

Modern Slavery Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office, are published separately as Bill 8-EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Theresa May has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Modern Slavery Bill are compatible with the Convention rights.

Modern Slavery Bill

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TO

Make provision about slavery, servitude and forced or compulsory labour; to make provision about human trafficking; to make provision for an Anti-slavery Commissioner; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

OFFENCES

Offences

1 Slavery, servitude and forced or compulsory labour

- (1) A person commits an offence if— 5
- (a) the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or
 - (b) the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour. 10
- (2) In subsection (1) the references to holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour are to be construed in accordance with Article 4 of the Human Rights Convention. 15
- (3) In determining whether a person is being held in slavery or servitude or required to perform forced or compulsory labour regard may be had to all the circumstances.
- (4) For example, regard may be had to any of the person’s personal circumstances (such as their age, family relationships, and any mental or physical illness) which may make the person more vulnerable than other persons. 20

2 Human trafficking

- (1) A person commits an offence if the person arranges or facilitates the travel of another person (“V”) with a view to V being exploited.
- (2) It is irrelevant whether V consents to the travel.
- (3) A person may in particular arrange or facilitate V’s travel by recruiting V, transporting or transferring V, harbouring or receiving V, or transferring or exchanging control over V. 5
- (4) A person arranges or facilitates V’s travel with a view to V being exploited only if –
- (a) the person intends to exploit V (in any part of the world) during or after the travel, or 10
 - (b) the person knows or ought to know that another person is likely to exploit V (in any part of the world) during or after the travel.
- (5) “Travel” means –
- (a) arriving in, or entering, any country, 15
 - (b) departing from any country,
 - (c) travelling within any country.
- (6) A person who is a UK national commits an offence under this section regardless of –
- (a) where the arranging or facilitating takes place, or 20
 - (b) where the travel takes place.
- (7) 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 travel consists of arrival in or entry into, departure from, or travel within, the United Kingdom. 25

3 Meaning of exploitation

- (1) For the purposes of section 2 a person is exploited only if one or more of the following subsections apply in relation to the person.
- Slavery, servitude and forced or compulsory labour* 30
- (2) The person is the victim of behaviour –
- (a) which involves the commission of an offence under section 1, or
 - (b) which would involve the commission of an offence under that section if it took place in England and Wales.
- Sexual exploitation* 35
- (3) Something is done to or in respect of the person –
- (a) which involves the commission of an offence under –
 - (i) section 1(1)(a) of the Protection of Children Act 1978 (indecent photographs of children), or
 - (ii) Part 1 of the Sexual Offences Act 2003 (sexual offences), as it has effect in England and Wales, or 40

- (b) which would involve the commission of such an offence if it were done in England and Wales.

Removal of organs etc

- (4) The person is encouraged, required or expected to do anything –
 - (a) which involves the commission, by him or her or another person, of an offence under section 32 or 33 of the Human Tissue Act 2004 (prohibition of commercial dealings in organs and restrictions on use of live donors) as it has effect in England and Wales, or 5
 - (b) which would involve the commission of such an offence, by him or her or another person, if it were done in England and Wales. 10

Securing services etc by force, threats or deception

- (5) The person is subjected to force, threats or deception designed to induce him or her –
 - (a) to provide services of any kind,
 - (b) to provide another person with benefits of any kind, or 15
 - (c) to enable another person to acquire benefits of any kind.

Securing services etc from children and vulnerable persons

- (6) Another person uses or attempts to use the person for a purpose within paragraph (a), (b) or (c) of subsection (5), having chosen him or her for that purpose on the grounds that – 20
 - (a) he or she is mentally or physically ill or disabled, is young or has a family relationship with a particular person, and
 - (b) a person without the illness, disability, youth or family relationship would be likely to refuse to be used for that purpose.

4 Committing offence with intent to commit offence under section 2 25

A person commits an offence under this section if the person commits any offence with the intention of committing an offence under section 2 (including an offence committed by aiding, abetting, counselling or procuring an offence under that section).

Penalties and sentencing 30

5 Penalties

- (1) A person guilty of an offence under section 1 or 2 is liable –
 - (a) on conviction on indictment, to imprisonment for life;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both. 35
- (2) A person guilty of an offence under section 4 is liable (unless subsection (3) applies) –
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both. 40

- (3) Where the offence under section 4 is committed by kidnapping or false imprisonment, a person guilty of that offence is liable, on conviction on indictment, to imprisonment for life.
- (4) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the references in subsections (1)(b) and (2)(b) to 12 months are to be read as references to 6 months. 5
- 6 Sentencing**
- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In Part 1 of Schedule 15 (specified offences for purposes of Chapter 5 of Part 12 - violent offences), after paragraph 63F insert – 10
- “63G An offence under section 1 of the Modern Slavery Act 2014 (slavery, servitude and forced or compulsory labour).
- 63H An offence under section 2 of that Act (human trafficking) which is not within Part 2 of this Schedule.”
- (3) In Part 2 of Schedule 15 (specified offences for purposes of Chapter 5 of Part 12 - sexual offences), after paragraph 152 insert – 15
- “152A An offence under section 2 of the Modern Slavery Act 2014 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).” 20
- (4) In Part 1 of Schedule 15B (offences listed for purposes of sections 224A, 226A and 246A), after paragraph 43 insert –
- “43A An offence under section 1 of the Modern Slavery Act 2014 (slavery, servitude and forced or compulsory labour).
- 43B An offence under section 2 of that Act (human trafficking).” 25
- 7 Confiscation of assets**
- (1) Schedule 2 to the Proceeds of Crime Act 2002 (criminal lifestyle offences in England and Wales) is amended as follows.
- (2) After paragraph 3 insert – 30
- “*Slavery etc*
- 3A An offence under section 1 of the Modern Slavery Act 2014 (slavery, servitude and forced or compulsory labour).”
- (3) In paragraph 4 (people trafficking) – 35
- (a) omit sub-paragraphs (2) and (3);
- (b) at the end insert –
- “(4) An offence under section 2 of the Modern Slavery Act 2014 (human trafficking).”

8 Power to make slavery and trafficking reparation orders

- (1) The Crown Court may make a slavery and trafficking reparation order against a person if –
 - (a) the person has been convicted of an offence under section 1, 2 or 4, and
 - (b) the Crown Court makes a confiscation order against the person in respect of the offence. 5
- (2) The Crown Court may also make a slavery and trafficking reparation order against a person if –
 - (a) by virtue of section 28 of the Proceeds of Crime Act 2002 (defendants who abscond during proceedings) it has made a confiscation order against a person in respect of an offence under section 1, 2 or 4, and
 - (b) the person is later convicted of the offence. 10
- (3) The court may make a slavery and trafficking reparation order against the person in addition to dealing with the person in any other way (subject to section 10(1)). 15
- (4) In a case within subsection (1) the court may make a slavery and trafficking reparation order against the person even if the person has been sentenced for the offence before the confiscation order is made.
- (5) In determining whether to make a slavery and trafficking reparation order against the person the court must have regard to the person’s means. 20
- (6) If the court considers that –
 - (a) it would be appropriate both to impose a fine and to make a slavery and trafficking reparation order, but
 - (b) the person has insufficient means to pay both an appropriate fine and appropriate compensation under such an order, 25the court must give preference to compensation (although it may impose a fine as well).
- (7) In any case in which the court has power to make a slavery and trafficking reparation order it must –
 - (a) consider whether to make such an order (whether or not an application for such an order is made), and
 - (b) if it does not make an order, give reasons. 30
- (8) In this section –
 - (a) “confiscation order” means a confiscation order under section 6 of the Proceeds of Crime Act 2002; 35
 - (b) a confiscation order is made in respect of an offence if the offence is the offence (or one of the offences) concerned for the purposes of Part 2 of that Act.

9 Effect of slavery and trafficking reparation orders

- (1) A slavery and trafficking reparation order is an order requiring the person against whom it is made to pay compensation to the victim of a relevant offence for any harm resulting from that offence. 40
- (2) “Relevant offence” means –
 - (a) the offence under section 1, 2 or 4 of which the person is convicted;

- (b) any other offence under section 1, 2 or 4 which is taken into consideration in determining the person’s sentence.
- (3) The amount of the compensation is to be such amount as the court considers appropriate having regard to any evidence and to any representations made by or on behalf of the person or the prosecutor, but subject to subsection (4). 5
- (4) The amount of the compensation payable under the slavery and trafficking reparation order (or if more than one order is made in the same proceedings, the total amount of the compensation payable under those orders) must not exceed the amount the person is required to pay under the confiscation order.
- (5) In determining the amount to be paid by the person under a slavery and trafficking reparation order the court must have regard to the person’s means. 10
- (6) In subsection (4) “the confiscation order” means the confiscation order within section 8(1)(b) or (2)(a) (as the case may be).
- 10 Slavery and trafficking reparation orders: supplementary provision**
- (1) A slavery and trafficking reparation order and a compensation order under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 may not both be made in respect of the same offence. 15
- (2) Where the court makes a slavery and trafficking reparation order as mentioned in section 8(4), for the purposes of the following provisions the person’s sentence is to be regarded as imposed or made on the day on which the order is made – 20
- (a) section 18(2) of the Criminal Appeal Act 1968 (time limit for notice of appeal or application for leave to appeal);
- (b) paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (time limit for notice of application for leave to refer a case under section 36 of that Act). 25
- (3) Sections 132 to 134 of the Powers of Criminal Courts (Sentencing) Act 2000 (appeals, review etc of compensation orders) apply to slavery and trafficking reparation orders as if –
- (a) references to a compensation order were references to a slavery and trafficking reparation order; 30
- (b) references to the court of trial were references to the Crown Court;
- (c) references to injury, loss or damage were references to harm;
- (d) in section 133(3)(c), for the words from “a confiscation order” to “proceedings;” there were substituted “any or all of the following made against him in the same proceedings – 35
- (i) a compensation order under section 130 of this Act;
- (ii) a confiscation order under Part 2 of the Proceeds of Crime Act 2002; 40
- (iii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;”;
- (e) section 133(5)(a) were omitted;
- (f) in section 134 the references to service compensation orders were omitted. 45

