



# Immigration Act 1971

## 1971 CHAPTER 77

### PART III

#### CRIMINAL PROCEEDINGS

#### **[<sup>F1</sup>25C Forfeiture of vehicle, ship or aircraft**

- (1) This section applies where a person is convicted on indictment of an offence under section 25 [<sup>F2</sup>or 25A].
- (2) The court may order the forfeiture of a vehicle used or intended to be used in connection with the offence if the convicted person—
  - (a) owned the vehicle at the time the offence was committed,
  - (b) was at that time a director, secretary or manager of a company which owned the vehicle,
  - (c) was at that time in possession of the vehicle under a hire-purchase agreement,
  - (d) was at that time a director, secretary or manager of a company which was in possession of the vehicle under a hire-purchase agreement, or
  - (e) was driving the vehicle in the course of the commission of the offence.
- (3) The court may order the forfeiture of a ship or aircraft used or intended to be used in connection with the offence if the convicted person—
  - (a) owned the ship or aircraft at the time the offence was committed,
  - (b) was at that time a director, secretary or manager of a company which owned the ship or aircraft,
  - (c) was at that time in possession of the ship or aircraft under a hire-purchase agreement,
  - (d) was at that time a director, secretary or manager of a company which was in possession of the ship or aircraft under a hire-purchase agreement,
  - (e) was at that time a charterer of the ship or aircraft, or
  - (f) committed the offence while acting as captain of the ship or aircraft.

---

*Changes to legislation: Immigration Act 1971, Section 25C is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (4) But in a case to which subsection (3)(a) or (b) does not apply, forfeiture may be ordered only—
- (a) in the case of a ship, if subsection (5) or (6) applies;
  - (b) in the case of an aircraft, if subsection (5) or (7) applies.
- (5) This subsection applies where—
- (a) in the course of the commission of the offence, the ship or aircraft carried more than 20 illegal entrants, and
  - (b) a person who, at the time the offence was committed, owned the ship or aircraft or was a director, secretary or manager of a company which owned it, knew or ought to have known of the intention to use it in the course of the commission of an offence under section 25 <sup>[F3]</sup> or 25A].
- (6) This subsection applies where a ship’s gross tonnage is less than 500 tons.
- (7) This subsection applies where the maximum weight at which an aircraft (which is not a hovercraft) may take off in accordance with its certificate of airworthiness is less than 5,700 kilogrammes.
- (8) Where a person who claims to have an interest in a vehicle, ship or aircraft applies to a court to make representations on the question of forfeiture, the court may not make an order under this section in respect of the ship, aircraft or vehicle unless the person has been given an opportunity to make representations.
- (9) In the case of an offence under section 25, the reference in subsection (5)(a) to an illegal entrant shall be taken to include a reference to—
- (a) an individual who seeks to enter a member State in breach of immigration law <sup>[F4]</sup>(for which purpose “member State <sup>[F5]</sup> or the United Kingdom]” and “immigration law” have the meanings given by section 25(2) and (7)), and
  - (b) an individual who is <sup>[F6]</sup>the victim of conduct which constitutes an offence under section 2 of the Modern Slavery Act 2015 (human trafficking).]<sup>[F7]</sup>the victim of conduct which constitutes an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland 2015)]<sup>[F8]</sup>the victim of conduct which constitutes an offence of human trafficking (see section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015).]
- (10) In the case of an offence under section 25A, the reference in subsection (5)(a) to an illegal entrant shall be taken to include a reference to—
- (a) an asylum-seeker (within the meaning of that section), and
  - (b) an individual who is <sup>[F9]</sup>the victim of conduct which constitutes an offence under section 2 of the Modern Slavery Act 2015 (human trafficking).]<sup>[F10]</sup>the victim of conduct which constitutes an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland 2015)]<sup>[F11]</sup>the victim of conduct which constitutes an offence of human trafficking (see section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015).]
- (11) In the case of an offence under section 25B, the reference in subsection (5)(a) to an illegal entrant shall be taken to include a reference to an individual who is <sup>[F12]</sup>the victim of conduct which constitutes an offence under section 2 of the Modern Slavery Act 2015 (human trafficking).]<sup>[F13]</sup>the victim of conduct which constitutes an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for

**Changes to legislation:** Immigration Act 1971, Section 25C is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Victims) Act (Northern Ireland 2015)]<sup>F14</sup>the victim of conduct which constitutes an offence of human trafficking (see section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015).]]

