



Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

PART 3

CONFISCATION OF PROPERTY

Detention and forfeiture

14 Forfeiture of vehicle, ship or aircraft

- (1) This section applies if a person is convicted on indictment of the offence of human trafficking.
- (2) The court may order the forfeiture of a vehicle used or intended to be used in connection with the offence if the person convicted—
 - (a) owned the vehicle at the time the offence was committed,
 - (b) was at that time a director, secretary or manager of a company which owned the vehicle,
 - (c) was at that time in possession of the vehicle under a hire-purchase agreement,
 - (d) was at that time a director, secretary or manager of a company which was in possession of the vehicle under a hire-purchase agreement, or
 - (e) was driving the vehicle in the course of the commission of the offence.
- (3) The court may order the forfeiture of a ship or aircraft used or intended to be used in connection with the offence if the person convicted—
 - (a) owned the ship or aircraft at the time the offence was committed,
 - (b) was at that time a director, secretary or manager of a company which owned the ship or aircraft,
 - (c) was at that time in possession of the ship or aircraft under a hire-purchase agreement,
 - (d) was at that time a director, secretary or manager of a company which was in possession of the ship or aircraft under a hire-purchase agreement,
 - (e) was at that time a charterer of the ship or aircraft, or
 - (f) committed the offence while acting as captain of the ship or aircraft.

Status: Point in time view as at 31/05/2016.

Changes to legislation: Human Trafficking and Exploitation (Scotland) Act 2015, Section 14 is up to date with all changes known to be in force on or before 16 July 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) If subsection (3)(a) or (b) does not apply to the person convicted, forfeiture of a ship or aircraft may be ordered only if any of the following applies—
- (a) a person who, at the time the offence was committed, owned the ship or aircraft, or was a director, secretary or manager of a company which owned it—
 - (i) knew, or
 - (ii) ought to have known,of the intention to use it in the course of the commission of the offence of human trafficking,
 - (b) in the case of a ship other than a hovercraft, its gross tonnage is less than 500, or
 - (c) in the case of an aircraft, the maximum weight at which it may take off in accordance with its certificate of airworthiness is less than 5,700 kilogrammes.
- (5) Where a person who claims to have an interest in a vehicle, ship or aircraft applies to the court to make representations about its forfeiture, the court may not order its forfeiture unless the person has been given an opportunity to make representations.
- (6) In this section “the court” means the High Court, or as the case may be, the sheriff.

Commencement Information

II S. 14 in force at 31.5.2016 by [S.S.I. 2016/128](#), reg. 2, [Sch.](#)

Status:

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