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- (4) If under section 21 or 22 of the Proceeds of Crime Act 2002 the court varies a confiscation order so as to increase the amount required to be paid under that order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order so as to increase the amount required to be paid under the slavery and trafficking reparation order. 5
- (5) If under section 23 or 29 of that Act the court varies a confiscation order so as to reduce the amount required to be paid under that order, it may also –
- (a) vary any relevant slavery and trafficking reparation order so as to reduce the amount which remains to be paid under that order;
 - (b) discharge any relevant slavery and trafficking reparation order. 10
- (6) If under section 24 of that Act the court discharges a confiscation order, it may also discharge any relevant slavery and trafficking reparation order.
- (7) For the purposes of subsections (5) and (6) a slavery and trafficking reparation order is relevant if it is made by virtue of the confiscation order and some or all of the amount required to be paid under it has not been paid. 15
- (8) If on an appeal under section 31 of the Proceeds of Crime Act 2002 the Court of Appeal –
- (a) quashes a confiscation order, it must also quash any slavery and trafficking reparation order made by virtue of the confiscation order;
 - (b) varies a confiscation order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order; 20
 - (c) makes a confiscation order, it may make any slavery and trafficking reparation order the Crown Court could have made if it had made the confiscation order.
- (9) If on an appeal under section 33 of that Act the Supreme Court – 25
- (a) quashes a confiscation order, it must also quash any slavery and trafficking reparation order made by virtue of the confiscation order;
 - (b) varies a confiscation order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order.
- (10) For the purposes of this section – 30
- (a) a slavery and trafficking reparation order made under section 8(1) is made by virtue of the confiscation order within section 8(1)(b);
 - (b) a slavery and trafficking reparation order made under section 8(2) is made by virtue of the confiscation order within section 8(2)(a).
- 11 Forfeiture of land vehicle, ship or aircraft 35**
- (1) This section applies if a person is convicted on indictment of an offence under section 2.
- (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, 40
 - (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 45

- (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, 5
 - (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, 10
 - (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 where subsection (3)(a) or (b) does not apply to the convicted person, forfeiture of a ship or aircraft may be ordered only if subsection (5) applies or – 15
- (a) in the case of a ship other than a hovercraft, its gross tonnage is less than 500 tons;
 - (b) 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. 20
- (5) This subsection applies where a person who, at the time the offence was committed –
- (a) owned the ship or aircraft, or
 - (b) 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 section 2. 25
- (6) Where a person who claims to have an interest in a land vehicle, ship or aircraft applies to a court to make representations about its forfeiture, the court may not order its forfeiture without giving the person an opportunity to make representations. 30

Supplementary

12 Detention of land vehicle, ship or aircraft

- (1) If a person (“P”) has been arrested for an offence under section 2, a constable or senior immigration officer may detain a relevant land vehicle, ship or aircraft.
- (2) A land vehicle, ship or aircraft is relevant if the constable or officer has reasonable grounds to believe that an order for its forfeiture could be made under section 11 if P were convicted of the offence. 35
- (3) The land vehicle, ship or aircraft may be detained –
- (a) until a decision is taken as to whether or not to charge P with the offence, 40
 - (b) if P has been charged, until P is acquitted, the charge against P is dismissed or the proceedings are discontinued, or
 - (c) if P has been charged and convicted, until the court decides whether or not to order forfeiture of the vehicle, ship or aircraft.

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- (4) A person (other than P) may apply to the court for the release of the land vehicle, ship or aircraft on the grounds that the person –
- (a) owns the vehicle, ship or aircraft,
 - (b) was, immediately before the detention of the vehicle, ship or aircraft, in possession of it under a hire-purchase agreement, or
 - (c) is a charterer of the ship or aircraft.
- (5) The court to which an application is made under subsection (4) may, if satisfactory security or surety is tendered, release the land vehicle, ship or aircraft on condition that it is made available to the court if –
- (a) P is convicted, and
 - (b) an order for its forfeiture is made under section 11.
- (6) In this section, “the court” means –
- (a) if P has not been charged, or P has been charged but proceedings for the offence have not begun to be heard, a magistrates’ court;
 - (b) if P has been charged and proceedings for the offence have begun to be heard, the court hearing the proceedings.
- (7) In this section, “senior immigration officer” means an immigration officer not below the rank of chief immigration officer.

13 Enforcement powers in relation to ships

- (1) An enforcement officer may exercise the powers set out in Schedule 1 in relation to –
- (a) a United Kingdom ship in domestic waters or international waters,
 - (b) a ship without nationality in domestic waters, or
 - (c) a foreign ship in domestic waters.
- (2) But Schedule 1 powers may be exercised only –
- (a) for the purpose of preventing, detecting, investigating or prosecuting an offence under section 1 or 2, and
 - (b) in accordance with the rest of this section.
- (3) The authority of the Secretary of State is required before an enforcement officer may exercise Schedule 1 powers in relation to a United Kingdom ship in international waters if their exercise would occur at a time when the ship is in the territorial sea of any State.
- (4) Authority for the purposes of subsection (3) may be given only if the State in question consents to the exercise of the powers.
- (5) The authority of the Secretary of State is required before an enforcement officer may exercise Schedule 1 powers in relation to a foreign ship outside the landward limits of the territorial sea adjacent to England and Wales.
- (6) Authority for the purposes of subsection (5) may be given only if –
- (a) the home state has requested the assistance of the United Kingdom for the purpose mentioned in subsection (2)(a),
 - (b) the home state has authorised the United Kingdom to act for that purpose, or
 - (c) the Convention otherwise permits the exercise of Schedule 1 powers in relation to the foreign ship.

- (7) In giving authority for the purposes of subsection (5) the Secretary of State must give effect to any conditions or limitations that the home state imposes as part of a request or authorisation of the kind mentioned in subsection (6)(a) or (b) (if the authority is given as a result of that request or authorisation).
- (8) In this section (and in Schedule 1) – 5
- “the Convention” means the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) and any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom;
- “domestic waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales; 10
- “enforcement officer” means –
- (a) a constable;
- (b) an immigration officer;
- (c) a designated customs official, within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act); 15
- (d) a person who is a commissioned officer of any of Her Majesty’s ships;
- (e) a person in command or charge of any aircraft or hovercraft of the Royal Navy, the Army or the Royal Air Force; 20
- “foreign ship” means a ship which –
- (a) is registered in a State other than the United Kingdom, or
- (b) is not so registered but is entitled to fly the flag of a State other than the United Kingdom; 25
- “home state”, in relation to a foreign ship, means –
- (a) the State in which the ship is registered, or
- (b) the State whose flag the ship is otherwise entitled to fly;
- “international waters” means waters outside the territorial sea adjacent to the United Kingdom; 30
- “Schedule 1 powers” means the powers set out in that Schedule;
- “ship without nationality” means a ship which –
- (a) is not registered in, or otherwise entitled to fly the flag of, any State, or
- (b) sails under the flags of two or more States, using them according to convenience; 35
- “State” includes a territory;
- “United Kingdom ship” means a ship which –
- (a) is registered under Part 2 of the Merchant Shipping Act 1995,
- (b) is a Government ship within the meaning of that Act, 40
- (c) is not registered in any State but is wholly owned by persons each of whom has a United Kingdom connection, or
- (d) is registered under an Order in Council under section 1 of the Hovercraft Act 1968.
- (9) For the purposes of paragraph (c) of the definition of “United Kingdom ship” in subsection (8), a person has a “United Kingdom connection” if the person is – 45
- (a) a British citizen, a British overseas territories citizen or a British Overseas citizen, or

- (b) a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in the United Kingdom.

14 Interpretation of Part 1

- (1) In this Part—
 - “captain” means master (of a ship) or commander (of an aircraft);
 - “confiscation order” has the meaning given by section 8(8);
 - “the Human Rights Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950;
 - “land vehicle” means any vehicle other than a ship or aircraft;
 - “ship” includes every description of vessel (including a hovercraft) used in navigation;
 - “slavery and trafficking reparation order” means an order made under section 8;
 - “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 a 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.
- (2) In sections 11 and 12, 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.

PART 2

PREVENTION ORDERS

Slavery and trafficking prevention orders

15 Slavery and trafficking prevention orders on sentencing

- (1) A court may make a slavery and trafficking prevention order against a person (“the defendant”) where it deals with the defendant in respect of—
 - (a) a conviction for a slavery or human trafficking offence,
 - (b) a finding that the defendant is not guilty of a slavery or human trafficking offence by reason of insanity, or
 - (c) a finding that the defendant is under a disability and has done the act charged against the defendant in respect of a slavery or human trafficking offence.
- (2) The court may make the order only if it is satisfied that—
 - (a) there is a risk that the defendant may commit a slavery or human trafficking offence, and
 - (b) it is necessary to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence.

