



REPUBLIC OF NAURU

# PROCEEDS OF CRIME (MANAGEMENT AND DISPOSAL OF PROPERTY) REGULATIONS 2024

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SL No. 29 of 2024

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The Cabinet makes the following Regulations under Section 109 of the *Proceeds of Crime Act 2004*:

**1 Citation**

These Regulations may be cited as the *Proceeds of Crime (Management and Disposal of Property) Regulations 2024*.

**2 Commencement**

These Regulations commence on the date they are notified in the Gazette.

**3 Interpretation**

In these Regulations:

**'Act'** means the *Proceeds of Crime Act 2004*;

**'Administrator'** has the same meaning given under the Act;

**'competent authority'** means a person who is authorised under a written law to enforce a restraining order;

**'Confiscated Assets Fund'** means the fund established under Section 100 of the Act;

**'designated person or entity'** has the meaning given under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*;

**'financial institution'** has the meaning given to it under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*;

**'foreign competent authority'** means a person who is authorised under the law of another country to enforce a seizure, freezing, restraining, confiscation or forfeiture order;

**'foreign restraining order'** means an order made by a court of another country authorising a foreign competent authority of that country to restrain property;

**'law enforcement authority'** means any person or body vested with a function and power to enforce written laws pertaining to anti-money laundering and counter terrorism in addition to the Nauru Police Force;

**'possession, power and control'** includes taking into custody and control of a property as required under the Act;

**'reporting entity'** has the meaning given to it under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*;

**'supervisory authority'** has the meaning given to it under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*; and

**'UNSC'** means the United Nations Security Council or its committees.

**4 Functions Responsibilities, duties and obligations of the Administrator**

The functions, responsibilities, duties and obligations of the Administrator in respect of any seized or restrained property until its title is determined, sold or disposed of, are as follows:

- (a) to coordinate with the authorities which identify and trace property that is subject to seizure, forfeiture or confiscation;
- (b) to coordinate with all supervisory authorities, departments, statutory bodies and other relevant institutions which deal with properties seized, frozen, restrained, confiscated or forfeited to the Republic under any written law;
- (c) take possession, power and control of the property in accordance with any written law;
- (d) take reasonable steps to ensure to maintain, preserve, store and manage the property;
- (e) maintain the property in accordance with the requirements of that specific property;
- (f) return the property to the person from whom it was seized or to a person who owns it where the title to the property is finally determined by a court or competent authority;
- (g) where required to, appoint such other persons to assist in the controlling and management of such property;
- (h) take steps for filing appropriate applications before the court for freezing or seizing property to prevent dealing with, transferring or disposal of such property;
- (i) take necessary action to prevent a person from taking steps to freeze, seize or recover the property from the Republic;
- (j) assist law enforcement authorities in taking appropriate investigation measures to identify and preserve property for exhibit, evidence or to be used in any investigation or proceeding;
- (k) assist the identification and tracing of property that is subject to confiscation or forfeiture;
- (l) assist in by taking possession, power or control of a property to prevent the transfer or disposal of the property as an interim measure;
- (m) establish, keep and maintain records of the property that comes under the possession, power, control and management of the Administrator;
- (n) take steps for the disposal of property through public tender or auction;
- (o) identify and make arrangements with such persons or bodies for the purposes of the preservation, management or maintenance of such property;

