

ORDER OF **INITIAL DETENTION**
 FURTHER DETENTION **DISPOSITION**
(Section 490 C.C.)

1. **INITIAL ORDER TO DETAIN**

I **ORDER** pursuant to sections 490(1), (2) of the **Criminal Code** of Canada that (choose one)

the things as set out and appended on the Form 50/5.2, report to a Justice; or

these things: _____

_____ be detained in the custody of _____,

at _____

for a period not exceeding:

_____ days

_____ months from the date of seizure

3 months from the date of seizure

unless before expiration of that period:

(a) a justice is satisfied on application, that having regard to the nature of the investigation, their further detention for a period is warranted and he/she so orders; or

(b) proceedings are instituted in which the thing(s) detained may be required.

I **ORDER** that the detained things be held in the custody of _____ at _____

and that _____ is to take reasonable care to ensure the thing(s) detained is/are preserved until the conclusion of any investigation(s) or until it is required to be provided for the purpose of a preliminary hearing trial or other proceeding.

Note 1: An order of detention of thing(s) seized or a further order of detention from a seizure under section 103 may not exceed 30 days in total.

Note 2: an initial order of detention of things seized may not exceed 3 months from the date of seizure unless there is a written consent under section 490(3.1) under the Criminal Code.

2. **FURTHER ORDER TO DETAIN**

I **ORDER** pursuant to sections 490(2),(3) of the **Criminal Code** that the

things set out and appended on the Application to Further Detain Things Seized; or

these things: _____

_____ in the custody of _____ at _____

_____ be further detained for a period not exceeding:

_____ months from the date of seizure;

12 months from the date of seizure

or

unless before expiration of that period:

(a) a justice is satisfied on application, that having regard to the nature of the investigation, their further detention for a period is warranted and he/she so orders; or

(b) proceedings are instituted in which the things detained may be required; or

(c) a consent in accordance with section 490(3.1) of the **Criminal Code** is given and a Judge or Justice so orders; or

(d) a Supreme Court Judge orders a period in excess of 12 months under section 490(3) of the **Criminal Code**.

Note 3: A justice cannot order that detention exceed 12 months in total from the seizure except by consent in accordance with section 490(3.1) of the Criminal Code

I ORDER that the detained things be held in the custody of _____ at _____

and that _____ is to take reasonable care to ensure the things detained is/are preserved until the conclusion of any investigations or until it is required to be provided for the purpose of a preliminary hearing trial or other proceeding.

3. **ORDER OF DISPOSITION**

On being satisfied that there are some things which were seized and are no longer required for any purpose,

I ORDER disposition as follows:

since no dispute exists in respect of lawful possession, I order return of the following property to _____, the person lawfully entitled to possession:

since possession by a person from whom the property was seized is unlawful, I order return of the following property to _____, the person lawfully entitled to possession:

since the lawful owner or person lawfully entitled to possession is not known or cannot be located. I order the property to be forfeited to her Majesty to be disposed of as the Attorney General directs or otherwise dealt with according to law.

4. **ORDER OF DISPOSITION - PERISHABLE ITEMS**

On being satisfied that the following things seized is/are perishable or likely to depreciate, namely:

I ORDER disposition as follows, pursuant to section 490.1 of the **Criminal Code**:

since no dispute exists in respect of lawful possession, I order return of the following property to _____, the person lawfully entitled to possession:

since possession by a person from whom the property was seized is unlawful, I order return of the following property to _____, the person lawfully entitled to possession:

on being satisfied the lawful owner was not a party to an offence in relation to the things, I order that the following things:

_____ be disposed of and the proceeds of disposition given to the lawful owner _____ of the things seized.

on being satisfied that the identity of the lawful owner of the following things:

_____ cannot reasonably be ascertained, I order that the things be disposed of and the proceeds of disposition are forfeited to Her Majesty to be disposed of as the Attorney General sees fit.

I order the following things be destroyed:

DATED at _____, Nova Scotia, on _____ 20 ____.