- (3) A “slavery or human trafficking offence” means an offence listed in Schedule 2.
- (4) The Secretary of State may by regulations amend Schedule 2.
- (5) For the purposes of this section, convictions and findings include those taking place before this section comes into force.

16 Slavery and trafficking prevention orders on application 5

- (1) A magistrates’ court may make a slavery and trafficking prevention order against a person (“the defendant”) on an application by –
 - (a) a chief officer of police,
 - (b) an immigration officer, or
 - (c) the Director General of the National Crime Agency (“the Director General”). 10
- (2) The court may make the order only if it is satisfied that –
 - (a) the defendant is a relevant offender (see section 17), and
 - (b) since the defendant first became a relevant offender, the defendant has acted in a way which means that the condition in subsection (3) is met. 15
- (3) The condition is that –
 - (a) there is a risk that the defendant may commit a slavery or human trafficking offence, and
 - (b) it is necessary to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence. 20
- (4) A chief officer of police may make an application under this section only in respect of a person –
 - (a) who lives in the chief officer’s police area, or 25
 - (b) who the chief officer believes is in that area or is intending to come to it.
- (5) An application under this section is to be made by complaint, and may be made to any magistrates’ court acting for a local justice area that includes –
 - (a) any part of a relevant police area, or
 - (b) any place where it is alleged that the defendant acted in a way mentioned in subsection (2)(b). 30
- (6) Where the defendant is under 18, a reference in this section to a magistrates’ court is to be taken as referring to a youth court (subject to any rules of court made under section 31).
- (7) Where an immigration officer or the Director General makes an application under this section, the officer or the Director General must give notice of the application to the chief officer of police for a relevant police area. 35
- (8) In this section “relevant police area” means –
 - (a) where the applicant is a chief officer of police, the officer’s police area;
 - (b) where the applicant is an immigration officer or the Director General, the police area where the defendant lives or a police area which the officer or the Director General believes the defendant is in or is intending to come to. 40

- (9) The acts of the defendant which may be relied on for the purposes of subsection (2)(b) include acts taking place before this section comes into force.

17 Meaning of “relevant offender”

- (1) A person is a “relevant offender” for the purposes of section 16 if subsection (2) or (3) applies to the person. 5
- (2) This subsection applies to a person if –
- (a) the person has been convicted of a slavery or human trafficking offence,
 - (b) a court has made a finding that the person is not guilty of a slavery or human trafficking offence by reason of insanity,
 - (c) a court has made a finding that the person is under a disability and has done the act charged against the person in respect of a slavery or human trafficking offence, or 10
 - (d) the person has been cautioned in respect of a slavery or human trafficking offence.
- (3) This subsection applies to a person if, under the law of a country outside the United Kingdom – 15
- (a) the person has been convicted of an equivalent offence (whether or not the person has been punished for it),
 - (b) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is not guilty by reason of insanity, 20
 - (c) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is under a disability and has done the act charged against the person, or
 - (d) the person has been cautioned in respect of an equivalent offence. 25
- (4) An “equivalent offence” means an act which –
- (a) constituted an offence under the law of the country concerned, and
 - (b) would have constituted a slavery or human trafficking offence under the law of England and Wales if it had been done in England and Wales, or by a UK national, or as regards the United Kingdom. 30
- (5) For the purposes of subsection (4) an act punishable under the law of a country outside the United Kingdom constitutes an offence under that law, however it is described in that law.
- (6) On an application under section 16 where subsection (3) is alleged to apply to the defendant, the condition in subsection (4)(b) is to be taken as met unless – 35
- (a) not later than provided by rules of court, the defendant serves on the applicant a notice which states that in the defendant’s opinion the condition is not met, shows the grounds for that opinion, and requires the applicant to prove that the condition is met, or
 - (b) the court permits the defendant to require the applicant to prove that the condition is met without service of such a notice. 40
- (7) References in this section to convictions, findings and cautions include those taking place before this section comes into force.

18 Effect of slavery and trafficking prevention orders

- (1) A slavery and trafficking prevention order is an order prohibiting the defendant from doing anything described in the order.
- (2) The only prohibitions that may be included in the order are those which the court is satisfied are necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed a slavery or human trafficking offence. 5
- (3) The order may prohibit the defendant from doing things in any part of the United Kingdom, and anywhere outside the United Kingdom. 10
- (4) Subject to section 19(1), a prohibition contained in a slavery and trafficking prevention order has effect –
- (a) for a fixed period, specified in the order, of at least 5 years, or
 - (b) until further order.
- (5) A slavery and trafficking prevention order – 15
- (a) may specify that some of its prohibitions have effect until further order and some for a fixed period;
 - (b) may specify different periods for different prohibitions.
- (6) If a court makes a slavery and trafficking prevention order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect. 20

19 Prohibitions on foreign travel

- (1) A prohibition on foreign travel contained in a slavery and trafficking prevention order must be for a fixed period of not more than 5 years.
- (2) A “prohibition on foreign travel” means – 25
- (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
 - (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
 - (c) a prohibition on travelling to any country outside the United Kingdom. 30
- (3) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 20.
- (4) A slavery and trafficking prevention order that contains a prohibition within subsection (2)(c) must require the defendant to surrender all of the defendant’s passports at a police station specified in the order – 35
- (a) on or before the date when the prohibition takes effect, or
 - (b) within a period specified in the order.
- (5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a slavery and trafficking prevention order containing a prohibition within subsection (2)(c). 40
- (6) Subsection (5) does not apply in relation to –

- (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
- (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.

5

20 Variation, renewal and discharge

- (1) A person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging a slavery and trafficking prevention order.
- (2) The persons are –
 - (a) the defendant; 10
 - (b) the chief officer of police for the area in which the defendant lives;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer’s police area;
 - (d) where the order was made on an application under section 16 by a chief officer of police, that officer; 15
 - (e) where the order was made on an application under section 16 by an immigration officer, an immigration officer.
- (3) On the application the court, after hearing –
 - (a) the person making the application, and
 - (b) the other persons mentioned in subsection (2) (if they wish to be heard), 20may make any order varying, renewing or discharging the slavery and trafficking prevention order that the court considers appropriate.
- (4) An order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if the court is satisfied that –
 - (a) there is a risk that the defendant may commit a slavery or human trafficking offence, and 25
 - (b) it is necessary to renew or vary the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence. 30
- (5) Any renewed or varied order may contain only those prohibitions which the court is satisfied are necessary for that purpose.
- (6) The court must not discharge an order before the end of 5 years beginning with the day on which the order was made, without the consent of –
 - (a) the defendant and the chief officer of police for the area in which the defendant lives, or 35
 - (b) where the application is made by a chief officer of police, the defendant and that chief officer.
- (7) Subsection (6) does not apply to an order containing a prohibition on foreign travel and no other prohibitions. 40
- (8) An application under this section may be made –
 - (a) where the appropriate court is the Crown Court, in accordance with rules of court;
 - (b) in any other case, by complaint.

- (9) An immigration officer must give notice of any application the officer makes under this section to the chief officer of police for –
- (a) the police area where the defendant lives, or
 - (b) a police area which the immigration officer believes the defendant is in or is intending to come to. 5
- (10) In this section “the appropriate court” means –
- (a) where the Crown Court or the Court of Appeal made the slavery and trafficking prevention order, the Crown Court;
 - (b) where an adult magistrates’ court made the order –
 - (i) that court, 10
 - (ii) an adult magistrates’ court for the area in which the defendant lives, or
 - (iii) where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area; 15
 - (c) where a youth court made the order and the defendant is under 18 –
 - (i) that court,
 - (ii) a youth court for the area in which the defendant lives, or
 - (iii) where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer’s police area; 20
 - (d) where a youth court made the order and the defendant is 18 or over –
 - (i) an adult magistrates’ court for the area in which the defendant lives, or
 - (ii) where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area. 25

21 Interim slavery and trafficking prevention orders

- (1) This section applies where an application under section 16 (“the main application”) has not been determined. 30
- (2) An application for an interim slavery and trafficking prevention order –
- (a) may be made by the complaint by which the main application is made, or
 - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made. 35
- (3) The court may, if it considers it just to do so, make an interim slavery and trafficking prevention order.
- (4) An interim slavery and trafficking prevention order is an order which prohibits the defendant from doing anything described in the order. 40
- (5) The order may prohibit the defendant from doing things in any part of the United Kingdom, and anywhere outside the United Kingdom.
- (6) The order –
- (a) has effect only for a fixed period, specified in the order;
 - (b) ceases to have effect, if it has not already done so, on the determination of the main application. 45

- (7) The applicant or the defendant may by complaint apply to the court that made the interim slavery and trafficking prevention order for the order to be varied, renewed or discharged.

22 Appeals

- (1) A defendant may appeal against the making of a slavery and trafficking prevention order – 5
- (a) where the order was made under section 15(1)(a), as if the order were a sentence passed on the defendant for the offence;
 - (b) where the order was made under section 15(1)(b) or (c), as if the defendant had been convicted of the offence and the order were a sentence passed on the defendant for the offence; 10
 - (c) where the order was made on an application under section 16, to the Crown Court.
- (2) A defendant may appeal to the Crown Court against the making of an interim slavery and trafficking prevention order. 15
- (3) A defendant may appeal against the making of an order under section 20, or the refusal to make such an order –
- (a) where the application for such an order was made to the Crown Court, to the Court of Appeal;
 - (b) in any other case, to the Crown Court. 20
- (4) On an appeal under subsection (1)(c), (2) or (3)(b), the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (5) Any order made by the Crown Court on an appeal under subsection (1)(c) or (2) is for the purposes of section 20(10) or 21(7) (respectively) to be treated as if it were an order of the court from which the appeal was brought. 25
- (6) Subsection (5) does not apply to an order directing that an application be re-heard by a magistrates’ court.