- (p) assist law enforcement authorities to implement a coordinated mechanism for disposal of property;
- (q) assist the Minister, Financial Intelligence Unit, Nauru Police Force or any other law enforcement authority in coordinating with a similar person or body as the Administrator of other countries in freezing, seizure or forfeiture of property whether there is a reciprocal arrangement or not;
- (r) protect rights of *bona fide* third parties;
- (s) transport property from one location to another for the purposes of preservation, storage, maintenance, valuation, auctioning or for sale;
- (t) repair or maintain any property for the purposes of any transportation or to maintain the property in good working condition;
- (u) engage any third party, expert or specialist for carrying out inspection, maintenance, valuation, marketing and any other related activities for a property;
- (v) where required to, engage professional or appropriately qualified or experienced persons for the purposes of operating a commercial business or the leasing and rental of property for investment purposes until the title to the property is determined or is ordered to be disposed of;
- (w) issue policies, procedures and guidelines on tracing, locating, seizing, taking into possession, control, sale, disposal, management of property and other related matters relevant to a specific property;
- (x) keep records of the activities he or she undertakes in respect of each property separately including any expenses incurred for the preservation, management and for procuring any sale of the property; and
- (y) undertake all such other measures that may be required from time to time in carrying out his or her functions, responsibilities, duties and obligations.

## **5 Properties which the Administrator takes control of**

The following categories of property may become subject of a restraining order or are required to be frozen, preserved or managed by virtue of the operations of law or international obligations:

- (a) property detained under a search warrant pursuant to an order of the court or where a request is made by the Commissioner of Police for the preservation of the property for the purposes of investigation or proceedings;
- (b) property including currency or funds confiscated or detained by any other law enforcement authority other than the Police for any purpose including for investigation and preservation;
- (c) property under an order of a foreign court or on a request by a foreign competent authority;
- (d) property subject to a freezing order by virtue the United Nations Security Council Resolutions;

- (e) funds which are capable of being confiscated and deposited in the Confiscation Assets Fund including:
  - (i) any funds seized by a customs officer or authorised officer being imported into or exported from the Republic;
  - (ii) any funds detained or frozen by operators of gaming machines; or
  - (iii) any funds detained or frozen by reporting entities; and
- (f) local or foreign currency, bearer negotiable instrument or precious metals or stones including gold, silver, diamonds or sapphire seized by a customs officer or authorised officer which is imported into or exported from the Republic by a person or in his or her hand carried, checked in luggage, unaccompanied luggage, cargo or mail.

## **6 Detaining tainted property under warrant by police**

- (1) The Commissioner of Police is vested with the power to seize and detain a property under a warrant pursuant to Section 36A of the Act.
- (2) The Director of Public Prosecution shall make an application to the court for a restraining order of any property seized and detained under subregulation (1), within 7 days of the execution of the warrant.
- (3) Subject to subregulations (4) and (5), a property which is seized and detained under subregulation (1) shall not become property over which the Administrator may take custody or control where the property is detained by police for the purposes of criminal proceedings.
- (4) The court may make an order to preserve, store or manage a property under subregulation (1) until further order of the court or final determination of the title or ownership of the property.
- (5) Where the Commissioner of Police or any person authorised by him or her requests the Administrator to take possession, power or control of a property for the purposes of preserving, storing or managing until the completion of the investigation or a proceeding, it shall be deemed that the taking of possession, power or control of property by the Administrator shall not affect the admission of the property as evidence in court, cause or matter or any proceeding.

## **7 Seizure or detaining of property by other law enforcement authorities**

- (1) The law enforcement authorities other than the police may seize and detain any property over which it has a power to seize and detain under any written law.
- (2) Where a property is seized and detained under subregulation (1), the law enforcement authority shall report in Form 1 of the Schedule the seizure and detention of the property to the Director of Public Prosecutions within 7 days of the seizure and detention, where there has been no claim made.

- (3) The Director of Public Prosecution shall make an application to the court for a restraining order of any property seized or detained under subregulation (1), within 7 days of notification to him or her.
- (4) The court may make an order to preserve, store or manage a property under subregulation (1) until further order of the court or final determination of the title to the property.

