

IN THE PROVINCIAL COURT
 YOUTH COURT

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

TO: _____ (name of Judge/Justice) Base Court: _____
JPC File No. _____ Court File No. _____ Police File No. _____
Warrant is: Sealed Not Sealed Date of Seizure: _____

1. **INITIAL ORDER TO DETAIN**

I order, pursuant to sections 490(1) and (2) of the **Criminal Code** of Canada, or pursuant to sections 2(e) and (f) of the **Summary Proceedings Act**, that (choose one):

- the things as set out and appended on the Form 50/5.2, Report to Justice; or
- these things:

be detained for a period not exceeding:

- ____ days; or
- ____ months from the date of seizure; or
- 3 (three) months from the date of seizure

Note 1: An Initial Order of Detention of things seized may not exceed 3 (three) months from the date of seizure unless there is a written consent under section 490(3.1) under the **Criminal Code**.

unless before expiration of that period:

- (a) a Judge/Justice is satisfied upon application, that having regard to the nature of the investigation, their further detention for a period is warranted and the Judge/Justice 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 _____
(agency and officer) at _____
and that _____ (agency and officer) is to take
reasonable care to ensure the thing(s) detained is/are preserved until the conclusion of any investigation(s) or until
they are required to be provided for the purpose of a preliminary hearing trial or other proceedings.

2. **FURTHER ORDER TO DETAIN**

Date that Order of Initial Detention was issued (attach a copy of Order): _____

I order, pursuant to sections 490(2) and (3) of the **Criminal Code** of Canada, or pursuant to sections 2(e) and (f) of the **Summary Proceedings Act**, that (choose one):

- the things as set out and appended on the Application to Further Detain Things Seized; or
- these things:

in the custody of _____ (agency and officer)
at _____

be further detained for a period not exceeding:

- ____ months from the date of seizure; or
- 12 (twelve) months from the date of seizure

Note 2: A Justice cannot order that detention exceed 12 (twelve) months in total from the seizure except by consent in accordance with section 490(3.1) of the **Criminal Code**.

unless before expiration of that period:

- (a) a Justice is satisfied upon application, that having regard to the nature of the investigation, their further detention for a period is warranted and the Justice so orders; or
- (b) proceedings are instituted in which the thing(s) detained may be required; or
- (c) a consent in accordance with section 490(3.1) of the **Criminal Code** is given and a Judge/Justice so orders; or
- (d) a Supreme Court Justice orders a period in excess of 12 (twelve) months under section 490(3) of the **Criminal Code**.

I order that the detained things be held in the custody of _____
(agency and officer) at _____
and that _____ (agency and officer) is to take
reasonable care to ensure the thing(s) detained is/are preserved until the conclusion of any investigation(s) or until
they are required to be provided for the purpose of a preliminary hearing trial or other proceedings.

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 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 of the things seized given to the lawful owner _____

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 sees fit.

I order the following things be destroyed:

_____ Dated at _____ (place), Nova Scotia, on _____ (date).

Justice, Provincial Court Judge, Presiding Justice of the Peace