Slavery and trafficking risk orders 30

23 Slavery and trafficking risk orders

- (1) A magistrates’ court may make a slavery and trafficking risk order against a person (“the defendant”) on an application by –
- (a) a chief officer of police,
 - (b) an immigration officer, or 35
 - (c) the Director General of the National Crime Agency (“the Director General”).
- (2) The court may make the order only if it is satisfied that the defendant has acted in a way which means that –
- (a) there is a risk that the defendant will commit a slavery or human trafficking offence, and 40
 - (b) it is necessary to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological

- harm which would be likely to occur if the defendant committed such an offence.
- (3) A chief officer of police may make an application under this section only in respect of a person—
- (a) who lives in the chief officer’s police area, or
 - (b) who the chief officer believes is in that area or is intending to come to it.
- (4) An application under this section is to be made by complaint, and may be made to any magistrates’ court acting for a local justice area that includes—
- (a) any part of a relevant police area, or
 - (b) any place where it is alleged that the person acted in an way mentioned in subsection (2).
- (5) Where the defendant is under 18, a reference in this section to a magistrates’ court is to be taken as referring to a youth court (subject to any rules of court made under section 31).
- (6) Where an immigration officer or the Director General make an application under this section, the officer or the Director General must give notice of the application to the chief officer of police for a relevant police area.
- (7) “Relevant police area” means—
- (a) where the applicant is a chief officer of police, the officer’s police area;
 - (b) where the applicant is an immigration officer or the Director General, the police area where the defendant lives or a police area which the officer or Director General believes the defendant is in or is intending to come to.
- (8) The acts of the defendant which may be relied on for the purposes of subsection (2) include acts taking place before this section comes into force.

24 Effect of slavery and trafficking risk orders

- (1) A slavery and trafficking risk order is an order which prohibits the defendant from doing anything described in the order.
- (2) The only prohibitions that may be included in the order are those which the court is satisfied are necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed a slavery or human trafficking offence.
- (3) The order may prohibit the defendant from doing things in any part of the United Kingdom, and anywhere outside the United Kingdom.
- (4) Subject to section 25(1), a prohibition contained in a slavery and trafficking risk order has effect—
- (a) for a fixed period, specified in the order, of at least 2 years, or
 - (b) until further order.
- (5) A slavery and trafficking risk order—
- (a) may specify that some of its prohibitions have effect until further order and some for a fixed period;
 - (b) may specify different periods for different prohibitions.

- (6) Where a court makes a slavery and trafficking risk order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

25 Prohibitions on foreign travel

- (1) A prohibition on foreign travel contained in a slavery and trafficking risk order must be for a fixed period of not more than 5 years. 5
- (2) A “prohibition on foreign travel” means –
- (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
 - (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or 10
 - (c) a prohibition on travelling to any country outside the United Kingdom.
- (3) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 26. 15
- (4) A slavery and trafficking risk order that contains a prohibition within subsection (2)(c) must require the defendant to surrender all of the defendant’s passports at a police station specified in the order –
- (a) on or before the date when the prohibition takes effect, or
 - (b) within a period specified in the order. 20
- (5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a slavery and trafficking risk order containing a prohibition within subsection (2)(c).
- (6) Subsection (5) does not apply in relation to –
- (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities; 25
 - (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.

26 Variation, renewal and discharge 30

- (1) A person within subsection (2) may by complaint to the appropriate court apply for an order varying, renewing or discharging a slavery and trafficking risk order.
- (2) The persons are –
- (a) the defendant; 35
 - (b) the chief officer of police for the area in which the defendant lives;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer’s police area;
 - (d) where the order was made on an application by a chief officer of police, that officer; 40
 - (e) where the order was made on an application by an immigration officer, an immigration officer.
- (3) On the application the court, after hearing –
- (a) the person making the application, and

- (b) the other persons mentioned in subsection (2) (if they wish to be heard), may make any order varying, renewing or discharging the slavery and trafficking risk order that the court considers appropriate.
- (4) An order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if the court is satisfied that – 5
- (a) there is a risk that the defendant may commit a slavery or human trafficking offence, and
- (b) it is necessary to renew or vary the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence. 10
- (5) Any renewed or varied order may contain only those prohibitions which the court is satisfied are necessary for that purpose.
- (6) The court must not discharge an order before the end of 2 years beginning with the day on which the order was made, without the consent of – 15
- (a) the defendant and the chief officer of police for the area in which the defendant lives, or
- (b) where the application is made by a chief officer of police, the defendant and that chief officer.
- (7) An immigration officer must give notice of any application the officer makes under this section to the chief officer of police for – 20
- (a) the police area where the defendant lives, or
- (b) a police area which the immigration officer believes the defendant is in or is intending to come to.
- (8) In this section “the appropriate court” means – 25
- (a) where an adult magistrates’ court made the slavery and trafficking risk order –
- (i) that court,
- (ii) any adult magistrates’ court for the area in which the defendant lives, or 30
- (iii) where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area;
- (b) where a youth court made the order and the defendant is under 18 – 35
- (i) that court,
- (ii) a youth court for the area in which the defendant lives, or
- (iii) where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer’s police area;
- (c) where a youth court made the order and the defendant is 18 or over – 40
- (i) an adult magistrates’ court for the area in which the defendant lives, or
- (ii) where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area. 45

27 Interim slavery and trafficking risk orders

- (1) This section applies where an application for a slavery and trafficking risk order (“the main application”) has not been determined.
- (2) An application for an interim slavery and trafficking risk order –
 - (a) may be made by the complaint by which the main application is made, or
 - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The court may, if it considers it just to do so, make an interim slavery and trafficking risk order.
- (4) An interim slavery and trafficking risk order is an order which prohibits the defendant from doing anything described in the order.
- (5) The order may prohibit the defendant from doing things in any part of the United Kingdom, and anywhere outside the United Kingdom.
- (6) The order –
 - (a) has effect only for a fixed period, specified in the order;
 - (b) ceases to have effect, if it has not already done so, on the determination of the main application.
- (7) The applicant or the defendant may by complaint apply to the court that made the interim slavery and trafficking risk order for the order to be varied, renewed or discharged.

28 Appeals

- (1) A defendant may appeal to the Crown Court –
 - (a) against the making of a slavery and trafficking risk order;
 - (b) against the making of an interim slavery and trafficking risk order;
 - (c) against the making of an order under section 26, or the refusal to make such an order.
- (2) The Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (3) An order made by the Crown Court on an appeal against the making of a slavery and trafficking risk order or an interim slavery and trafficking risk order is to be treated for the purposes of section 26(8) or 27(7) (respectively) as if it were an order of the court from which the appeal was brought.
- (4) Subsection (3) does not apply to an order directing that an application be re-heard by a magistrates’ court.

Offences and supplementary provision

29 Offences

- (1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by –

-
- (a) a slavery and trafficking prevention order,
 - (b) an interim slavery and trafficking prevention order,
 - (c) a slavery and trafficking risk order, or
 - (d) an interim slavery and trafficking risk order,
- commits an offence. 5
- (2) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under –
- (a) section 19(4), or
 - (b) section 25(4).
- (3) A person guilty of an offence under this section is liable – 10
- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years;
 - (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding £5,000 or both.
- (4) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make an order for conditional discharge in respect of the offence. 15
- (5) The Secretary of State may by regulations amend subsection (3)(b) to increase or remove the limit on the amount of the fine which may be imposed under that subsection. 20
- 30 Cross-border enforcement**
- (1) The Secretary of State may by regulations amend section 29(1) so as to add to or remove from the list of orders in that section any relevant UK order.
- (2) “Relevant UK order” means an order under the law of Scotland or Northern Ireland which appears to the Secretary of State to be equivalent or similar to – 25
- (a) a slavery and trafficking prevention order,
 - (b) an interim slavery and trafficking prevention order,
 - (c) a slavery and trafficking risk order, or
 - (d) an interim slavery and trafficking risk order.
- 31 Rules of court** 30
- (1) Rules of court may provide for a youth court to give permission for an application under section 16 or 23 against a person aged 18 or over to be made to the youth court if –
- (a) an application to the youth court has been made, or is to be made, under that section against a person aged under 18, and 35
 - (b) the youth court thinks that it would be in the interests of justice for the applications to be heard together.
- (2) Rules of court may, in relation to a person reaching the age of 18 after proceedings against that person by virtue of this Part have begun – 40
- (a) prescribe circumstances in which the proceedings may or must remain in the youth court;
 - (b) make provision for the transfer of the proceedings from the youth court to an adult magistrates’ court (including provision applying sections 21 and 27 with modifications).

32 Guidance to chief officers of police etc

- (1) The Secretary of State must issue guidance to chief officers of police, immigration officers and the Director General of the National Crime Agency in relation to the exercise by them of their powers under this Part.
- (2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1). 5
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published in a way the Secretary of State considers appropriate.