## **8 Seizure of currency or cash**

- (1) Where a police officer or a law enforcement officer seizes any currency or cash, he or she shall:
  - (a) count the currency or cash in the presence of the person from whom the currency or cash is seized;
  - (b) record the amount of the currency or cash;
  - (c) provide an inventory in Form 2 of the Schedule to the persons from whom the currency or cash was seized;
  - (d) secure the safety of the currency or cash; and
  - (e) deposit the currency or cash into the Confiscated Assets Fund and inform the Secretary for Finance and Administrator.
- (2) Where necessary the Director of Public Prosecutions may make an application to the court for a restraining order for the safe and secure custody of the currency or cash to be deposited into the Confiscated Assets Fund.

## **9 UNSC freezing of property or funds**

- (1) Where the UNSC resolution is made as part of targeted financial sanctions for the freezing of any property or funds, any person or entity having possession, power or control of such property or funds in the Republic shall freeze such property or funds.
- (2) The person or entity which freezes any property or funds under subregulation (1) shall immediately inform in Form 3 of the Schedule, the Supervisor of the Financial Intelligence Unit and the Administrator of such freezing.
- (3) Notwithstanding subregulation (2), the Supervisor of the Financial Intelligence Unit shall inform the Administrator of the property or funds and the location of such property or funds under this Regulation.

## **10 Procedure for the Administrator to take custody and control of property and funds**

- (1) A supervisory authority, department, statutory body, Nauru Police Force or any other law enforcement authority upon seizing or restraining any property or fund, shall provide the information in Form 4 of the Schedule of such property to the Administrator within 7 days:

- (a) of the seizing or restraining of such property; or
  - (b) from the date the court makes the order.
- (2) The Administrator shall require the persons who have any possession, power and control of property under subregulation (1) to provide access to the Administrator to the restrained property.
  - (3) The Administrator shall take an inventory of all such properties in Form 5 of the Schedule and provide a copy of the Form to the person in subregulations (1) and (2).
  - (4) The persons who have possession, power and control of property or funds in Form 6 of the Schedule which are restrained or frozen and is demanded by the Administrator to be transferred or delivered shall:
    - (a) transfer or deliver or permit the Administrator to have the property transferred or delivered to a location provided by the Administrator; and
    - (b) pay any funds restrained or frozen into the Confiscated Assets Fund.

**11 Property under the possession, power, control and management of Administrator**

- (1) The Administrator shall have the general management of the property that is subject to a restraining order.
- (2) Where the Administrator has taken possession, power, control and management of a property, he or she shall ensure that the restrained property is preserved, stored and managed in accordance with an order of the court or any other written law.

**12 Restrained funds in any reporting entity**

- (1) A financial institution or any reporting entity which holds any funds that are restrained under an order of the court, Act or any other written law, shall on demand by the Administrator or as ordered by the court, shall pay such fund into the Confiscated Assets Fund.
- (2) The restrained funds shall remain in the Confiscated Assets Fund until such time any proceedings commenced relating to the funds are completed or an order or direction given by the court.

**13 Administrator may in certain circumstances invest restrained property or funds**

- (1) The funds may be invested by the Administrator for the purposes of raising revenue for the distribution of funds from the Confiscated Assets Fund as provided under the Act.
- (2) Any returns or income derived from the investment in subregulation (1) shall be paid into the Confiscated Assets Fund.

**14 Administrator to ensure funds are to be deposited into the Confiscated Assets Fund**



In addition to the monies deposited in the Confiscated Assets Fund under Section 100 of the Act, the following funds shall be deposited into the Confiscated Assets Fund:

- (a) funds which are restrained under these Regulations;
- (b) income from any business or property managed by the Administrator;
- (c) any profits gained on the sale of any properties;
- (d) proceeds of the forfeited properties; and
- (e) funds payable or reimbursable to the Republic under the Act.

**15 Secretary for Finance to provide access of Confiscated Assets Fund to Administrator**

The Secretary for Finance shall provide access to the Administrator to the Confiscated Assets Fund for the purposes of:

- (a) reporting any matters relating to any specific persons or entities' funds held in the Confiscated Assets Fund;
- (b) providing monthly report to the Minister;
- (c) provide constant updates on the account as and when required by the Supervisor of the Financial Intelligence Unit;
- (d) providing information in any court or any other proceeding at the request of any party to such proceedings, subject to the requirements of the laws relating to disclosure of information for that purpose; and
- (e) any other lawful or justifiable reason which the Administrator may deem fit.

