



House of Commons

Thursday 11 September 2014

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

MODERN SLAVERY BILL

NOTE

The Amendments have been arranged in accordance with the Order of the Committee [21 July 2014].

Diana Johnson
Mr David Hanson
Phil Wilson

50

Clause 35, page 25, line 1, at end insert—

- “(c) the support offered to victims, including but not limited to, the operations of any Government agency and support offered in accordance with section 41 and section 42,
- (d) any other area which the Commissioner feels is relevant to identifying and preventing human trafficking in the UK or elsewhere.”

Diana Johnson
Mr David Hanson
Phil Wilson

111

Clause 35, page 25, line 1, at end insert—

- “(c) the promotion and protection of the rights of victims of human trafficking and slavery.

(1A) The Commissioner must monitor the implementation in the UK of the Trafficking Convention, Anti-Trafficking Directive and other international obligations.”

Member's explanatory statement

The amendment extends the functions of the Commissioner beyond law enforcement and identification of victims and gives the Commissioner responsibility for monitoring the implementation of international obligations on modern slavery.

Modern Slavery Bill, *continued*

Diana Johnson
Mr David Hanson
Phil Wilson

51

Clause 35, page 25, line 4, leave out “permitted matter” and insert “matter pertinent to the prevention of human trafficking and forced labour in the UK or elsewhere”

Fiona Bruce
Mr David Burrowes

119

Clause 35, page 25, line 9, at end insert—

“() Undertaking investigations and studies to monitor and identify trends in human trafficking and slavery;

() Requesting inspections to be carried out by statutory inspectors;”

Member’s explanatory statement

The amendment extends the permitted activities of the Commissioner in carrying out the general functions.

Fiona Bruce
Mr David Burrowes

120

Clause 35, page 25, line 12, at end insert “, including relevant civil society organisations”

Member’s explanatory statement

The amendment adds that the Commissioner may work with relevant civil society organisations.

Diana Johnson
Mr David Hanson
Phil Wilson

52

Clause 35, page 25, line 13, leave out subsection (3) and insert—

“(3) Apart from under subsection (5), the Secretary of State must not take steps or impose measures that may impair, or may appear to impair the Commissioner’s independence and shall ensure that the Commissioner is, to the extent the Commissioner is able, to determine, without limitation (other than as prescribed in this Act)—

(a) the Commissioner’s activities;

(b) the Commissioner’s timetables;

(c) the Commissioner’s priorities, and

(d) the Commissioner’s resources and funding.”

Mark Durkan

56

Page 24, line 38, leave out Clause 35.

Modern Slavery Bill, *continued*

Diana Johnson
Mr David Hanson
Phil Wilson

113

Clause 36, page 25, line 29, at end insert—

“(1A) When preparing the strategic plan the Commissioner must give consideration to any proposal submitted to the Commissioner from any Parliamentary Select Committee. If the Commissioner does not accept the Committee’s proposal the Commissioner must write to the relevant Committee explain the decision.”

Diana Johnson
Mr David Hanson
Phil Wilson

114

Clause 36, page 26, line 4, leave out “Secretary of State” and insert “Parliament”.

Mark Durkan

107

Clause 36, page 26, line 12, at end insert—

“(8) An annual report can also include observations and recommendations as to the adequacy, efficacy and co-ordination of measures, policies and performance of relevant services including public authorities as specified in Clause 37 section 5 or under relevant devolved powers.”

Diana Johnson
Mr David Hanson
Phil Wilson

115

Clause 36, page 26, line 13, leave out subsection (9).

Diana Johnson
Mr David Hanson
Phil Wilson

116

Clause 36, page 26, line 18, leave out “Secretary of State may” and insert “Commissioner must consult with the Secretary of State and”

Mark Durkan

108

Clause 37, page 26, line 38, at end insert—

“(6) Specified public authority can also include a public authority which has been specified under relevant procedures of devolved institutions.”

