



Sexual Offences Act 2003

2003 CHAPTER 42

PART 1

SEXUAL OFFENCES

Trafficking

57 Trafficking into the UK for sexual exploitation

- (1) A person commits an offence if he intentionally arranges or facilitates the arrival in [^{F1}, or the entry into,] the United Kingdom of another person (B) and either—
- (a) he intends to do anything to or in respect of B, after B's arrival but in any part of the world, which if done will involve the commission of a relevant offence, or
 - (b) he believes that another person is likely to do something to or in respect of B, after B's arrival but in any part of the world, which if done will involve the commission of a relevant offence.
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

Annotations:

Amendments (Textual)

- F1** Words in s. 57(1) inserted (31.1.2008) by [UK Borders Act 2007 \(c. 30\)](#), [ss. 31\(3\)](#), 59; S.I. 2008/99, [art. 2\(l\)](#)

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58 Trafficking within the UK for sexual exploitation

- (1) A person commits an offence if he intentionally arranges or facilitates travel within the United Kingdom by another person (B) and either—
- (a) he intends to do anything to or in respect of B, during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence, or
 - (b) he believes that another person is likely to do something to or in respect of B, during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence.
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

59 Trafficking out of the UK for sexual exploitation

- (1) A person commits an offence if he intentionally arranges or facilitates the departure from the United Kingdom of another person (B) and either—
- (a) he intends to do anything to or in respect of B, after B's departure but in any part of the world, which if done will involve the commission of a relevant offence, or
 - (b) he believes that another person is likely to do something to or in respect of B, after B's departure but in any part of the world, which if done will involve the commission of a relevant offence.
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

60 Sections 57 to 59: interpretation and jurisdiction

- (1) In sections 57 to 59, “relevant offence” means—
- (a) an offence under this Part,
 - (b) an offence under section 1(1)(a) of the Protection of Children Act 1978 (c. 37),
 - [^{F2}(ba) an offence under any provision of the Sexual Offences (Northern Ireland) Order 2008,]
 - (c) an offence listed in Schedule 1 to the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)),
 - (d) an offence under Article 3(1)(a) of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)), or
 - (e) anything done outside England and Wales and Northern Ireland which is not an offence within any of paragraphs (a) to (d) but would be if done in England and Wales or Northern Ireland.

- [^{F3}(2) Sections 57 to 59 apply to anything done whether inside or outside the United Kingdom.]

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Annotations:

Amendments (Textual)

- F2** S. 60(1)(ba) inserted (16.7.2008) by [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 1, 2(1), **9**
- F3** S. 60(2) substituted (31.1.2008) for s. 60(2)(3) by [UK Borders Act 2007 \(c. 30\)](#), **ss. 31(4), 59**; [S.I. 2008/99](#), **art. 2(1)**

[^{F4}60A Forfeiture of land vehicle, ship or aircraft

- (1) This section applies if a person is convicted on indictment of an offence under sections 57 to 59.
- (2) The court may order the forfeiture of a land 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.
- (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 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 sections 57 to 59.
- (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.

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- (8) Where a person who claims to have an interest in a land 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 vehicle, ship or aircraft unless the person has been given an opportunity to make representations.

Annotations:

Amendments (Textual)

- F4** Ss. 60A-60C inserted (E.W.N.I.) (12.2.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 54, 66(2), [Sch. 4 para. 2](#); S.I. 2007/74, [art. 2\(b\)](#)

60B Detention of land vehicle, ship or aircraft

- (1) If a person has been arrested for an offence under sections 57 to 59, a constable or a senior immigration officer may detain a relevant vehicle, ship or aircraft—
- (a) until a decision is taken as to whether or not to charge the arrested person with that offence;
 - (b) if the arrested person has been charged, until he is acquitted, the charge against him is dismissed or the proceedings are discontinued; or
 - (c) if he has been charged and convicted, until the court decides whether or not to order forfeiture of the vehicle, ship or aircraft.
- (2) A vehicle, ship or aircraft is a relevant vehicle, ship or aircraft, in relation to an arrested person if it is a land vehicle, ship or aircraft which the constable or officer concerned has reasonable grounds for believing could, on conviction of the arrested person for the offence for which he was arrested, be the subject of an order for forfeiture made under section 60A.
- (3) A person (other than the arrested person) may apply to the court for the release of a land vehicle, ship or aircraft on the grounds that—
- (a) he owns the vehicle, ship or aircraft;
 - (b) he was, immediately before the detention of the vehicle, ship or aircraft, in possession of it under a hire-purchase agreement; or
 - (c) he is a charterer of the ship or aircraft.
- (4) The court to which an application is made under subsection (3) may, on such security or surety being tendered as it considers satisfactory, release the vehicle, ship or aircraft on condition that it is made available to the court if—
- (a) the arrested person is convicted; and
 - (b) an order for its forfeiture is made under section 60A.
- (5) In this section, “court” means—
- (a) in relation to England and Wales—
 - (i) if the arrested person has not been charged, or he has been charged but proceedings for the offence have not begun to be heard, a magistrates' court;
 - (ii) if he has been charged and proceedings for the offence are being heard, the court hearing the proceedings;
 - (b) in relation to Northern Ireland—

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- (i) if the arrested person has not been charged, a magistrates' court for the county court division in which he was arrested;
 - (ii) if he has been charged but proceedings for the offence have not begun to be heard, a magistrates' court for the county court division in which he was charged;
 - (iii) if he has been charged and proceedings for the offence are being heard, the court hearing the proceedings.
- (6) In this section, “senior immigration officer” means an immigration officer (appointed or employed as such under the Immigration Act 1971) not below the rank of chief immigration officer.

60C Sections 60A and 60B: interpretation

- (1) In this section and sections 60A and 60B, unless the contrary intention appears—
- “aircraft” includes hovercraft;
 - “captain” means master (of a ship) or commander (of an aircraft);
 - “land vehicle” means any vehicle other than a ship or aircraft;
 - “ship” includes every description of vessel used in navigation.
- (2) In sections 60A and 60B, a reference to being an owner of a vehicle, ship or aircraft includes a reference to being any of a number of persons who jointly own it.]

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

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

- s. 88A-88I inserted by [S.S.I. 2011/45 art. 3](#)

Commencement Orders yet to be applied to the Sexual Offences Act 2003:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2011/3019 art. 3 Sch. 1](#) Commencement Order
- [S.S.I. 2011/178 art. 2](#) commences (2010 asp 13)
- [S.S.I. 2011/354 art. 3](#) commences (2010 asp 13)