

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Miscellaneous

Section 54: Forfeiture and detention of vehicles etc.

288. *Section 54* introduces Schedule 4 to the Act, which amends the Sexual Offences Act 2003 (“the 2003 Act”) by inserting new sections 60A, 60B and 60C. Section 60A enables the court, when a person is convicted on indictment of an offence under sections 57 to 59 of the 2003 Act (trafficking into, within and out of the UK for sexual exploitation), to order the forfeiture of a vehicle, ship or aircraft used or intended to be used in connection with the offence of which the person is convicted. *Subsection (2)* of section 60A lists the circumstances that would allow the forfeiture of a vehicle; *subsections (3) to (7)* do likewise for a ship or aircraft. *Subsection (8)* allows a person who claims to have an interest in a vehicle, ship or aircraft, and who makes an application to the court, to make representations on the question of forfeiture before the court may make an order for its forfeiture.
289. Section 60B enables a constable or immigration officer not below the rank of chief immigration officer to detain a vehicle, ship or aircraft of a person arrested for an offence under sections 57 to 59 if it is one which the constable or officer 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 section 60A. *Subsection (1)* explains that detention is permitted until a decision is taken whether or not to charge the arrested person, until the arrested person is acquitted, the charge against him dismissed or the proceedings discontinued, or, where the person is subsequently convicted, until the court makes a decision on forfeiture.
290. *Subsection (3)* lists the circumstances in which a person other than the arrested person may apply to the court for the release of that vehicle, ship or aircraft. *Subsection (4)* provides that on such an application the court may release the vehicle, ship or aircraft subject to satisfactory security or surety and on condition that it is made available to the court if the arrested person is convicted and if an order under section 60A is made.
291. Section 60C provides definitions for some of the terms used in sections 60A and 60B.
292. The effect of paragraph 3 of Schedule 4, read with section 66(7), is that sections 60A to 60C of the 2003 Act extend to Northern Ireland. Sections 57 to 59 of that Act already extend to Northern Ireland.