**16 Disposal of deteriorating or undesirable property**

- (1) The Administrator may make an application in Form 7 of the Schedule to the court for an order for the destruction of any seized or restrained property which is deteriorating or is undesirable.
- (2) The court may issue an order for the:
  - (a) destruction of a property, where it is not in the public interest to preserve or store such property;
  - (b) destruction of property that is likely to be used to commit a further crime or unlawful activity;
  - (c) destruction of any property that is illegal to possess, own or use;
  - (d) destruction of counterfeit property;

- (e) destruction of a property which is a threat to public safety or the environment;
  - (f) manner in which such property is to be destroyed; and
  - (g) such other directions as the court deems fit and just.
- (3) The court may order or direct the appointment of skilled professionals to be engaged for the purposes of destroying property.

**17 Sale of deteriorating property**

- (1) The Administrator may make an application in Form 8 of the Schedule to the court for an order that a property which is seized or restrained, be sold.
- (2) The court may grant an order for property to be sold where the:
- (a) expenses relating to the preservation, management, or controlling the property exceeds the value of the property;
  - (b) property is being wasted or loses its value if it is restrained;
  - (c) value of the property may not be wasted or lost but other costs on the property may continue to escalate due to mortgage, charge, breach of contractual services and such other matters which would result in the realisable value of the property being negated;
  - (d) property which is perishable;
  - (e) property which is easily replaceable or its replacement value can be easily ascertained; and
  - (f) court may deem it fit and just to grant the order in any other circumstance,

until the final decision is made by the court or any competent authority in respect of such property.

**18 Valuation of property**

- (1) The Administrator shall have the power in respect of any seized or restrained property to:
- (a) appoint an appropriately qualified person to value such property; and
  - (b) arrange for an inventory to be taken of any chattels including fittings, stock in trade, motor vehicles, machines and other similar equipment normally used in the trade or profession.
- (2) The Administrator may provide the information collated or ascertained in subregulation (1) to any authorised person including all those parties or persons to whom the seizure warrant or the restraining order was ordered by the court to be served.

**19 Sale of forfeited property**

- (1) The Administrator may sell a forfeited property.
- (2) The Administrator shall ensure that the sale of the property is undertaken in an objective manner and obtain the best price which is reasonably obtainable having regard to the circumstances of the property in which it is sold.
- (3) The funds obtained from the sale of the property is to be deposited into the Confiscated Assets Fund.
- (4) Where necessary, the Administrator may invite tenders or bids for the sale of any property outside the Republic or any other specific foreign jurisdiction in order to comply with the requirements of subregulation (2).
- (5) For avoidance of any doubt, the Administrator shall not be prevented from selling a property at a price lower than the reasonable market price in subregulation (2), where such price is unascertainable after having:
  - (a) taken reasonable steps to obtain the best possible price;
  - (b) sought expert price on market value of the property; and
  - (c) obtained independent valuation.

## **20 Sale by tender, bids or other competitive manner**

- (1) Where a property is sold by a tender, bid or any other open competitive process, the Administrator shall follow the following rules:
  - (a) where 2 or more tenders or bids received are in the same amount, the first tender or bid received shall be given precedence;
  - (b) the Administrator shall inform the person in writing whose tender or bid has been accepted;
  - (c) the Administrator shall provide a specific time frame by which the tenderer or bidder is to respond to the acceptance of the offer and pay the deposit and full price offered by him or her;
  - (d) where a tenderer or bidder fails to complete the requirements in paragraph (c), the Administrator shall cancel that sale and accept the next best acceptable tender or bid; and
  - (e) where the tender or bid is accepted and the tenderer or bidder complies with all the requirements, the Administrator shall complete the sale in accordance with the requirements for the sale of that particular property.

