

a prosecution for the offence comes to his knowledge, whichever time is the longer, and for the purposes of this subsection a certificate purporting to be signed by the Director of Public Prosecutions as to the date on which such evidence comes to his knowledge shall be conclusive evidence thereof.

Power of
arrest.

23. Any constable may arrest without warrant any person who has committed, or attempted to commit, or is reasonably suspected by such constable of having committed or attempted to commit, an offence against this Act, if he has reasonable ground for believing that that person will abscond unless arrested, or if the name and address of that person are unknown to and cannot be ascertained by him.

Seizure and
forfeiture
of vehicles.
10/1964
S. 4.
16/1974
S. 4 (a).

24.—(1) If any constable has reasonable cause to suspect that any conveyance is being used or has been used for the commission of any offence against this Act, he may without a warrant search and, if such search reveals evidence that the conveyance is being used or has been used for the commission of any offence as aforesaid, seize and detain such conveyance.

17/1987
S. 9.

(2) Where any conveyance is seized pursuant to this section and—

- (a) any person is convicted of an offence against this Act; and
- (b) the Court is satisfied that—
 - (i) that person owns the conveyance used in the commission of the offence; or
 - (ii) ~~that~~ the owner of the conveyance permitted it to be so used; or
 - (iii) ~~that~~ the circumstances are otherwise such that it is just so to do.

the Court shall, upon the application of the prosecution, order the forfeiture of the conveyance.

(3) On the application of the Director of Public Prosecutions before a Resident Magistrate's Court having jurisdiction in the area where a conveyance is seized pursuant to subsection (1), the Court may, notwithstanding that the conditions mentioned in subsection (2) have not been satisfied, order the forfeiture of the conveyance if the Court is satisfied that—

17/1987
S. 9.

- (a) the conveyance has been abandoned; or
- (b) the circumstances in which the conveyance was seized give reasonable cause to suspect that the conveyance was being used or has been used for the purpose of committing an offence against this Act,

and that it is otherwise just so to do.

(4) Where the Director of Public Prosecutions proposes to apply for forfeiture of any conveyance under subsection (3), he shall give to any person who, to his knowledge, was at the time of the seizure the owner thereof notice of the seizure of the conveyance and the intention, after the expiration of thirty days from the date of the notice, to apply for forfeiture thereof and of the grounds therefor:

17/1987
S. 9.

Provided that notice shall not be required to be given under this subsection if the seizure was made in the presence of the owner or any of the owners of the conveyance seized or any servant or agent of the owner.

(5) Without prejudice to any other form of service of notification, notification may, for the purposes of subsection (4), be made by publication in a daily newspaper printed and circulating in the Island.

17/1987
S. 9.

(6) Any person having a claim to any conveyance seized under this section may appear before the Court on the hearing of the application and show cause why an order for forfeiture should not be made.

17/1987
S. 9.

17/1987
S. 9.

(7) Where, on the hearing of an application pursuant to subsection (3) for forfeiture of a conveyance, no person appears before the Court to show cause why an order for forfeiture should not be made the Court shall presume that the conveyance has been abandoned.

17/1987
S. 9.

(8) If, upon the application of any person prejudiced by an order made by the Court under subsection (2) or (3), the Court is satisfied that it is just to revoke such order, the Court may revoke that order upon such terms and conditions as it deems appropriate, and without prejudice to the generality of the foregoing, shall require that person, to pay in respect of storage, maintenance, administrative expenses, security, and insurance of the conveyance such charges as shall be charged by the appropriate government agency and approved by the Court, not exceeding one and a half times the value, as determined by the Court, of the conveyance.

17/1987
S. 9.

(9) An application to the Court under subsection (8) for the revocation of an order shall be made within thirty days of the date of the order or within such greater time, not exceeding six months after the date of the order as the Court may allow.

Meaning of
importation
and exportation
under
licence.

25. For the purposes of this Act, any article shall be deemed to be imported under licence or exported under licence if the importer or exporter, as the case may be, is the holder of a licence issued under this Act authorizing the importation or exportation, as the case may be, of the article and complies with the conditions, if any, of the licence, but not otherwise.

Burden of
proof.

26. In any proceedings against any person for an offence against this Act, it shall not be necessary to negative by evidence any licence, authority, or other matter of exception or defence, and the burden of proving any such matter shall lie on the person seeking to avail himself thereof.