33 Interpretation of Part 2 10

- (1) In this Part –
 - “adult magistrates court” means a magistrates’ court that is not a youth court;
 - “cautioned” means cautioned after the person concerned has admitted the offence; 15
 - “interim slavery and trafficking prevention order” means an order made under section 21;
 - “interim slavery and trafficking risk order” means an order made under section 27;
 - “slavery or human trafficking offence” means an offence listed in Schedule 2; 20
 - “slavery and trafficking prevention order” means an order made under section 15 or 16;
 - “slavery and trafficking risk order” means an order made under section 23. 25
- (2) In this Part “passport” means –
 - (a) a United Kingdom passport within the meaning of the Immigration Act 1971;
 - (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation; 30
 - (c) a document that can be used (in some or all circumstances) instead of a passport.
- (3) In this Part a reference to a conviction includes a conviction for an offence in respect of which an order for conditional discharge is made, despite – 35
 - (a) section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (conviction with conditional discharge deemed not to be a conviction),
 - (b) article 6(1) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (equivalent provision for Northern Ireland).
- (4) Subsection (3) applies only to convictions after this Part comes into force. 40
- (5) In this Part a reference to a conviction includes a finding of a court in summary proceedings that the accused did the act charged, where the court makes an order under –
 - (a) section 37(3) of the Mental Health Act 1983,
 - (b) section 58(3) of the Criminal Procedure (Scotland) Act 1995, or 45

- (c) article 44(4) of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)),
(hospital and guardianship orders).
- (6) In relation to an offence under the law of Scotland, a reference in this Part to a person being found not guilty by reason of insanity is to be treated as a reference to a person being acquitted by reason of the special defence in section 51A of the Criminal Procedure (Scotland) Act 1995. 5
- (7) In this Part, a reference to a finding that a person is under a disability and has done the act charged against the person in respect of an offence includes a finding that a person is insane or unfit to be tried and has done the act charged against the person in respect of an offence. 10
- (8) Section 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under any provision of this Part.
- (9) A person's age is to be treated for the purposes of this Part as being that which it appears to the court to be after considering any available evidence. 15

PART 3

THE ANTI-SLAVERY COMMISSIONER

34 The Anti-slavery Commissioner

- (1) The Secretary of State must appoint a person as the Anti-slavery Commissioner (in this Part "the Commissioner"). 20
- (2) The Commissioner is to hold office in accordance with the terms of the Commissioner's appointment.
- (3) *The Secretary of State may pay in respect of the Commissioner any expenses, remuneration or allowances that the Secretary of State may determine.*
- (4) *The Secretary of State may, after consultation with the Commissioner, provide the Commissioner with –* 25
 (a) *such staff, and*
 (b) *such accommodation, equipment and other facilities,*
as the Secretary of State considers necessary for the exercise of the Commissioner's functions. 30
- (5) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership: other disqualifying offices) at the appropriate place insert –
 "Anti-slavery Commissioner".
- (6) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) at the appropriate place insert – 35
 "The Anti-slavery Commissioner".

35 General functions of Commissioner

- (1) The Commissioner must encourage good practice in – 40
 (a) the prevention, detection, investigation and prosecution of offences under sections 1, 2 and 4;

- (b) the identification of victims of those offences.
- (2) The things that the Commissioner may do in pursuance of subsection (1) include –
 - (a) making reports to the Secretary of State on any permitted matter;
 - (b) making recommendations to any public authority about the exercise of its functions in England and Wales; 5
 - (c) undertaking or supporting (financially or otherwise) the carrying out of research;
 - (d) providing information, education or training;
 - (e) consulting people; 10
 - (f) co-operating with or working jointly with other persons, in the United Kingdom or elsewhere.
- (3) In subsection (2)(a) “permitted matter” means a matter which –
 - (a) the Secretary of State has authorised the Commissioner to report on, or
 - (b) the current strategic plan, approved by the Secretary of State under section 36(6), states is a matter the Commissioner proposes to report on. 15
- (4) The Commissioner must (after ascertaining whether the Secretary of State wishes to exercise the power conferred by subsection (5)) publish each report made to the Secretary of State under subsection (2)(a).
- (5) The Secretary of State may direct the Commissioner to omit from any report before publication any material whose publication the Secretary of State thinks –
 - (a) would be against the interests of national security,
 - (b) might jeopardise the safety of any person, or
 - (c) might prejudice the investigation or prosecution of an offence. 20 25

36 Strategic plans and annual reports

- (1) The Commissioner must, as soon as reasonably practicable after the Commissioner’s appointment, prepare a strategic plan and submit it to the Secretary of State for approval.
- (2) The Commissioner must, before the end of the period to which a strategic plan relates (“the current period”), prepare a strategic plan for a period immediately following the current period and submit it to the Secretary of State for approval. 30
- (3) The Commissioner may at any time prepare a revised strategic plan and submit it to the Secretary of State for approval. 35
- (4) A strategic plan is a plan setting out how the Commissioner proposes to exercise the Commissioner’s functions in the period to which the plan relates, which must be not less than one year and not more than three years.
- (5) A strategic plan must in particular –
 - (a) state the Commissioner’s objectives and priorities for the period to which the plan relates; 40
 - (b) state any matters on which the Commissioner proposes to report under section 35(2)(a) during that period;
 - (c) state any other activities the Commissioner proposes to undertake during that period in the exercise of the Commissioner’s functions. 45

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- (6) The Secretary of State may approve a strategic plan either without modifications or with modifications agreed with the Commissioner.
- (7) As soon as reasonably practicable after the end of each calendar year the Commissioner must submit to the Secretary of State an annual report on the exercise of the Commissioner’s functions during the year. 5
- (8) An annual report must include –
- (a) an assessment of the extent to which the Commissioner’s objectives and priorities have been met in that year;
 - (b) a statement of the matters on which the Commissioner has reported under section 35(2)(a) during the year; 10
 - (c) a statement of the other activities the Commissioner has undertaken during the year in the exercise of the Commissioner’s functions.
- (9) The Secretary of State must lay before Parliament –
- (a) any strategic plan the Secretary of State approves, and
 - (b) any annual report the Secretary of State receives, 15
- and must do so as soon as reasonably practicable after approving the plan or receiving the report.
- (10) Before laying an annual report before Parliament the Secretary of State may remove from the report any material whose publication the Secretary of State thinks – 20
- (a) would be against the interests of national security,
 - (b) might jeopardise the safety of any person, or
 - (c) might prejudice the investigation or prosecution of an offence.
- 37 Duty to co-operate with Commissioner**
- (1) The Commissioner may request a specified public authority to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner’s functions. 25
- (2) A specified public authority must so far as reasonably practicable comply with a request made to it under this section.
- (3) A public authority which discloses information to the Commissioner in pursuance of subsection (2) does not breach any obligation of confidence owed by the public authority. 30
- (4) But subsection (2) does not require or authorise any disclosure of information which contravenes any other restriction on the disclosure of information (however imposed). 35
- (5) In this section “specified public authority” means a public authority which is specified in, or is of a description specified in, regulations made by the Secretary of State for the purposes of this section.
- 38 Restriction on exercise of functions**
- (1) The Commissioner must not exercise any function in relation to an individual case. 40

- (2) Subsection (1) does not prevent the Commissioner considering individual cases and drawing conclusions about them for the purpose of, or in the context of, considering a general issue.

PART 4

PROTECTION OF VICTIMS

5

39 Defence for slavery or trafficking victims compelled to commit an offence

- (1) A person is not guilty of an offence if—
- (a) the person does the act which constitutes the offence because the person is compelled to do that act,
 - (b) the compulsion is attributable to slavery or to relevant exploitation, and
 - (c) a reasonable person in the same situation as the person and having the person’s relevant characteristics would have no realistic alternative to doing that act.
- (2) “Relevant characteristics” means age, sex and any physical or mental illness or disability.
- (3) A person may be compelled to do something by another person or by the person’s circumstances.
- (4) Compulsion is attributable to slavery or to relevant exploitation only if—
- (a) it is, or is part of, conduct which constitutes an offence under section 1 or conduct which constitutes relevant exploitation, or
 - (b) it is a direct consequence of a person being, or having been, a victim of slavery or a victim of relevant exploitation.
- (5) “Relevant exploitation” is exploitation (within the meaning of section 3) that is attributable to the exploited person being, or having been, a victim of human trafficking.
- (6) In this section references to an act include an omission.
- (7) Subsection (1) does not apply to an offence listed in Schedule 3.
- (8) The Secretary of State may by regulations amend Schedule 3.

40 Special measures for witnesses in criminal proceedings

- (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) In section 17(4) (witnesses eligible for assistance on grounds of fear or distress about testifying) for “section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004” substitute “section 1 or 2 of the Modern Slavery Act 2014”.
- (3) In section 25(4)(a) (offences where court may direct evidence to be given in private) for “section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004” substitute “section 1 or 2 of the Modern Slavery Act 2014”.
- (4) In section 33(6)(d) (offences where certain witnesses presumed to be under 18) for “section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004” substitute “section 1 or 2 of the Modern Slavery Act 2014”.

