

*These notes refer to the UK Borders Act 2007 (c.30)  
which received Royal Assent on 30th October 2007*

# UK BORDERS ACT 2007

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4: Enforcement**

##### ***Section 25: Forfeiture of detained property***

83. **Section 25** provides that where a court makes a forfeiture order, the court may order the property to be taken into the possession of the Secretary of State rather than the police (as is presently the case).
84. A “forfeiture order” means an order under section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (which extends to England and Wales) or Article 11 of the Criminal Justice (Northern Ireland) Order 1994 which allow the court to deprive a convicted offender of property used, essentially, for the commission of a crime or to facilitate the commission of a crime, or intended to be used in this way.
85. The court may order the property be taken into the possession of the Secretary of State only if it thinks that the offence in connection with which the order was made related to immigration or asylum, or was committed for a purpose connected with immigration or asylum. An order under this section might be appropriate, for example, where the Immigration Service is leading the investigation of a criminal offence independently of the police.
86. **Section 59** confers powers to make transitional provision so that when section 25 is commenced it will apply to criminal proceedings instituted before the passing of the Act.