## **21 Net proceeds to be deposited in Confiscated Assets Fund**

- (1) The net proceeds of the sale of any property, which is forfeited may be used for such purpose provided for under the Act.

- (2) The net proceeds shall be ascertained after the deduction of the following expenses and costs from the proceeds of the sale shall be paid in the following order:
  - (a) monies which has been provided by the Republic to the Administrator for the purposes of tracing, investigating or managing such property;
  - (b) costs and expenses incurred for taking into possession, power, control, freezing and managing and for the sale of the property;
  - (c) payment of costs or damages to any parties to the proceedings as ordered by the court;
  - (d) any lawful debts or monies owed under a registerable security to an innocent third party;
  - (e) payment of any other levies, rates, penalties, fines and similar liabilities incurred under any written law; and
  - (f) balance to remain in the Confiscated Assets Fund to be used in accordance with the provisions of the Act.

## **22 Administrator may manage foreign restrained property**

- (1) The Administrator shall have the power to enter into any agreement or arrangement for the purposes of taking power, control and management of restrained property subject to a foreign restraining order.
- (2) The Administrator in performing any functions, duties, responsibilities or obligations he or she may enter into an agreement with a foreign competent authority or person named in the order of the court of a foreign jurisdiction.
- (3) The Administrator shall perform all such functions, duties, responsibilities or obligations and exercise all such powers he or she has under the Act or any other written law in respect of preserving, storing and management under these Regulations, as if the property was subject to a domestic freezing or restraining order or arrangement.
- (4) Where the order of a court of a foreign jurisdiction is required to be registered under the *Foreign Judgments (Reciprocal Enforcement) Act 1973* as an order of the Supreme Court of Nauru, the foreign competent authority shall ensure that the requirements are complied with before entering into an agreement or arrangement with the Administrator under subregulation (1).

## **23 Access to property or funds prohibited to designated persons or entities**

The Administrator shall take all necessary steps to prevent the availability of property or funds to designated persons or entities except where the request is made in accordance with the *Anti-Money Laundering and Targeted Financial Sanctions (Terrorist Financing and Proliferation Financing) Regulations 2023*.

## **24 Obstruction of the Administrator**

- (1) A person shall not obstruct, hinder or fail to cooperate with the Administrator in the lawful performance of his or her functions or exercise of his or her powers under these Regulations.
- (2) A person who contravenes subregulation (1) commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or an imprisonment term not exceeding 6 months or both.

**25 Consent Orders**

- (1) The parties in any cause or matter in any court may enter into an agreement and the court may grant an order by consent of all the parties.
- (2) A consent order in respect of a property shall not be set aside once it is granted.
- (3) The Administrator shall ensure that a consent order in respect of the properties to which he or she has possession, power, control and management complies with the requirements of the Act and shall not permit the removal, dissipation, destruction or sale of any offending property or subject to a pending proceeding in court.

**26 Proceedings against body corporate**

- (1) Where a body corporate commits an offence against these Regulations and it is proved that the offence occurred with the knowledge and consent of an officer of the body corporate, or a person purporting to act as an officer of the body corporate, that person, as well as the body corporate, commits the offence.
- (2) Where the affairs of a body corporate are managed by its members, subregulation (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.
- (3) Where in proceedings under these Regulations it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show that:
  - (a) the conduct was engaged in by an officer of the body corporate within the scope of his or her actual or apparent authority; and
  - (b) the officer had that state of mind.
- (4) Where an officer of a body corporate engages in conduct on behalf of the body corporate within the scope of his or her actual authority, for the purposes of proceedings under these Regulations, the body corporate is taken also to have engaged in the conduct unless the body corporate establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

