



# Immigration Act 1971

## 1971 CHAPTER 77

### PART III

#### CRIMINAL PROCEEDINGS

#### <sup>[F2]</sup>[<sup>F1</sup>25D] **Detention of ship, aircraft or vehicle]**

- (1) If a person has been arrested for an offence under <sup>[F3]</sup>section 25, 25A or 25B], a senior officer or a constable may detain a relevant ship, aircraft or vehicle—
- (a) until a decision is taken as to whether or not to charge the arrested person with that offence; or
  - (b) if the arrested person has been charged—
    - (i) until he is acquitted, the charge against him is dismissed or the proceedings are discontinued; or
    - (ii) if he has been convicted, until the court decides whether or not to order forfeiture of the ship, aircraft or vehicle.

- (2) A ship, aircraft or vehicle is a relevant ship, aircraft or vehicle, in relation to an arrested person, if it is one which the officer or constable 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 <sup>[F4]</sup>section 25C].

- [ A person (other than the arrested person) may apply to the court for the release of a <sup>F5</sup>(3) ship, aircraft or vehicle on the grounds that—

- (a) he owns the ship, aircraft or vehicle,
  - (b) he was, immediately before the detention of the ship, aircraft or vehicle, 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 ship, aircraft or vehicle 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 <sup>[F4]</sup>section 25C].

*Status: Point in time view as at 30/03/2006. This version of this provision has been superseded.*

*Changes to legislation: Immigration Act 1971, Section 25D is up to date with all changes known to be in force on or before 28 May 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)*

- (5) In the application to Scotland of subsection (1), for paragraphs (a) and (b) substitute—
- “(a) until a decision is taken as to whether or not to institute criminal proceedings against the arrested person for that offence; or
- (b) if criminal proceedings have been instituted against the arrested person—
- (i) until he is acquitted or, under section 65 or 147 of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1995, discharged or liberated or the trial diet is deserted *simpliciter*;
- (ii) if he has been convicted, until the court decides whether or not to order forfeiture of the ship, aircraft or vehicle,
- and for the purposes of this subsection, criminal proceedings are instituted against a person at whichever is the earliest of his first appearance before the sheriff on petition, or the service on him of an indictment or complaint.”
- (6) “Court” means—
- (a) in England and Wales—
- [<sup>F6</sup>(ia) 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;]
- (iii) if he has been charged and proceedings for the offence are being heard, the court hearing the proceedings;
- (b) in Scotland, the sheriff; and
- (c) in Northern Ireland—
- (i) if the arrested person has not been charged, the 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, the 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.
- (7) <sup>F7</sup>.....
- (8) “Senior officer” means an immigration officer not below the rank of chief immigration officer.]

#### Textual Amendments

- F1** S. 25A renumbered as s. 25D and title substituted (10.2.2003) by 2002 c. 41, s. 144 (with s. 159); S.I. 2003/1, [art. 2, Sch.](#)
- F2** S. 25A (since renumbered as s. 25D) inserted (3.4.2000) by 1999 c. 33, s. 38(2)(4); S.I. 2000/464, [art. 2, Sch.](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, [art. 2, Sch.](#))
- F3** Words in s. 25D(1) substituted (10.2.2003) by 2002 c. 41, s. 144(2)(a) (with s. 159); S.I. 2003/1, [art. 2, Sch.](#)
- F4** Words in s. 25D(2)(4) substituted (10.2.2003) by 2002 c. 41, s. 144(2)(b) (with s. 159); S.I. 2003/1, [art. 2, Sch.](#)
- F5** S. 25D(3) substituted (10.2.2003) by 2002 c. 41, s. 144(2)(c) (with s. 159); S.I. 2003/1, [art. 2, Sch.](#)
- F6** S. 25D(6)(a)(ia) substituted (1.4.2005) for s. 25D(6)(a)(i)(ii) by Courts Act 2003 (c. 39), s. 109(1), [Sch. 8 para. 147](#); S.I. 2005/910, [art. 3\(y\)\(bb\)](#)

---

*Status: Point in time view as at 30/03/2006. This version of this provision has been superseded.*

**Changes to legislation:** Immigration Act 1971, Section 25D is up to date with all changes known to be in force on or before 28 May 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)

---

**F7** S. 25D(7) repealed (10.2.2003) by virtue of 2002 c. 41, ss. 144(2)(d), 161, Sch. 9 (with s. 159); S.I. 2003/1, **art. 2**, Sch.

---

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

**C1** S. 25D applied (10.2.2003) by 2002 c. 41, s. 146(3) (with s. 159); S.I. 2003/1, **art. 2**, Sch.

**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**

---

**Marginal Citations**

**M1** 1995 c. 46.

**Status:**

Point in time view as at 30/03/2006. This version of this provision has been superseded.

**Changes to legislation:**

Immigration Act 1971, Section 25D is up to date with all changes known to be in force on or before 28 May 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.