



Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

PART 3

CONFISCATION OF PROPERTY

Detention and forfeiture

13 Detention of vehicle, ship or aircraft

- (1) A constable may detain a vehicle, ship or aircraft if—
- (a) a person has been arrested for an offence of human trafficking, and
 - (b) the constable has reasonable grounds to believe that an order for its forfeiture could be made under section 14 if the person arrested were convicted of the offence.
- (2) The vehicle, ship or aircraft may be detained—
- (a) until a decision is taken as to whether or not to begin solemn proceedings against the person arrested for the offence, or
 - (b) if solemn proceedings are begun against the person arrested for the offence, until—
 - (i) the person is acquitted,
 - (ii) the person is convicted and the High Court or, as the case may be, the sheriff decides whether or not to order forfeiture of the vehicle, ship or aircraft under section 14, or
 - (iii) the proceedings are otherwise concluded.
- (3) For the purposes of subsection (2)—
- (a) solemn proceedings begin against a person at the earlier of—
 - (i) the person's first appearance before the sheriff on petition, or
 - (ii) the service on that person of an indictment, and
 - (b) proceedings are taken to be otherwise concluded if—
 - (i) the proceedings are deserted simpliciter,

Changes to legislation: Human Trafficking and Exploitation (Scotland) Act 2015, Section 13 is up to date with all changes known to be in force on or before 29 February 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

- (ii) the proceedings are deserted pro loco et tempore for any reason and no further trial diet is appointed, or
 - (iii) subsection (4) applies.
- (4) This subsection applies if—
 - (a) the indictment falls or is for any other reason not brought to trial,
 - (b) the diet is not continued, adjourned or postponed, and
 - (c) no further proceedings are in contemplation.
- (5) A person may apply to the sheriff for the release of a vehicle, ship or aircraft if that person—
 - (a) owns the vehicle, ship or aircraft,
 - (b) was, immediately before the detention of the vehicle, ship or aircraft, in possession of it under a hire-purchase agreement, or
 - (c) is a charterer of the ship or aircraft.
- (6) The sheriff may, if satisfactory security is tendered, release the vehicle, ship or aircraft on condition that it is made available if—
 - (a) the person arrested for the offence is convicted, and
 - (b) an order for forfeiture is made under section 14.
- (7) The sheriff may impose such other conditions as to the release as the sheriff thinks fit.

Commencement Information

II [S. 13](#) in force at 31.5.2016 by [S.S.I. 2016/128](#), reg. 2, [Sch.](#)

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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. 9(10) inserted by [2023 c. 37 s. 28\(3\)](#)
- s. 10(3) inserted by [2023 c. 37 s. 28\(4\)](#)