**27 Effect of person's death during the period property under the care of Administrator**

- (1) A reference in these Regulations to property of a person includes a reference to the property of a deceased person where the property was owned or effectively controlled by the person immediately before his or her death or given away by the person at any time before his or her death.
- (2) An order may be applied for and made under these Regulations:
  - (a) in respect of property that is or was owned or effectively controlled or given away by a person who died before the application or order is made; and
  - (b) on the basis of the activities of a person who died before the application or order is made.
- (3) Where a person who owns property that is subject to a restraining order dies, these Regulations continue to apply to the property in all respects as if the person had not died, regardless of whether the administrator of the person's estate or any other person in whom the property vests as a result of the death is an innocent party in relation to the property.
- (4) Without limiting this regulation, where a person who is a joint tenant of property that is subject to a restraining order dies, the:
  - (a) person's death does not operate to vest the property in the surviving joint tenant or tenants; and
  - (b) restraining order continues to apply to the property as if the person had not died.

## **28 Record keeping obligations of the Administrator**

- (1) The Administrator shall keep and maintain a record of all matters required to be kept and maintained in relation to property which the Administrator is required to take possession, power, control or management of under these Regulations.
- (2) The records shall be kept and maintained in:
  - (a) electronic or digital form; and
  - (b) physical form or in the case of electronic or digital form, capable of being produced in printed form.
- (3) The Administrator shall keep and maintain the records for a period of 7 years from the time all matters relating to the property, over which the Administrator had possession, power, control or management, is disposed of and all funds relating to the property is appropriately accounted for.

## **29 Record keeping obligations of person or entity which had property**

A person or entity which had in its possession, power or control, a property or fund to which a freezing or restraining order is made or is subject to these Regulations, he or she shall keep and maintain records:

- (a) of the property and relevant documents, instruments or any related matter; and
- (b) for a period of 7 years from the time he or she gave possession of the property to the Administrator or the Police under a warrant or to any law enforcement authority.

**30 Confidentiality of information**

- (1) Subject to subregulation (2), the Administrator shall keep and maintain the confidentiality of information required to be kept and maintained under this Act.
- (2) The Administrator, shall disclose such information for the purposes of:
  - (a) detecting, investigating or prosecuting an offence under this Act or any other written law;
  - (b) detecting, investigating or prosecuting an offence under the law of another country; and
  - (c) enforcing or taking action under this Act, any other written law or a law of another country relating to proceeds of crime.

**31 Sharing, disclosure and exchange of information**

For the purposes of Regulation 30(2), the Administrator:

- (a) whether on his or her own initiative or upon request, shall share, disclose or exchange information that is required to be kept and maintained under Regulation 28, to the Nauru Police Force, Financial Intelligence Unit or any other law enforcement authority;
- (b) may coordinate the exchange of information required to be kept and maintained under Regulation 28 with:
  - (i) a national law enforcement agency or authority;
  - (ii) an international law enforcement agency or authority; or
  - (iii) a regional or international body with a law enforcement function; or
- (c) share, disclose or exchange information required to be kept and maintained under Regulation 28, with a foreign body or entity with similar functions, responsibilities, powers and obligations as the Administrator, as he or she deems necessary.

**32 Restriction on sharing, disclosure and exchange of information**

Notwithstanding Regulation 31, the Administrator shall not disclose, share or exchange information, where the Administrator is not satisfied that the recipient of such information has in place, an adequate mechanism to keep such information confidential.

**33 Proceedings against body corporate**

- (1) Where a body corporate commits an offence against these Regulations and it is proved that the offence occurred with the knowledge and consent of an officer of the body corporate, or a person purporting to act as an officer of the body corporate, that person, as well as the body corporate, commits the offence.
- (2) Where the affairs of a body corporate are managed by its members, sub-regulation (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.
- (3) Where in proceedings under these Regulations it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show that:
  - (a) the conduct was engaged in by an officer of the body corporate within the scope of his or her actual or apparent authority; and
  - (b) the officer had that state of mind.
- (4) Where an officer of a body corporate engages in conduct on behalf of the body corporate within the scope of his or her actual authority, for the purposes of proceedings under these Regulations, the body corporate is taken also to have engaged in the conduct unless the body corporate establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

**34 Annual report of the Confiscated Assets Fund**

The Secretary for Finance and the Administrator shall jointly prepare an annual report of the activities of the Confiscated Assets Fund which shall be tabled in Parliament by the Minister by no later than 30<sup>th</sup> September of each financial year.

