

Status: Point in time view as at 14/01/2015.

Changes to legislation: Sexual Offences Act 2003, Cross Heading: Trafficking is up to date with all changes known to be in force on or before 19 March 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)



Sexual Offences Act 2003

2003 CHAPTER 42

PART 1

SEXUAL OFFENCES

Trafficking

^{F5}[^{F4}58A] Trafficking outside the UK for sexual exploitation

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Textual Amendments

- F4** S. 58A inserted (N.I.) (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), **ss. 6(1), 15(1)**
- F5** Ss. 57-60C repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), **Sch. 5**

^{F6}[^{F1}59] Trafficking out of the UK for sexual exploitation

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Textual Amendments

- F1** S. 59A substituted (E.W.) (6.4.2013) for ss. 57-59 by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 109(2), 120 (with s. 97); S.I. 2013/470, art. 2(a) (with arts. 3(a), 5-8)
- F6** Ss. 57-60C repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), **Sch. 5**

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[^{F1}59A Trafficking people for sexual exploitation

- (1) A person (“A”) commits an offence if A intentionally arranges or facilitates—
 - (a) the arrival in, or entry into, the United Kingdom or another country of another person (“B”),
 - (b) the travel of B within the United Kingdom or another country, or
 - (c) the departure of B from the United Kingdom or another country,
 with a view to the sexual exploitation of B.
- (2) For the purposes of subsection (1)(a) and (c) A's arranging or facilitating is with a view to the sexual exploitation of B if, and only if—
 - (a) A intends to do anything to or in respect of B, after B's arrival, entry or (as the case may be) departure but in any part of the world, which if done will involve the commission of a relevant offence, or
 - (b) A believes that another person is likely to do something to or in respect of B, after B's arrival, entry or (as the case may be) departure but in any part of the world, which if done will involve the commission of a relevant offence.
- (3) For the purposes of subsection (1)(b) A's arranging or facilitating is with a view to the sexual exploitation of B if, and only if—
 - (a) A intends to do anything to or in respect of B, during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence, or
 - (b) A believes that another person is likely to do something to or in respect of B, during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence.
- (4) A person who is a UK national commits an offence under this section regardless of—
 - (a) where the arranging or facilitating takes place, or
 - (b) which country is the country of arrival, entry, travel or (as the case may be) departure.
- (5) A person who is not a UK national commits an offence under this section if—
 - (a) any part of the arranging or facilitating takes place in the United Kingdom, or
 - (b) the United Kingdom is the country of arrival, entry, travel or (as the case may be) departure.
- (6) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.
- (7) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003, the reference in subsection (6)(a) to 12 months is to be read as a reference to 6 months.]

Textual Amendments

- F1** S. 59A substituted (E.W.) (6.4.2013) for ss. 57-59 by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 109(2), 120 (with s. 97); [S.I. 2013/470](#), art. 2(a) (with arts. 3(a), 5-8)

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60 [F7Sections 57 to 59: interpretation and jurisdiction][F7Section 59A: interpretation]

[F9(1) In section 59A—

“country” includes any territory or other part of the world;

“relevant offence” means—

- (a) any offence under the law of England and Wales which is an offence under this Part or under section 1(1)(a) of the Protection of Children Act 1978, or
- (b) anything done outside England and Wales which is not an offence within paragraph (a) but would be if done in England and Wales;
“UK national” means—
 - (a) a British citizen,
 - (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom, or
 - (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.]

[F12[F13(2) Sections 57 to 59 apply to anything done whether inside or outside the United Kingdom.]]]

Textual Amendments

- F7** S. 60 title substituted (E.W.) (6.4.2013) by Protection of Freedoms Act 2012 (c. 9), ss. 109(5), 120 (with s. 97); S.I. 2013/470, art. 2(a) (with arts. 3(a), 5-8)
- F8** Ss. 57-60C repealed (N.I.) (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), s. 28(2), Sch. 5
- F9** S. 60(1) substituted (6.4.2013) by Protection of Freedoms Act 2012 (c. 9), ss. 109(3), 120 (with s. 97); S.I. 2013/470, art. 2(a) (with arts. 3(a), 5-8)
- F10** S. 60(1)(ba) inserted (16.7.2008) by The Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), arts. 1, 2(1), 9
- F11** S. 60(1)(c) repealed (N.I.) (26.4.2013) by Criminal Justice Act (Northern Ireland) 2013 (c. 7), ss. 6(2), 15(1), Sch. 4 Pt. 2
- F12** S. 60(2) substituted (31.1.2008) for s. 60(2)(3) by UK Borders Act 2007 (c. 30), ss. 31(4), 59; S.I. 2008/99, art. 2(1)
- F13** S. 60(2) repealed (E.W.) (6.4.2013) by Protection of Freedoms Act 2012 (c. 9), ss. 109(4), 120, Sch. 10 Pt. 9 (with s. 97); S.I. 2013/470, art. 2(a) (with arts. 3(a)5-8)

[F14]60A Forfeiture of land vehicle, ship or aircraft

[F15(1) This section applies if a person is convicted on indictment of an offence under [F16sections 57 to 59][F16section 59A].