Mark Durkan
Sarah Teather

71

Clause 39, page 27, line 9, after “act”, insert “or the person is a child”

Modern Slavery Bill, *continued*

Mark Durkan
Sarah Teather

72

Clause 39, page 27, line 10, after “compulsion”, insert “or, in the case of a child, the illegal act”

Mark Durkan
Sarah Teather

74

Clause 39, page 27, line 11, leave out paragraph (c)

Diana Johnson
Mr David Hanson
Phil Wilson

53

Clause 39, page 27, line 13, at end insert—
“(9) Once the defence set out in subsection (1) is raised by the accused or on his or her behalf, or the court of its own volition or on hearing submissions from any party decides that such a defence should be considered by the court, the burden of proving that the offence was not committed as a direct and immediate response of him or her being a victim as set out in subsection (1) shall lie upon the prosecution.”

Sarah Teather

88

Clause 39, page 27, line 14, leave out from “characteristics” to end of line 15 and insert “shall include, but not be limited to, age, family relationships, disability, position of dependency, language skills, ethnicity, national origin, religious background, and any mental or physical illness.”

Mark Durkan
Sarah Teather

73

Clause 39, page 27, line 18, after “compulsion”, insert “or in the case of a child, the illegal act”

Mark Durkan

75

Clause 39, page 27, line 27, leave out subsection (7).

Diana Johnson
Mr David Hanson
Phil Wilson

125

Clause 39, page 27, line 28, at end insert—
“(9) The Anti-Slavery Commissioner shall in their annual report produced under section 36, include a review of the offences listed in Schedule 3.”

Sarah Teather

89

Schedule 3, page 38, line 15, leave out paragraph 14.

Modern Slavery Bill, *continued*

Sarah Teather 90
 Schedule 3, page 38, line 30, leave out paragraphs 16 and 17.

Mr David Burrowes
 Sarah Teather 42
 Clause 41, page 28, line 2, leave out “may” and insert “must”

Mark Durkan
 Sarah Teather 63
 Clause 41, page 28, line 2, after “arrangements”, insert “to set up an independent body known as the child trafficking advocacy service”

Sarah Teather 91
 Clause 41, page 28, line 3, after “advocates”, insert “and separated children advocates”

Sarah Teather 92
 Clause 41, page 28, line 4, after “trafficking”, insert “and all separated children”

Mr David Burrowes
 Fiona Bruce 99
 Clause 41, page 28, line 4, at end insert “or slavery if the person who has parental responsibility for the child fulfils any of the conditions in subsection (1D).
 (1A) The child trafficking advocate will act in the best interest of the child and be appointed as soon as any public authority or relevant body has a reasonable suspicion to believe the child is such a victim.
 (1B) The child trafficking advocate will have powers to appoint and instruct legal representatives on behalf of the child in all matters relevant to the interest of the child.
 (1C) The child trafficking advocate shall at a minimum have responsibilities to—
 (a) advocate that all decisions relating to the child are made in the child’s best interest;
 (b) ascertain the child’s wishes and feelings in relation to those decisions;
 (c) advocate for the child to receive appropriate care, safe accommodation, medical treatment, including psychological assistance, education, translation and interpretation services are required;
 (d) assist the child to access legal and other representation where necessary;
 (e) consult with, advise and keep the child informed of legal rights;
 (f) keep the child informed of all relevant immigration, criminal, compensation, community care, public law or other proceedings;
 (g) contribute to identification of a plan to safeguard and promote a durable solution for the child based on an individual assessment of that child’s best interests;