**35 Administrator**

In the absence of the appointment or presence of an Administrator, the Secretary for Justice shall be the Administrator, who shall have the functions, responsibilities, duties and obligations of the Administrator.

**36 Application of the Criminal Procedure Act 1972**

For the purposes of an investigation or a proceeding, the *Criminal Procedure Act 1972* shall *mutatis mutandis* apply.

**37 Applications made in court**

The Administrator, Director of Public Prosecutions or any other person who may be authorised to bring or defend a proceeding for the purposes of these Regulations, shall ensure that the applications are in compliance with the requirements of the *Criminal Procedure Act 1972* and the *Civil Procedure Rules* respectively, as they may appropriately apply to the nature of any such application or defence.



## SCHEDULE

### FORM 1



Republic of Nauru

[Regulation 7(2)]

### REPORT BY LAW ENFORCEMENT AUTHORITY OF PROPERTY SEIZED TO THE DIRECTOR OF PUBLIC PROSECUTIONS

[insert date]

To: Director of Public Prosecutions

**[RE: insert subject matter]**

- 1 I [insert name of officer] of the [name of law enforcement authority] notify the Director of Public Prosecutions that the following property was seized and detained:
  - (a) [insert itemised list of property seized]
- 2 I confirm that as of [insert date which is not less than 7 days from date of seizure] no person has claimed the seized property.
- 3 The currency/cash was seized from [insert details] on [insert date].
- 4 [Provide other particulars of the matter].

Signature

[Insert name]

[insert office/rank]

[insert name of law enforcement authority]

**FORM 2**



**Republic of Nauru**

*[Regulation 8(1)(c)]*

**INVENTORY BY LAW ENFORCEMENT AUTHORITY OF CURRENCY OR CASH SEIZED,  
TO THE DIRECTOR OF PUBLIC PROSECUTIONS**

1 I *[insert name of officer]* of the *[name of law enforcement authority]* notify the Director of Public Prosecutions that the following currency/cash was seized and detained:

(a) *[insert itemised list of property seized]*

2 The currency/cash was seized from *[insert details]* on *[insert date]*.

3 *[Provide other particulars of the matter]*.

Dated at: *[place, date]*

Signature

*[Insert name]*

*[insert office/rank]*

*[insert name of law enforcement authority]*

**FORM 3**



**Republic of Nauru**

*[Regulation 9(2)]*

**INFORMING THE SUPERVISOR/ADMINISTRATOR OF PROPERTY/FUNDS  
FROZEN PURSUANT TO A DESIGNATION MADE UNDER AN UNSC  
RESOLUTION**

*[Insert date]*

To: *[Supervisor of Financial Intelligence Unit/Administrator]*  
*[Office of the Financial Intelligence Unit/Administrator]*

*[RE: Insert subject matter]*

- 1 I *[name of]* of the *[insert office]* provide the following information of property/funds frozen by our office. The assets/funds frozen are:
  - (a) *[provide detailed description of assets/funds frozen. These include name it is registered to, value, and others]*.
- 2 The freezing of such assets/funds is as a result of the UNSC resolution *[insert number]* and notified to by the *[Financial Intelligence Unit/other authority]*.
- 3 As a result of the freezing action taken, the *[insert name of person or entity]* will no longer be able to access or use such asset/funds managed by our office.