41 Child trafficking advocates

- (1) The Secretary of State may make arrangements to enable persons (“child trafficking advocates”) to be available to represent and support children who there is reason to believe may be victims of human trafficking.
- (2) In making arrangements under subsection (1) the Secretary of State must have regard to the principle that, so far as practicable, a child should be represented and supported by someone who is independent of any person who will be responsible for making decisions about the child. 5
- (3) *The arrangements may include provision for payments to be made to, or in relation to, persons carrying out functions in accordance with the arrangements.* 10
- (4) The Secretary of State may make regulations about child trafficking advocates, and may in particular make provision –
 - (a) about the circumstances in which, and any conditions subject to which, a person may act as a child trafficking advocate;
 - (b) for the appointment of a person as a child trafficking advocate to be subject to approval in accordance with the regulations; 15
 - (c) about the functions of child trafficking advocates;
 - (d) requiring public authorities to co-operate with, and provide information to, child trafficking advocates.
- (5) The Secretary of State must, no later than 9 months after the day on which this Act is passed, lay before Parliament a report on the steps the Secretary of State proposes to take in relation to the powers conferred by this section. 20

42 Guidance about identifying and supporting victims

- (1) The Secretary of State must issue guidance to such public authorities and other persons as the Secretary of State considers appropriate about –
 - (a) the sorts of things which indicate that a person may be a victim of slavery or human trafficking; 25
 - (b) arrangements for providing assistance and support to persons who there is reason to believe may be victims of slavery or human trafficking; 30
 - (c) arrangements for determining whether a person is to be treated as a victim of slavery or human trafficking.
- (2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1).
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published in a way the Secretary of State considers appropriate. 35

43 Presumption about age

- (1) This section applies where –
 - (a) a public authority with functions under relevant arrangements has reason to believe a person may be a victim of human trafficking, and 40
 - (b) the authority is not certain of the person’s age but has reason to believe the person may be under 18.

-
- (2) Until an assessment of the person’s age is carried out by a local authority or the person’s age is otherwise determined, the public authority must assume for the purposes of its functions under relevant arrangements that the person is under 18.
- (3) “Relevant arrangements” means arrangements for providing assistance and support to persons who there is reason to believe may be victims of human trafficking, as set out in guidance issued under section 42(1)(b). 5
- (4) “Local authority” has the same meaning as in the Children Act 1989 (see section 105 of that Act).
- 44 Duty to notify NCA about suspected victims of slavery or human trafficking 10**
- (1) A specified public authority must notify the National Crime Agency if it has reason to believe that a person may be a victim of slavery or human trafficking.
- (2) The Secretary of State may by regulations make provision about the information to be included in a notification.
- (3) The regulations must provide that a notification relating to a person aged 18 or over may not include information that— 15
- (a) identifies the person, or
 - (b) enables the person to be identified (either by itself or in combination with other information),
- unless the person consents to the inclusion of the information. 20
- (4) The regulations may not require information to be included if its inclusion would result in a disclosure which contravenes the Data Protection Act 1998.
- (5) In this section “specified public authority” means a public authority specified in regulations made by the Secretary of State for the purposes of this section.

PART 5 25

FINAL PROVISIONS

- 45 Interpretation**
- (1) For the purposes of this Act a person is a victim of slavery if he or she is a victim of— 30
- (a) conduct which constitutes an offence under section 1, or
 - (b) conduct which would have constituted an offence under that section if that section had been in force when the conduct occurred.
- (2) For the purposes of this Act a person is a victim of human trafficking if he or she is the victim of— 35
- (a) conduct which constitutes an offence under section 2, or would constitute an offence under that section if the person responsible for the conduct were a UK national, or
 - (b) conduct which would have been within paragraph (a) if section 2 had been in force when the conduct occurred.
- (3) In this Act— 40
- “country” includes territory or other part of the world;

- “immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
- “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998 (other than a court or tribunal) which exercises functions in England and Wales; 5
- “UK national” has the meaning given by section 14.

46 Consequential provision

- (1) Schedule 4 contains minor and consequential amendments.
- (2) The Secretary of State may by regulations make whatever provision the Secretary of State thinks appropriate in consequence of this Act. 10
- (3) The provision which may be made by regulations under subsection (2) includes provision amending, repealing or revoking any provision of an Act or subordinate legislation (including an Act passed or subordinate legislation made in the same session as this Act).

47 Regulations 15

- (1) Any power of the Secretary of State to make regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament, unless – 20
- (a) it contains only regulations under section 50 (commencement), or
- (b) it contains regulations to which subsection (4) applies.
- (3) A statutory instrument containing regulations to which subsection (4) applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) This section applies to – 25
- (a) regulations under section 15(4) (power to amend Schedule 2);
- (b) regulations under section 30(1) (power to amend section 29);
- (c) regulations under section 39(8) (power to amend Schedule 3);
- (d) regulations under section 41(4) (child trafficking advocates);
- (e) regulations under section 46(2) (consequential provision) which 30
amend, or repeal any provision of, an Act.
- (5) Regulations made by the Secretary of State under this Act may – 35
- (a) make different provision for different purposes;
- (b) include saving, transitional, transitory, supplementary or consequential provision.
- (6) This section (apart from subsection (5)) does not apply to regulations under paragraph 5 of Schedule 1.

48 Financial provisions

- There is to be paid out of money provided by Parliament –*
- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State;* 40

- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

49 Extent

- (1) This Act extends to England and Wales only, subject to subsection (2).
- (2) An amendment or repeal made by this Act has the same extent as the provision amended or repealed. 5
- (3) But the amendments and repeals made by the following provisions of Schedule 4 extend to England and Wales only –
- (a) paragraph 2,
 - (b) paragraph 5(2), 10
 - (c) paragraph 6,
 - (d) paragraph 8,
 - (e) paragraph 14.

50 Commencement

- (1) This Act comes into force on whatever day or days the Secretary of State appoints by regulations, subject to subsections (2) and (3). 15
- (2) Section 41(5) comes into force at the end of the period of 2 months beginning with the day on which this Act is passed.
- (3) This Part, other than section 46(1) and Schedule 4, comes into force on the day on which this Act is passed. 20
- (4) The Secretary of State may by regulations make whatever saving, transitory or transitional provision the Secretary of State thinks appropriate in connection with the coming into force of any provision of this Act.

51 Short title

- This Act may be cited as the Modern Slavery Act 2014. 25

SCHEDULES

SCHEDULE 1

Section 13

ENFORCEMENT POWERS IN RELATION TO SHIPS

Introductory

- 1 (1) This Schedule sets out the powers exercisable by enforcement officers under section 13. 5
- (2) In this Schedule –
 “items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 10 of that Act);
 “the ship” means the ship in relation to which the powers set out in this Schedule are exercised. 10

Power to stop, board, divert and detain

- 2 (1) This paragraph applies if an enforcement officer has reasonable grounds to suspect that –
 (a) an offence under section 1 or 2 is being, or has been, committed on the ship, or 15
 (b) the ship is otherwise being used in connection with the commission of an offence under either of those sections.
- (2) The enforcement officer may –
 (a) stop the ship; 20
 (b) board the ship;
 (c) require the ship to be taken to a port (in England and Wales or elsewhere) and detained there.
- (3) Except as provided by sub-paragraph (5), authority of the Secretary of State is required before an enforcement officer may exercise the power conferred by sub-paragraph (2)(c) to require the ship to be taken to a port outside England and Wales. 25
- (4) Authority for the purposes of sub-paragraph (3) may be given only if the State in which the port is located is willing to receive the ship.
- (5) If the enforcement officer is acting under authority given for the purposes of section 13(5), the officer may require the ship to be taken to – 30
 (a) a port in the home state in question, or
 (b) if the home state requests, any other State willing to receive the ship.
- (6) The enforcement officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2) or (5). 35

- (7) An enforcement officer must give notice in writing to the master of any ship detained under this paragraph.
- (8) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by an enforcement officer. 5

Power to search and obtain information

- 3 (1) This paragraph applies if an enforcement officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating –
 - (a) to an offence under section 1 or 2, or 10
 - (b) to an offence that is connected with an offence under either of those sections.
- (2) The enforcement officer may search –
 - (a) the ship;
 - (b) anyone on the ship; 15
 - (c) anything on the ship (including cargo).
- (3) The enforcement officer may require a person on the ship to give information about himself or herself or about anything on the ship.
- (4) The power to search conferred by sub-paragraph (2) –
 - (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and 20
 - (b) in the case of a search of a person, does not authorise an enforcement officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves. 25
- (5) In exercising a power conferred by sub-paragraph (2) or (3) an enforcement officer may –
 - (a) open any containers;
 - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the officer has reasonable grounds to believe to be an item subject to legal privilege); 30
 - (c) make photographs or copies of anything the production of which the officer has power to require.
- (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away. 35
- (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3). 40

Power of arrest and seizure

- 4 (1) This paragraph applies if an enforcement officer has reasonable grounds to suspect that an offence under section 1 or 2 has been, or is being, committed on the ship.

- (2) The enforcement officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The enforcement officer may seize and detain anything found on the ship which appears to the officer to be evidence of the offence (but not including anything that the officer has reasonable grounds to believe to be an item subject to legal privilege). 5

Code of practice

- 5 (1) The Secretary of State must prepare and issue a code in respect of the practice to be followed by enforcement officers when arresting a person under the power conferred by paragraph 4. 10
- (2) The code must in particular provide guidance as to the information to be given to the person at the time of arrest (whether about procedural rights or other matters).
- (3) A failure of an enforcement officer to comply with any provision of the code does not of itself render the officer liable to any criminal or civil proceedings. 15
- (4) The code –
- (a) is admissible in evidence in criminal and civil proceedings, and
 - (b) may be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (5) The Secretary of State may at any time revise the whole or any part of the code. 20
- (6) The code, or any revision of the code, does not come into operation until the Secretary of State so provides in regulations.
- (7) Regulations under this paragraph are to be made by statutory instrument.
- (8) An instrument containing regulations under this paragraph that bring the code into operation may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. 25
- (9) An instrument containing regulations under this paragraph that bring a revision of the code into operation must be laid before Parliament (if the regulations are made without a draft having been laid and approved as mentioned in sub-paragraph (8)). 30
- (10) Where an instrument, or a draft of an instrument, is laid, the code or revision of the code to which it relates must also be laid.