Modern Slavery Bill, *continued*

- (h) provide a link between the child and various statutory and other bodies who may provide services to the child, accompanying the child to any relevant meetings;
 - (i) assist in establishing contact with the child's family, where the child so wishes and it is in the child's best interest;
 - (j) liaise with all professionals handling the child's case including immigration, police, social welfare, health, education and support services; and
 - (k) accompany the child wherever it is deemed appropriate to do so.
- (1D) Subsection (1) shall apply if the person who has parental responsibility for the child—
- (a) is suspected of taking part in the trafficking of human beings;
 - (b) has another conflict of interest with the child;
 - (c) is not in contact with the child;
 - (d) cannot be identified;
 - (e) is in a country outside the United Kingdom; or
 - (f) is a local authority.
- (1E) A child trafficking advocate must have completed the training required in subsection (10) and may be—
- (a) an employee of a statutory body except for an employee of a local authority;
 - (b) an employee of a recognised charitable organisation; or
 - (c) a volunteer for a recognised charitable organisation.
- (1F) A person discharging duties as a child trafficking advocate shall not discharge any other statutory duties in relation to a child for whom they are providing assistance under this section.
- (1G) The child trafficking advocate may request a public authority or relevant body to co-operate with them in any way that the advocate considers necessary and that is in the best interest of the child. A public authority or relevant body must so far as reasonably practicable comply with a request made to it under this section.
- (1H) In subsection (1G) a “relevant body” means a person or organisation—
- (a) which provides services to the child; or
 - (b) to which a child makes an application for services; or
 - (c) to which the child needs access in relation to being a victim of human trafficking; or
 - (d) any court or tribunal that a child engages with.
- (1I) The Secretary of State shall by order—
- (a) set out the arrangements for the appointment of a child trafficking advocate immediately after a child is identified as a potential victim of trafficking in human beings;
 - (b) set out requirements for the training courses to be completed before a person may exercise functions as a child trafficking advocate;
 - (c) set out the arrangements for the supervision of persons discharging duties as a child trafficking advocate;
 - (d) set out the arrangements for the provision of support services for persons discharging duties as a child trafficking advocate; and
 - (e) designate organisations as a “recognised charitable organisation” for the purpose of this section.
- (1J) A person's appointment as a child trafficking advocate for a particular child under this section shall come to an end if—
- (a) the child reaches the age of 21; or

Modern Slavery Bill, continued

- (b) a durable solution for the child has been found based on an individual assessment of the best interests of the child.”

Member's explanatory statement

The amendment provides for child trafficking advocates to be appointed for children who are believed to be victims of human trafficking and slavery so that their best interests are represented. The amendment sets out the minimum responsibilities of the advocates ensuring the advocates will have a strong and recognised statutory authority. The amendment includes the power for advocates to appoint and instruct the child's legal representatives where appropriate.

Mr David Burrowes
Fiona Bruce

100

- Clause 41, page 28, line 5, leave out subsections (2), (3), (4) and (5).

Member's explanatory statement

The amendment is consequential on amendment 99.

Mark Durkan
Sarah Teather

60

- Clause 41, page 28, line 7, leave out “any person who” and insert “any organisation that”

Fiona Mactaggart
Michael Connarty
Sarah Teather
Sarah Champion
Mike Keane
Sir Andrew Stunell

Mark Durkan

Mr David Burrowes

98

- Clause 41, page 28, line 8, at end add “and who must act in the child's best interests.”

Member's explanatory statement

The amendment makes clear that the fundamental duty of any child's advocate is to act in the child's best interests, including where a child is not able to identify or articulate their own best interest (for example, as a result of being groomed and/or exploited).

Mark Durkan
Sarah Teather

61

- Clause 41, page 28, line 8, at end insert—

“(2A) A child trafficking advocate may be an employee of—

- (a) an independent statutory body; or
- (b) a recognised charitable organisation.”

Sarah Teather

93

- Clause 41, page 28, line 11, after “advocates”, insert “and separated children advocates”

Modern Slavery Bill, *continued*

Sarah Teather

94

Clause 41, page 28, line 14, after “advocate”, insert “or separated children advocate”

Sarah Teather

95

Clause 41, page 28, line 15, after “advocate”, insert “or separated children advocate”

Sarah Teather

96

Clause 41, page 28, line 17, after “advocates”, insert “or separated children advocates”

Sarah Teather

97

Clause 41, page 28, line 19, after “advocates”, insert “or separated children advocates”

Mark Durkan
Sarah Teather

59

Clause 41, page 28, line 19, at end add—
 ‘(e) requiring advocates to act for the child when he lacks the legal capacity to do so and also ensure that other service providers act in his best interests and provide him with the necessary services and support to meet the Government’s obligations under the Council of Europe Convention and EU Anti-Trafficking Directive.’”

Mark Durkan
Sarah Teather

62

Clause 41, page 28, line 19, at end insert—
 “(4A) The Secretary of State must publish guidance that defines the role, functions and responsibilities of the child trafficking advocates.”

