



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 1

#### SEXUAL OFFENCES

##### *Trafficking*

#### **[<sup>F1</sup>60B Detention of land vehicle, ship or aircraft**

- (1) If a person has been arrested for an offence under [<sup>F2</sup>sections 57 to 59][<sup>F2</sup>section 59A], 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.

*Status: Point in time view as at 06/04/2013. This version of this provision has been superseded.*

*Changes to legislation: Sexual Offences Act 2003, Section 60B is up to date with all changes known to be in force on or before 27 March 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)*

- (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—
    - (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.]

#### Textual Amendments

- F1** 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\(b\)](#)
- F2** Words in s. 60B(1) substituted (E.W.) (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 9 para. 140\(3\)](#) (with s. 97); S.I. 2013/470, [art. 2\(d\)](#) (with arts. 3(b), 5-8)

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