Assistants

- 6 (1) An enforcement officer may – 35
- (a) be accompanied by other persons, and
 - (b) take equipment or materials,
- to assist the officer in the exercise of powers under this Schedule.
- (2) A person accompanying an enforcement officer under sub-paragraph (1) may perform any of the officer's functions under this Schedule, but only under the officer's supervision. 40

Reasonable force

- 7 An enforcement officer may use reasonable force, if necessary, in the performance of the officer’s functions under this Schedule.

Evidence of authority

- 8 An enforcement officer must produce evidence of the officer’s authority if asked to do so. 5

Protection of officers

- 9 An enforcement officer is not liable in any criminal or civil proceedings for anything done in the purported performance of the officer’s functions under this Schedule if the court is satisfied that – 10
- (a) the act was done in good faith, and
 - (b) there were reasonable grounds for doing it.

Offences

- 10 (1) A person commits an offence if the person – 15
- (a) intentionally obstructs an enforcement officer in the performance of the officer’s functions under this Schedule, or
 - (b) fails without reasonable excuse to comply with a requirement made by an enforcement officer in the performance of those functions.
- (2) A person who provides information in response to a requirement made by an enforcement officer in the performance of the officer’s functions under this Schedule commits an offence if – 20
- (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
 - (b) the person intentionally fails to disclose any material particular.
- (3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine. 25

SCHEDULE 2

Section 15

SLAVERY AND HUMAN TRAFFICKING OFFENCES

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 1 An offence under section 145 of the Nationality, Immigration and Asylum Act 2002 (trafficking for prostitution). 30

Sexual Offences Act 2003 (c. 42)

- 2 (1) An offence under section 57, 58, 58A, 59 or 59A of the Sexual Offences Act 2003 (trafficking for sexual exploitation).
- (2) An offence under section 62 of that Act (committing offence with intent to commit relevant sexual offence), where the relevant sexual offence the 35

person in question intended to commit was an offence under section 57, 58, 58A, 59 or 59A of that Act.

Criminal Justice (Scotland) Act 2003 (asp 7)

- 3 An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (trafficking for prostitution). 5

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

- 4 An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking for exploitation).

Coroners and Justice Act 2009 (c. 25)

- 5 An offence under section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour). 10

Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)

- 6 An offence under section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (slavery, servitude and forced or compulsory labour).

Modern Slavery Act 2014 15

- 7 An offence under section 1, 2 or 4 of this Act.

Ancillary offences

- 8 (1) An offence of attempting or conspiring to commit an offence listed in this Schedule.
- (2) An offence committed by aiding, abetting, counselling, procuring or inciting the commission of an offence listed in this Schedule. 20
- (3) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence listed in this Schedule. 25

SCHEDULE 3

Section 39

OFFENCES TO WHICH DEFENCE IN SECTION 39(1) DOES NOT APPLY

Common law offences

- 1 False imprisonment.
- 2 Kidnapping. 30
- 3 Manslaughter.
- 4 Murder.

5 Perverting the course of justice.

6 Piracy.

Offences against the Person Act 1861 (c. 100)

- 7 An offence under any of the following provisions of the Offences Against the Person Act 1861 – 5
- section 4 (soliciting murder)
 - section 16 (threats to kill)
 - section 18 (wounding with intent to cause grievous bodily harm)
 - section 20 (malicious wounding)
 - section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence) 10
 - section 22 (using drugs etc to commit or assist in the committing of an indictable offence)
 - section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm) 15
 - section 27 (abandoning children)
 - section 28 (causing bodily injury by explosives)
 - section 29 (using explosives with intent to do grievous bodily harm)
 - section 30 (placing explosives with intent to do bodily injury)
 - section 31 (setting spring guns etc with intent to do grievous bodily harm) 20
 - section 32 (endangering safety of railway passengers)
 - section 35 (injuring persons by furious driving)
 - section 37 (assaulting officer preserving wreck)
 - section 38 (assault with intent to resist arrest). 25

Explosive Substances Act 1883 (c. 3)

- 8 An offence under any of the following provisions of the Explosive Substances Act 1883 –
- section 2 (causing explosion likely to endanger life or property)
 - section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property) 30
 - section 4 (making or possession of explosives under suspicious circumstances).

Infant Life (Preservation) Act 1929 (c. 34)

- 9 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction). 35

Children and Young Persons Act 1933 (c. 12)

- 10 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).

Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)

- 11 An offence under section 2 of the Public Order Act 1936 (control etc of quasi-military organisation).

Infanticide Act 1938 (c. 36)

- 12 An offence under section 1 of the Infanticide Act 1938 (infanticide). 5

Firearms Act 1968 (c. 27)

- 13 An offence under any of the following provisions of the Firearms Act 1968 –
 section 5 (possession of prohibited firearms)
 section 16 (possession of firearm with intent to endanger life)
 section 16A (possession of firearm with intent to cause fear of violence) 10
 section 17(1) (use of firearm to resist arrest)
 section 17(2) (possession of firearm at time of committing or being
 arrested for specified offence)
 section 18 (carrying firearm with criminal intent).

Theft Act 1968 (c. 60) 15

- 14 An offence under any of the following provisions of the Theft Act 1968 –
 section 8 (robbery or assault with intent to rob)
 section 9 (burglary), where the offence is committed with intent to
 inflict grievous bodily harm on a person, or to do unlawful damage
 to a building or anything in it 20
 section 10 (aggravated burglary)
 section 12A (aggravated vehicle-taking), where the offence involves an
 accident which causes the death of any person
 section 21 (blackmail).

Criminal Damage Act 1971 (c. 48) 25

- 15 The following offences under the Criminal Damage Act 1971 –
 an offence of arson under section 1
 an offence under section 1(2) (destroying or damaging property) other
 than an offence of arson.

Immigration Act 1971 (c. 77) 30

- 16 An offence under section 25 of the Immigration Act 1971 (assisting unlawful immigration to member state).

Customs and Excise Management Act 1979 (c. 2)

- 17 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles). 35

Taking of Hostages Act 1982 (c. 28)

- 18 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

Aviation Security Act 1982 (c. 36)

- 19 An offence under any of the following provisions of the Aviation Security Act 1982—
- section 1 (hijacking)
 - section 2 (destroying, damaging or endangering safety of aircraft)
 - section 3 (other acts endangering or likely to endanger safety of aircraft)
 - section 4 (offences in relation to certain dangerous articles).
- 5
10

Mental Health Act 1983 (c. 20)

- 20 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).

Child Abduction Act 1984 (c. 37)

- 21 An offence under any of the following provisions of the Child Abduction Act 1984—
- section 1 (abduction of child by parent etc)
 - section 2 (abduction of child by other persons).
- 15

Public Order Act 1986 (c. 64)

- 22 An offence under any of the following provisions of the Public Order Act 1986—
- section 1 (riot)
 - section 2 (violent disorder).
- 20

Criminal Justice Act 1988 (c. 33)

- 23 An offence under section 134 of the Criminal Justice Act 1988 (torture).
- 25

Road Traffic Act 1988 (c. 52)

- 24 An offence under any of the following provisions of the Road Traffic Act 1988—
- section 1 (causing death by dangerous driving)
 - section 3A (causing death by careless driving when under the influence of drink or drugs).
- 30

Aviation and Maritime Security Act 1990 (c. 31)

- 25 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—
- section 1 (endangering safety at aerodromes)
 - section 9 (hijacking of ships)
 - section 10 (seizing or exercising control of fixed platforms)
 - section 11 (destroying fixed platforms or endangering their safety)
- 35

	section 12 (other acts endangering or likely to endanger safe navigation)	
	section 13 (offences involving threats).	
<i>Channel Tunnel (Security) Order 1994 (S.I. 1994/570)</i>		
26	An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (SI 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).	5
<i>Protection from Harassment Act 1997 (c. 40)</i>		
27	An offence under any of the following provisions of the Protection from Harassment Act 1997 –	10
	section 4 (putting people in fear of violence)	
	section 4A (stalking involving fear of violence or serious alarm or distress).	
<i>Crime and Disorder Act 1998 (c. 37)</i>		
28	An offence under any of the following provisions of the Crime and Disorder Act 1998 –	15
	section 29 (racially or religiously aggravated assaults)	
	section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986).	
<i>Terrorism Act 2000 (c. 11)</i>		
29	An offence under any of the following provisions of the Terrorism Act 2000 –	20
	section 54 (weapons training)	
	section 56 (directing terrorist organisation)	
	section 57 (possession of article for terrorist purposes)	25
	section 59 (inciting terrorism overseas).	
<i>International Criminal Court Act 2001 (c. 17)</i>		
30	An offence under any of the following provisions of the International Criminal Court Act 2001 –	30
	section 51 (genocide, crimes against humanity and war crimes)	
	section 52 (ancillary conduct).	
<i>Anti-terrorism, Crime and Security Act 2001 (c. 24)</i>		
31	An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001 –	35
	section 47 (use of nuclear weapons)	
	section 50 (assisting or inducing certain weapons-related acts overseas)	
	section 113 (use of noxious substance or thing to cause harm or intimidate).	

