

SCHEDULES

SCHEDULE 1

DETENTION AND FORFEITURE OF CERTAIN VEHICLES, SHIPS AND AIRCRAFT

Detention of certain vehicles, ships and aircraft

2.—(1) If a person (“P”) has been arrested for an offence under section 1 or 2, a constable may detain a relevant land vehicle, ship or aircraft.

(2) A land vehicle, ship or aircraft is relevant if the constable has reasonable grounds to believe that an order for its forfeiture could be made under paragraph 1 if P were convicted of the offence.

(3) The land vehicle, ship or aircraft may be detained—

- (a) until a decision is taken as to whether or not to charge P with the offence,
- (b) if P has been charged, until P is acquitted, the charge against P is dismissed or the proceedings are discontinued, or
- (c) if P has been charged and convicted, until the court decides whether or not to order forfeiture of the vehicle, ship or aircraft.

(4) A person (other than P) may apply to the court for the release of the land vehicle, ship or aircraft on the grounds that the 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.

(5) The court to which an application is made under sub-paragraph (4) may, if satisfactory security or surety is tendered, release the land vehicle, ship or aircraft on condition that it is made available to the court if—

- (a) P is convicted, and
- (b) an order for its forfeiture is made under paragraph 1.

(6) In this paragraph “the court” means—

- (a) if P has not been charged, or P has been charged but proceedings for the offence have not begun to be heard, a magistrates’ court;

- (b) if P has been charged and proceedings for the offence have begun to be heard, the court hearing the proceedings.