

DRAFT

Regulatory Impact Assessment

1. Title of proposal

VIOLENT CRIME REDUCTION BILL - The power for the detention and/or forfeiture of a vehicle, ship or aircraft used or intended to be used for the purposes of an offence concerned with trafficking into, within, or out of the United Kingdom for sexual exploitation.

2. Purpose and intended effect

- Objective
- Background
- Rationale for government intervention

Section 145 of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”) introduced a new offence of traffic in prostitution. Section 146 of that Act applied sections 25C and 25D of the Immigration Act 1971 (“the 1971 Act”) to an offence under section 145. Broadly, the application of sections 25C and 25D allowed the court to order the forfeiture of a ship, vehicle or aircraft used or intended to be used in connection with the offence subject to certain conditions, and allowed a constable or chief immigration officer to detain such a ship, vehicle, or aircraft, again subject to certain conditions.

The Sexual Offences Act 2003 (“the 2003 Act”) repealed sections 145 and 146 of the 2002 Act and replaced those provisions with three new offences in the 2003 Act itself: trafficking into the UK for sexual exploitation (section 57), trafficking within the UK for sexual exploitation (section 58), and trafficking out of the UK for sexual exploitation (section 59).

In relation to these three new offences, section 25C and section 25D of the 1971 Act were not applied. However, the Government believes that the courts should have the power to order the forfeiture of ships, vehicles or aircrafts used or intended to be used in connection with offences under sections 57 to 59 of the 2003 Act, and that the police should have the power to detain such vehicles, ships or aircrafts, in the same way as the courts and police have such powers under sections 25C and 25D of the 1971 Act.

The purpose of the proposed measure is to enable those engaged in the fight against the crime of trafficking persons for the purposes of sexual exploitation to seize the instrument of those crimes both to preserve evidence and to prevent the commission of further crime.

3. Consultation

- Within government

This clause seeks to restore a power that previously existed. Current consultation has been within the Home Office only.

- Public consultation

None.

4. Options

Do nothing.

5. Costs and benefits

- **Sectors and groups affected**
- **Benefits**
- **Costs**
- **Equity and Fairness**

The proposed measure targets those engaged in trafficking for the purposes of sexual exploitation and therefore the burden disadvantages no particular groups or communities.

6. Small Firms Impact Test

The proposed measure will not impact upon small firms. The provisions only come into play where a person is arrested or convicted for a serious criminal offence (trafficking into, within or out of the United Kingdom for the purposes of sexual exploitation).

7. Competition assessment

N/A

8. Enforcement, sanctions and monitoring

The proposed measure will allow the courts to order the forfeiture of a vehicle, ship or aircraft when a person is convicted of a specified offence. The police, or an immigration officer of a certain rank, can detain a vehicle, aircraft or ship for the same specified offences until the case against the person is resolved.

Data on the use of this power will be recorded centrally and at a local police/Immigration Service level.

9. Implementation and delivery plan

This measure restores a previously held power. It also complements similar powers that are already in place for related offences (assisting illegal immigration and trafficking for exploitation of a non-sexual nature). It is not intended that it will be

used widely but rather will be a targeted response to instances of organised immigration crime. The proposed measure will be implemented through written instructions to police and Immigration Service personnel.

10. Post-implementation review

The use of the power will be reviewed 12 months after the date of implementation.

11. Summary and recommendation

The proposed measure restores a previously held power. It further complements existing powers that are part of the effort to tackle organised immigration crime. It places no additional burden on firms and comes into play only when a person is convicted or arrested for a specified offence. The provision is necessary and serves to preserve evidence and prevent the commission of future crime.