- (2) The court may order the forfeiture of a land vehicle used or intended to be used in connection with the offence if the convicted person—
 - (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;

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- (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 convicted person—
- (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.
- (4) But in a case to which subsection (3)(a) or (b) does not apply, forfeiture may be ordered only—
- (a) in the case of a ship, if subsection (5) or (6) applies;
 - (b) in the case of an aircraft, if subsection (5) or (7) applies.
- (5) This subsection applies where 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, knew or ought to have known of the intention to use it in the course of the commission of an offence under ^[F16]sections 57 to 59^[F16]section 59A].
- (6) This subsection applies where a ship's gross tonnage is less than 500 tons.
- (7) This subsection applies where the maximum weight at which an aircraft (which is not a hovercraft) may take off in accordance with its certificate of airworthiness is less than 5,700 kilogrammes.
- (8) Where a person who claims to have an interest in a land vehicle, ship or aircraft applies to a court to make representations on the question of forfeiture, the court may not make an order under this section in respect of the vehicle, ship or aircraft unless the person has been given an opportunity to make representations.]

Textual Amendments

- F14** Ss. 60A-60C inserted (E.W.N.I.) (12.2.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 54, 66(2), [Sch. 4 para. 2](#); S.I. 2007/74, [art. 2\(b\)](#)
- F15** Ss. 57-60C repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), [Sch. 5](#)
- F16** Words in s. 60A(1)(5) substituted (E.W.) (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 9 para. 140\(2\)](#) (with s. 97); S.I. 2013/470, [art. 2\(d\)](#) (with arts. 3(b), 5-8)

60B Detention of land vehicle, ship or aircraft

- ^[F17](1) If a person has been arrested for an offence under ^[F18]sections 57 to 59^[F18]section 59A], a constable or a senior immigration officer may detain a relevant vehicle, ship or aircraft—

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- (a) until a decision is taken as to whether or not to charge the arrested person with that offence;
 - (b) if the arrested person has been charged, until he is acquitted, the charge against him is dismissed or the proceedings are discontinued; or
 - (c) if he has been charged and convicted, until the court decides whether or not to order forfeiture of the vehicle, ship or aircraft.
- (2) A vehicle, ship or aircraft is a relevant vehicle, ship or aircraft, in relation to an arrested person if it is a land vehicle, ship or aircraft 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.
- (3) A person (other than the arrested person) may apply to the court for the release of a land vehicle, ship or aircraft on the grounds that—
- (a) he owns the vehicle, ship or aircraft;
 - (b) he was, immediately before the detention of the vehicle, ship or aircraft, 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 vehicle, ship or aircraft 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 section 60A.
- (5) In this section, “court” means—
- (a) in relation to England and Wales—
 - (i) 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;
 - (ii) if he has been charged and proceedings for the offence are being heard, the court hearing the proceedings;
 - (b) in relation to Northern Ireland—
 - (i) if the arrested person has not been charged, a 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, a 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.
- (6) In this section, “senior immigration officer” means an immigration officer (appointed or employed as such under the Immigration Act 1971) not below the rank of chief immigration officer.]

Textual Amendments

- F14** Ss. 60A-60C inserted (E.W.N.I.) (12.2.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 54, 66(2), [Sch. 4 para. 2](#); [S.I. 2007/74](#), [art. 2\(b\)](#)
- F17** Ss. 57-60C repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), [Sch. 5](#)

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F18 Words in s. 60B(1) substituted (E.W.) (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 9 para. 140\(3\)](#) (with s. 97); S.I. 2013/470, art. 2(d) (with arts. 3(b), 5-8)

60C Sections 60A and 60B: interpretation

[^{F19}(1) In this section and sections 60A and 60B, unless the contrary intention appears—
 “aircraft” includes hovercraft;
 “captain” means master (of a ship) or commander (of an aircraft);
 “land vehicle” means any vehicle other than a ship or aircraft;
 “ship” includes every description of vessel used in navigation.

(2) In sections 60A and 60B, a reference to being an owner of a vehicle, ship or aircraft includes a reference to being any of a number of persons who jointly own it.]]

Textual Amendments

F14 Ss. 60A-60C inserted (E.W.N.I.) (12.2.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 54, 66(2), [Sch. 4 para. 2](#); S.I. 2007/74, [art. 2\(b\)](#)

F19 Ss. 57-60C repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), [Sch. 5](#)

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