Mr David Hanson
Diana Johnson
Phil Wilson

110

Page 28, line 1, leave out Clause 41.

Fiona Bruce
Mr David Burrowes

123

Page 28, line 23, leave out Clause 42.
Member’s explanatory statement

Modern Slavery Bill, continued

This amendment is consequential on New Clause 29.

Sarah Champion Diana Johnson	Clause 43, page 28, line 40, leave out “with functions under relevant arrangements”	101
Sarah Champion Diana Johnson	Clause 43, page 28, line 41, after “trafficking”, insert “or slavery”	103
Sarah Champion Diana Johnson	Clause 43, page 29, line 1, after (2) insert “Unless and”	104
Sarah Champion Diana Johnson	Clause 43, page 29, line 2, after “determined”, insert “and no challenges to that determination are pending”	105
Sarah Champion Diana Johnson	Clause 43, page 29, line 2, leave out from “for” to “that” in line 3.	106
Sarah Champion Diana Johnson	Clause 43, page 29, line 5, leave out subparagraph (3).	102
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Fiona Mactaggart	Schedule 4, page 43, line 21, at end insert— <i>“Street Offences Act 1959</i> (10) Omit section 1.”	65

Modern Slavery Bill, continued

Karen Bradley

22

Schedule 4, page 44, line 3, at end insert “, and
(b) in paragraph (e) for “(da)” substitute “(db)””

Member’s explanatory statement

This amendment makes a further amendment to the Sexual Offences (Amendment) Act 1992 in consequence of the amendment made to that Act by paragraph 4 of Schedule 4.

Karen Bradley

23

Schedule 4, page 44, line 12, leave out “paragraph” and insert “paragraphs 31(2)(b) and”

Member’s explanatory statement

This amendment repeals a provision which is redundant in consequence of amendment 22.

Karen Bradley

24

Schedule 4, page 44, line 25, leave out from beginning to end of line 26 and insert—

“() Part 1 of Schedule 1 to the Serious Crime Act 2007 (serious offences: England and Wales) is amended as follows.

() After paragraph 1 insert—

“*Slavery etc*

1A An offence under section 1 of the Modern Slavery Act 2014 (slavery, servitude and forced or compulsory labour).”

() In paragraph 2—”

Member’s explanatory statement

This amendment amends the Serious Crime Act 2007 so that an offence under clause 1 will be a serious criminal offence for the purposes of Part 1 of that Act (power to make serious crime prevention orders against a person who has been involved in serious crime).

Karen Bradley

25

Schedule 4, page 45, line 2, at end insert—

“Administration of Justice Act 1970 (c. 31)

9A (1) The Administration of Justice Act 1970 is amended as follows.

(2) In section 41(8) (enforcement of orders for compensation etc) for “or 13A” substitute “, 13A or 13B”.

(3) In Part 1 of Schedule 9 (enforcement of orders for compensation etc) after paragraph 13A insert—

“13B Where under section 8 of the Modern Slavery Act 2014 a court makes a slavery and trafficking reparation order.”

Criminal Justice Act 1991 (c. 53)

9B (1) Section 24 of the Criminal Justice Act 1991 (recovery of fines by deduction from certain benefits) is amended as follows.

(2) In subsection (1), for “or unlawful profit order” substitute “, an unlawful profit order or a slavery and trafficking reparation order”.

Modern Slavery Bill, *continued*

- (3) In subsection (3)(b), for “or unlawful profit order” substitute “, an unlawful profit order or a slavery and trafficking reparation order”.
- (4) In subsection (4), after the definition of “prescribed” insert—
 ““slavery and trafficking reparation order” means an order under section 8 of the Modern Slavery Act 2014;”.

Social Security (Recovery of Benefits) Act 1997 (c. 27)

- 9C In paragraph 2 of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997 (exempted payments), for “2000 or” substitute “2000, section 8 of the Modern Slavery Act 2014;”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 9D In section 133(3)(c) of the Powers of Criminal Courts (Sentencing) Act 2000 (review of compensation orders), for the words from “a confiscation order” to the end substitute “any or all of the following made against him in the same proceedings—
- (i) a confiscation order under Part 6 of the Criminal Justice Act 1988 or Part 2 of the Proceeds of Crime Act 2002;
 - (ii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;
 - (iii) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2014; or”.