Female Genital Mutilation Act 2003 (c. 31)

- 32 An offence under any of the following provisions of the Female Genital Mutilation Act 2003 –
- section 1 (female genital mutilation)
 - section 2 (assisting a girl to mutilate her own genitalia) 5
 - section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

Sexual Offences Act 2003 (c. 42)

- 33 An offence under any of the following provisions of the Sexual Offences Act 2003 – 10
- section 1 (rape)
 - section 2 (assault by penetration)
 - section 3 (sexual assault)
 - section 4 (causing person to engage in sexual activity without consent)
 - section 5 (rape of child under 13) 15
 - section 6 (assault of child under 13 by penetration)
 - section 7 (sexual assault of child under 13)
 - section 8 (causing or inciting child under 13 to engage in sexual activity)
 - section 9 (sexual activity with a child)
 - section 10 (causing or inciting a child to engage in sexual activity) 20
 - section 13 (child sex offences committed by children or young persons)
 - section 14 (arranging or facilitating commission of child sex offence)
 - section 15 (meeting a child following sexual grooming)
 - section 16 (abuse of position of trust: sexual activity with a child)
 - section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity) 25
 - section 18 (abuse of position of trust: sexual activity in presence of child)
 - section 19 (abuse of position of trust: causing a child to watch a sexual act) 30
 - section 25 (sexual activity with a child family member)
 - section 26 (inciting a child family member to engage in sexual activity)
 - section 30 (sexual activity with a person with a mental disorder impeding choice)
 - section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity) 35
 - section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice)
 - section 33 (causing a person with a mental disorder impeding choice to watch a sexual act) 40
 - section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)
 - section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception) 45
 - section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder)

	section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception)	
	section 38 (care workers: sexual activity with a person with a mental disorder)	
	section 39 (care workers: causing or inciting sexual activity)	5
	section 40 (care workers: sexual activity in the presence of a person with a mental disorder)	
	section 41 (care workers: causing a person with a mental disorder to watch a sexual act)	
	section 47 (paying for sexual services of a child)	10
	section 48 (causing or inciting child prostitution or pornography)	
	section 49 (controlling a child prostitute or a child involved in pornography)	
	section 50 (arranging or facilitating child prostitution or pornography)	
	section 61 (administering a substance with intent)	15
	section 62 (committing offence with intent to commit sexual offence)	
	section 63 (trespass with intent to commit sexual offence)	
	section 64 (sex with an adult relative: penetration)	
	section 65 (sex with an adult relative: consenting to penetration)	
	section 66 (exposure)	20
	section 67 (voyeurism)	
	section 70 (sexual penetration of a corpse).	
	<i>Domestic Violence, Crime and Victims Act 2004 (c. 28)</i>	
34	An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).	25
	<i>Terrorism Act 2006 (c. 11)</i>	
35	An offence under any of the following provisions of the Terrorism Act 2006—	
	section 5 (preparation of terrorist acts)	30
	section 6 (training for terrorism)	
	section 9 (making or possession of radioactive device or material)	
	section 10 (use of radioactive device or material for terrorist purposes)	
	section 11 (terrorist threats relating to radioactive devices etc).	
	<i>Modern Slavery Act 2014</i>	35
36	An offence under any of the following provisions of the Modern Slavery Act 2014—	
	section 1 (slavery, servitude and forced or compulsory labour)	
	section 2 (human trafficking).	
	<i>Ancillary offences</i>	40
37	(1) An offence of attempting or conspiring to commit an offence listed in this Schedule.	

- (2) An offence committed by aiding, abetting, counselling or procuring an offence listed in this Schedule.
- (3) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence listed in this Schedule. 5

SCHEDULE 4

Section 46

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO OFFENCES 10

Children and Young Persons Act 1933 (c. 12)

- 1 (1) Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons to which special provisions of the Act apply) is amended as follows.
- (2) In the first entry relating to the Sexual Offences Act 2003 omit “59A to”. 15
- (3) Omit the entry relating to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.
- (4) After that entry insert—
- “ An offence against a child or young person under section 2 of the Modern Slavery Act 2014 (human trafficking), or any attempt to commit such an offence.” 20

Immigration Act 1971 (c. 77)

- 2 In section 25C of the Immigration Act 1971 (forfeiture of vehicle, ship or aircraft) in subsections (9)(b), (10)(b) and (11) for the words from “a passenger” to the end substitute “the victim of conduct which constitutes an offence under section 2 of the Modern Slavery Act 2014 (human trafficking).” 25

Police and Criminal Evidence Act 1984 (c. 60)

- 3 In section 65A(2) of the Police and Criminal Evidence Act 1984 (questioning and treatment of persons by police: meaning of “qualifying offence”) after paragraph (r) insert— 30
- “(s) an offence under section 2 of the Modern Slavery Act 2014 (human trafficking).”

Sexual Offences (Amendment) Act 1992 (c. 34)

- 4 In section 2(1) of the Sexual Offences (Amendment) Act 1992 (offences under law of England and Wales to which the Act applies), after paragraph (da) 35

insert –

“(db) any offence under section 2 of the Modern Slavery Act 2014 (human trafficking);”.

Sexual Offences Act 2003 (c. 42)

- | | | |
|---|--|----|
| 5 | (1) The Sexual Offences Act 2003 is amended as follows. | 5 |
| | (2) Omit sections 59A to 60C (trafficking for sexual exploitation; forfeiture and detention). | |
| | (3) In Schedule 5 (relevant offences for purposes of notification and orders) after paragraph 63A insert – | |
| | “63B An offence under section 2 of the Modern Slavery Act 2014 (human trafficking).” | 10 |
| | (4) In Schedule 6, omit paragraph 46(2). | |

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

- | | | |
|---|---|----|
| 6 | (1) The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 is amended as follows. | 15 |
| | (2) Omit section 4 (trafficking people for exploitation). | |
| | (3) In section 5 (section 4 - supplementary provision) omit subsections (3) to (7) and (11). | |
| | (4) In section 14(2) (immigration officers’ power of arrest) – | |
| | (a) omit paragraphs (n) and (p); | 20 |
| | (b) after paragraph (q) insert – | |
| | “(r) an offence under section 2 of the Modern Slavery Act 2014.” | |

Serious Crime Act 2007 (c. 27)

- | | | |
|---|--|----|
| 7 | (1) In paragraph 2 of Part 1 of Schedule 1 to the Serious Crime Act 2007 (serious offences: England and Wales) – | 25 |
| | (a) omit sub-paragraphs (2) and (3); | |
| | (b) at the end insert – | |
| | “(4) An offence under section 2 of the Modern Slavery Act 2014.” | 30 |

Coroners and Justice Act 2009 (c. 25)

- | | | |
|---|--|--|
| 8 | Omit section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour). | |
|---|--|--|

Protection of Freedoms Act 2012 (c. 9)

- | | | |
|---|--|----|
| 9 | (1) The Protection of Freedoms Act 2012 is amended as follows. | 35 |
| | (2) Omit sections 109 and 110. | |
| | (3) In Schedule 9, omit paragraphs 136, 138, 140(2) and (3) and 141. | |

PART 2

AMENDMENTS RELATING TO SLAVERY AND TRAFFICKING REPARATION ORDERS

Proceeds of Crime Act 2002 (c. 29)

- 10 (1) Section 13 of the Proceeds of Crime Act 2002 (effect of confiscation order on court’s other powers) is amended as follows. 5
- (2) In subsection (3)(a) –
- (a) for “or an” substitute “, an”;
 - (b) after “(unlawful profit orders)” insert “or an order under section 8 of the Modern Slavery Act 2014 (slavery and trafficking reparation orders)”. 10
- (3) In subsection (5) –
- (a) in paragraph (a) after “makes” insert “a confiscation order and one or more of”;
 - (b) in paragraph (a)(i) omit “both a confiscation order and”;
 - (c) in paragraph (a)(ii) omit “both a confiscation order and”; 15
 - (d) after paragraph (a)(ii) insert –
 - “(iia) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2014,”;
 - (e) omit paragraph (a)(iii); 20
 - (f) in paragraph (b) omit “both the orders or”.
- (4) In subsection (6) (priorities of confiscation orders and other orders) for the words from “of the compensation” to “as it specifies” substitute “as it specifies of the amount (or amounts) payable under the order (or orders) listed in subsection (5)(a)(i) to (iia)”. 25
- 11 In section 32(7)(b) of the Proceeds of Crime Act 2002 (court’s powers on appeal) at the end insert “so far as they relate to such orders”.
- 12 In section 33(9)(b) of the Proceeds of Crime Act 2002 (appeal to Supreme Court) at the end insert “so far as they relate to such orders”.
- 13 In section 55(5) of the Proceeds of Crime Act 2002 (application of sums received under confiscation order to pay compensation), for the words from “of compensation” to “profit order” substitute “payable under an order listed in section 13(5)(a)(i) to (iia)”. 30
- 14 In section 308 of the Proceeds of Crime Act 2002 (general exceptions to concept of recoverable property) after subsection (4) insert – 35
- “(4A) If –
- (a) a payment is made to a person in pursuance of a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2014, and
 - (b) apart from this subsection, the sum received would be recoverable property, 40
- the property ceases to be recoverable.”

Modern Slavery Bill

A

B I L L

To make provision about slavery, servitude and forced or compulsory labour; to make provision about human trafficking; to make provision for an Anti-slavery Commissioner; and for connected purposes.

*Presented by Secretary Theresa May
supported by The Prime Minister,
The Deputy Prime Minister,
Mr Chancellor of the Exchequer,
Secretary Iain Duncan Smith,
Secretary Chris Grayling and Karen Bradley*

*Ordered, by The House of Commons,
to be Printed, 10th June 2014.*

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