purpose of the Fund
- 4.Revenue
- 5.Expenditure

Schedule

In exercise of the powers conferred on him by section 19 of the Public Finance (Control and Audit) Ordinance, and of all other enabling powers, the Governor has made the following regulations-

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1. These regulations may be cited as the Drug Offences (Prevention and Enforcement) Fund Regulations 1992, and shall be deemed to have come into effect on the 1st day of April 1992.

**Controlling Officer.**

2. The Accountant General shall be the Controlling Officer to control and account for the Drug Offences (Prevention and Enforcement) Fund.

**The purpose of the Fund.**

3. The purpose of the Fund is to provide financial support for operations and activities undertaken with the intention of preventing the illegal import into or export from Gibraltar of drugs, offences under the Drugs (Misuse) Ordinance and under the Drugs Trafficking Offences Ordinance 1988 the Drug Trafficking Offences Ordinance 1995, together with offences under any other Ordinance related to drugs.

**Revenue.**

4. There shall be credited to the Fund-

- (a) the monies for which provision is made under section 20 (2) of the Public Finance (Control and Audit) Ordinance;
- (b) fines paid on conviction for an offence under the statutory provisions listed in the Schedule and any offence the commission of which was associated with the commission of any of those offences;
- (c) monies received as a result of the sale of-
  - (i) receptacles forfeit under section 122;
  - (ii) ships, aircrafts or vehicles forfeit under section 123,of the Imports and Exports Ordinance 1986;
- (d) monies received as a result of the sale of property under the provisions of section 233A of the Criminal Procedure Ordinance where the offence for which the person was convicted falls within paragraph (b);
- (e) monies realised by the sale of anything forfeit under section 20 of the Drugs (Misuse) Ordinance 1986 or monies forfeit under

section 44 or Part IV of the Drug Trafficking Offences Ordinance 1995;

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- (f) monies resulting from a Confiscation Order or an external Confiscation Order made under the Drugs Trafficking Offences Ordinance 1988 or the Drug Trafficking Offences Ordinance 1995;
- (g) any recognizance or surety entered into in accordance with the provisions of Part III of the Criminal Procedure Ordinance and thereunder forfeit, or any fine imposed under those provisions, where the offence, in respect of which a person was granted bail, was one falling within paragraph (b).

**Expenditure.**

5. There shall be charged upon the Fund-

- (a) any compensation payment ordered by the Court under section 20 of the Drugs Trafficking Offences Ordinance, 1988 or under sections 17, 21, 22 or 23 of the Drug Trafficking Offences Ordinance 1995;
- (b) amounts approved by the Controlling Officer to be used by a Government department or other organisation to prevent-
  - (i) the illegal import into or export from Gibraltar of drugs or Scheduled Substances, as defined in the Drugs (Misuse) Ordinance;
  - (ii) offences under the Drugs (Misuse) Ordinance;
  - (iii) offences under the Drugs Trafficking Offences Ordinance 1988 or the Drug Trafficking Ordinance 1995;
  - (iv) offences the commission of which is associated with the commission of any of the offences provided for in this paragraph or under any other legislation in Gibraltar for the purposes of preventing or punishing the misuse of drugs;
- (c) any amount approved by the Controlling Officer to be used by a Government department or other organisation under the provisions of-
  - (i) Part IIIA and Schedule 5 of the Drugs (Misuse) Ordinance;

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(ii) Part III of the Drug Trafficking Offences Ordinance 1995;

- (d) any monies transferred to the Consolidated Fund or any other special fund under the Ordinance.

**SCHEDULE**

Offences, the fines in respect of which shall be payable to the Fund.

<b>Ordinance</b>	<b>Section</b>
Imports and Exports 1986	15 80 103, 104 and 117, where the offences were committed in relation to drugs
Drugs (Misuse) Ordinance	6 7 7A 8 11 11A 11B 11C 11D 12 13 14 15 16 17 Schedule 5
Drug Trafficking Offences Ordinance 1988	21 27
Drug Trafficking Offences Ordinance 1995	54 55 56 57 58 65

and offences under regulations made under the Ordinance.