



BILL NO. 14

Government Bill

*2nd Session, 60th General Assembly
Nova Scotia
56 Elizabeth II, 2007*

An Act Respecting Provincial Assets Management and Disposition

CHAPTER 26
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 13, 2007**

The Honourable Cecil P. Clarke
Minister of Justice

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act Respecting Provincial Assets Management and Disposition

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Assets Management and Disposition Act*.

2 (1) The Minister of Justice shall appoint a person to be the Manager of Assets, who is responsible for

(a) taking control of and managing or otherwise dealing with property that is subject to a management order obtained by the Attorney General under section 83.13, 462.331 or 490.81 of the *Criminal Code* (Canada);

(b) administering and managing property that is the subject of a restraining order obtained by the Attorney General under section 462.33 or 490.8 of the *Criminal Code* (Canada) or an interim preservation order, protection order or other order made under the *Civil Forfeiture Act*;

(c) preserving, managing, selling or otherwise disposing of or dealing with property forfeited to the Her Majesty in right of the Province under section 83.14, 199, 462.37, 462.38, 462.43, 490, 490.01, 490.1, 490.2 or 490.1 of the *Criminal Code* (Canada) or the *Civil Forfeiture Act*; and

(d) taking control of, preserving, managing, selling or otherwise disposing of or dealing with any other property that is forfeited to Her Majesty in right of the Province under a prescribed provision of the *Criminal Code* (Canada) or the *Civil Forfeiture Act*.

(2) The Manager of Assets may preserve, manage, sell or otherwise dispose of or deal with any property described in clause 1(1)(c) or (d) that is not money in any manner that the Manager considers proper.

(3) Without limiting the generality of subsection (2), the Manager of Assets may

(a) take possession of and preserve or manage the property for the length of time and on the terms that the Manager considers proper;

(b) convert the property to money at the price and on the terms that the Manager considers proper;

(c) sell, assign, dispose of, use, give or transfer the property, or any interest in the property, at the price and upon the terms that the Manager considers proper.

3 There is established a special account called the Forfeiture Account, which consists of money paid into the account under Section 4 and which shall not be part of the Consolidated Fund of the Province.

4 The Manager of Assets shall pay into the Forfeiture Account

- (a) cash forfeited to Her Majesty in right of the Province under the *Criminal Code* (Canada) or *Civil Forfeiture Act*; and
- (b) proceeds resulting from the disposition of property or the whole or a portion of an interest in property forfeited to Her Majesty in right of the Province under the *Criminal Code* (Canada) or *Civil Forfeiture Act*.

5 (1) Subject to this Act and the regulations, the Manager of Assets may make payments out of the Forfeiture Account for one or more of the following purposes:

- (a) expenses and costs incurred in administering the *Civil Forfeiture Act* and this Act;
- (b) compensation of eligible victims;
- (c) targeted crime prevention initiatives.

(2) The Manager of Assets shall, within thirty days of the end of each fiscal year of the Province, present a report to the Minister of Justice concerning the amounts paid into the Forfeiture Account during the year under Section 4 and the amounts and purposes of payments out of the Forfeiture Account during the year under subsection 5(1), and the Minister of Justice shall cause the report to be laid before the House of Assembly within thirty sitting days after the receipt thereof, or, if the House of Assembly is not then sitting, on any of the first thirty days next thereafter that the House is sitting.

6 (1) The Governor in Council may make regulations

- (a) prescribing provisions of the *Criminal Code* (Canada) for the purpose of clause 2(1)(d);
- (b) defining “eligible victims” for the purpose of clause 5(b);
- (c) determining the criteria for eligibility for compensation for eligible victims;
- (d) respecting applications for payment out of the Forfeiture Account;
- (e) respecting payments out of the Forfeiture Account;
- (f) prescribing purposes for payments pursuant to clause 5(f);
- (g) defining any word or expression used but not defined in this Act;
- (h) respecting any matter or thing the Governor in Council deems necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

7 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.