Signature

*[Insert name]*  
*[insert office/rank]*  
*[insert name of office/entity]*

**FORM 4**



**Republic of Nauru**

[Regulation 10(1)]

**INFORMING THE ADMINISTRATOR OF PROPERTY OR FUNDS SEIZED OR RESTRAINED**

[Insert date]

To: [Administrator]  
[Administrator]

[RE: Insert subject matter]

- 1 As required under Regulation 10(1) of the XX Regulations 2024, I am informing you that the following property/funds was seized or restrained property/funds by or under my authority:
  - (a) [insert details of such property/funds].
- 2 The property/funds seized or restrained was seized on [insert date] or restrained under the order [insert details of restraining order]
- 3 The purpose of such seizure or restraining of property/funds is contained in the order of the [insert the name of the court] in relation to [description of the cause or matter].
- 4 The property referred to in paragraph 1 are situated or located as follows:
  - (a) [list the property and the place where they are restrained. Where all the properties are restrained in one place, you do not have to identify all the properties, except the location].

Signature:

[Insert name]  
[insert office/rank]  
[insert name of law enforcement authority]

*Note: This letter must be given to the Administrator within 7 days of seizure, restraining of property or from the date the court issues the restraining order.*

**FORM 5**



**Republic of Nauru**

[Regulation 10(3)]

**INVENTORY OF PROPERTY SEIZED AND RESTRAINED**

[Insert Date]

To: [Name of person or entity]  
[insert name of office/entity]

[RE: Insert subject matter]

- 1 This letter serves to inform you that the following property/funds were seized/restrained under the *Proceeds of Crime (Management and Disposal of Property) Regulations 2024*:  
  - (a) [insert details of such property/funds].
- 2 The property/funds seized or restrained was seized on [insert date] or restrained under the order [insert details of restraining order]
- 3 The purpose of such seizure or issuance of restraining order is [insert details of the cause or matter].
- 4 If any further details of the property are required, please contact the Administrator on the address [insert email address and phone number].

Signature

[Insert name]  
[Administrator]  
[Office of Administrator]

**FORM 6**



**Republic of Nauru**

*[Regulation 10(4)]*

**DEMAND BY ADMINISTRATOR OF ACCESS, CUSTODY AND CONTROL OF  
RESTRAINED PROPERTY**

*[Insert Date]*

To: *[Name of person or entity]*  
*[insert office/entity]*

*[RE: Insert subject matter]*

- 1 This letter serves to require you to enable access, custody and control of the property/funds restrained under the order of the court *[insert of the order]*.
- 2 I enclose to this letter the inventory of all such property/funds which are the subject of this letter.

Signature

*[Insert name]*  
*[Administrator]*  
*[Office of Administrator]*

**FORM 7**



**REPUBLIC OF NAURU**

[Regulation 16(1)]

**ORIGINATING SUMMONS FOR ORDER TO DISPOSE DETERIORATING OR  
UNDESIRABLE PROPERTY**

**Civil Cause No./Criminal Matter No.**

In the Supreme Court

Administrator, Applicant

- 1 Let the applicant be heard by a Judge\*/the Registrar in chambers at the Court House at Yaren on. . . . . 20. . . . . at a.m./p.m. on this application for the disposal of deteriorating or undesirable property seized or restrained.
- 2 [*State the basis of the application e.g. it is not in the public interest to preserve or store such property*].

\*delete whichever is not applicable

**FORM 8**



**REPUBLIC OF NAURU**

[Regulation 17(1)]

**ORIGINATING SUMMONS FOR ORDER TO SELL DETERIORATING OR UNDESIRABLE PROPERTY**

**Civil Cause No./Criminal Matter No.**

In the Supreme Court

Administrator, Applicant

- 1 Let the applicant be heard by a Judge\*/the Registrar in chambers at the Court House at Yaren on. . . . . 20. . . . . at a.m./p.m. on this application for the disposal of deteriorating or undesirable property seized or restrained.
- 2 [*State the basis of the application e.g. it is not in the public interest to preserve or store such property*].

\*delete whichever is not applicable