#### Textual Amendments

- F1** Ss. 25-25C substituted (10.2.2003) for s. 25 by 2002 c. 41, s. 143 (with s. 159); S.I. 2003/1, **art. 2**, Sch.
- F2** Words in s. 25C(1) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), reg. 1(2), **Sch. 1 para. 1(1)(a)(i)** (with Sch. 1 para. 1(5))
- F3** Words in s. 25C(5)(b) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), reg. 1(2), **Sch. 1 para. 1(1)(a)(ii)** (with Sch. 1 para. 1(5))
- F4** Words in s. 25C(9)(a) substituted (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **s. 1(2)**; S.I. 2004/2523, **art. 2**, Sch.
- F5** Words in s. 25C(9)(a) inserted (31.12.2020) by The Immigration, Nationality and Asylum (EU Exit) Regulations 2019 (S.I. 2019/745), regs. 1(2), **4(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 25C(9)(b) substituted (E.W.) (31.7.2015) by Modern Slavery Act 2015 (c. 30), s. 61(3), **Sch. 5 para. 2**; S.I. 2015/1476, reg. 2(j) (with regs. 48)
- F7** Words in s. 25C(9)(b) substituted (N.I.) (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), s. 28(2), **Sch. 4 para. 2**
- F8** Words in s. 25C(9)(b) substituted (S.) (17.12.2016) by The Human Trafficking and Exploitation (Scotland) Act 2015 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1031), art. 1(1), **Sch. para. 1** (with art. 4(1))
- F9** Words in s. 25C(10)(b) substituted (E.W.) (31.7.2015) by Modern Slavery Act 2015 (c. 30), s. 61(3), **Sch. 5 para. 2**; S.I. 2015/1476, reg. 2(j) (with regs. 48)
- F10** Words in s. 25C(10)(b) substituted (N.I.) (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), s. 28(2), **Sch. 4 para. 2**
- F11** Words in s. 25C(10)(b) substituted (S.) (17.12.2016) by The Human Trafficking and Exploitation (Scotland) Act 2015 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1031), art. 1(1), **Sch. para. 1** (with art. 4(1))
- F12** Words in s. 25C(11) substituted (E.W.) (31.7.2015) by Modern Slavery Act 2015 (c. 30), s. 61(3), **Sch. 5 para. 2**; S.I. 2015/1476, reg. 2(j) (with regs. 48)
- F13** Words in s. 25C(11) substituted (N.I.) (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), s. 28(2), **Sch. 4 para. 2**
- F14** Words in s. 25C(11) substituted (S.) (17.12.2016) by The Human Trafficking and Exploitation (Scotland) Act 2015 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1031), art. 1(1), **Sch. para. 1** (with art. 4(1))

#### Modifications etc. (not altering text)

- C1** Pt. 3 modified by Immigration Act 2014 (c. 22), s. 33C(6) (as inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by Immigration Act 2016 (c. 19), **ss. 39(2)**, 94(1); S.I. 2016/1037, regs. 2(a), 5(c))
- C2** Ss. 25C, 25D applied (1.12.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **s. 5(4)**; S.I. 2004/2999, **art. 2**, Sch.; S.S.I. 2004/494, **art. 2**
- C3** S. 25C applied (10.2.2003) by 2002 c. 41, s. 146(3) (with s. 159); S.I. 2003/1, **art. 2**, Sch.
- C4** Ss. 24-29: amendment to earlier affecting S.I. 1993/1797, Sch. 1 Pt. 1 (11.10.2017 coming into force in accordance with art. 1) by The Immigration (Jersey) (Amendment) Order 2017 (S.I. 2017/981), **Sch. Pt. 1 para. 1** (with art. 6)

---

**Changes to legislation:** Immigration Act 1971, Section 25C is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- C5** S. 25C modified by S.I. 1993/1813, Sch. 4 para. 1(8) (as substituted (30.9.2020) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(2), **5(4)**)
- C6** S. 25C modified by S.I. 1994/1405, art. 7 (as amended (coming into force in accordance with art. 1(3) of the amending S.I.) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(3), **11**)
- C7** S. 25C modified (30.9.2020 immediately after the entry into force of S.I. 2020/915, art. 5) by [The Channel Tunnel \(Arrangements with the Kingdom of the Netherlands\) Order 2020 \(S.I. 2020/916\)](#), arts. 1(3), **6**

**Changes to legislation:**

Immigration Act 1971, Section 25C is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [2008 c. 4 s. 133\(7\)\(8\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(1A)(1B) inserted by [1999 c. 33 Sch. 14 para. 47\(3\)](#)
- s. 24(1)(fa) inserted by [2023 c. 37 s. 10\(2\)](#)
- s. 24C-24F inserted by [2016 c. 19 s. 44\(2\)](#)
- s. 26A(1)(b)(ia) inserted by [2016 c. 19 Sch. 11 para. 25](#)
- s. 27(1)(aa) inserted by [2023 c. 37 s. 10\(3\)\(a\)](#)
- s. 27(1)(ba) inserted by [2023 c. 37 s. 10\(3\)\(b\)](#)
- s. 28CA(1)(bb) substituted for word in s. 28CA(1)(b) by [2016 c. 19 s. 44\(5\)](#)
- Sch. 2 para. 27B(4A) inserted by [2004 c. 19 s. 16](#)
- Sch. 2 para. 26(4) inserted by [2016 c. 19 s. 74\(1\)](#)
- Sch. 2 Pt. 1A inserted by [2016 c. 19 Sch. 13](#)
- Sch. 2 para. 11A inserted by [2023 c. 37 s. 10\(4\)](#)