Member’s explanatory statement

This amendment and amendment 26 make amendments of legislation consequential on the provisions about reparation orders in clauses 8 to 10. They provide for reparation orders to be treated in a similar way to compensation orders under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000.

Karen Bradley

26

Schedule 4, page 45, line 42, at end insert—

- “15 In Schedule 11 to the Proceeds of Crime Act 2002 (amendments), omit paragraph 37(3).

Courts Act 2003 (c. 39)

- 16 (1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums imposed on conviction) is amended as follows.
- (2) In paragraph 2(2)—
- (a) omit the “and” at the end of the definition of “a sum required to be paid by a compensation order”;
 - (b) after the definition of “a sum required to be paid by an unlawful profit order” insert—
 ““a sum required to be paid by a slavery and trafficking reparation order” means any sum required to be paid by an order made under section 8 of the Modern Slavery Act 2014.”
- (3) In paragraph 7A(1) for “or an unlawful profit order” substitute “, an unlawful profit order or a slavery and trafficking reparation order”.
- (4) In paragraph 13(1)(aa)—
- (a) for “or a sum” substitute “, a sum”;

Modern Slavery Bill, *continued*

- (b) after “unlawful profit order” insert “or a sum required to be paid by a slavery and trafficking reparation order”;
- (c) in sub-paragraph (i) for “or the” substitute “, the”;
- (d) in that sub-paragraph after “unlawful profit order” insert “or the amount required to be paid by the slavery and trafficking reparation order”.

Criminal Justice Act 2003 (c. 44)

- 17 In section 151(5) of the Criminal Justice Act 2003 (orders for persistent offenders previously fined) after “2013” insert “or a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2014”.
- 18 (1) Section 161A of the Criminal Justice Act 2003 (court’s duty to order payment of surcharge) is amended as follows.
- (2) In subsection (3)—
- (a) in paragraph (a) for the words from “a” to “both)” substitute “one or more of a compensation order, an unlawful profit order and a slavery and trafficking reparation order”;
 - (b) in paragraph (b) for the words from “and appropriate compensation” to the end substitute “and appropriate amounts under such of those orders as it would be appropriate to make”.
- (3) In subsection (5) for “this section” substitute “this section —
“slavery and trafficking reparation order” means an order under section 8 of the Modern Slavery Act 2014, and”.

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

- 19 In paragraph 1 of Schedule 10 to the Health and Social Care (Community Health and Standards) Act 2003 (recovery of NHS charges: exempted payments)—
- (a) omit “or” at the end of sub-paragraph (b);
 - (b) at the end of sub-paragraph (c) insert “or
(d) section 8 of the Modern Slavery Act 2014 (slavery and trafficking reparation orders).”

Prevention of Social Housing Fraud Act 2013 (c. 3)

- 20 In the Schedule to the Prevention of Social Housing Fraud Act 2013 (amendments), omit paragraphs 2, 5(2)(a) and (3), 9, 26 and 30(2).”

Karen Bradley

21

Clause 49, page 31, line 13, at end insert—

“() Her Majesty may by Order in Council provide for any of the provisions of this Act to extend, with or without modifications, to any of the Channel Islands or to the Isle of Man.”

Member’s explanatory statement

This amendment enables provisions of the Bill to be extended to any of the Channel Islands or to

Modern Slavery Bill, continued

the Isle of Man, by Order in Council.

NEW CLAUSES

Karen Bradley

NC1

To move the following Clause—

“Slavery and trafficking prevention orders: requirement to provide name and address

- (1) A slavery and trafficking prevention order may (as well as imposing prohibitions on the defendant) require the defendant to comply with subsections (3) to (6).
- (2) It may do so only if the court is satisfied that the requirement is 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) Before the end of the period of 3 days beginning with the day on which a slavery and trafficking prevention order requiring the defendant to comply with subsections (3) to (6) is first served the defendant must, in the way specified in the order, notify the person specified in the order of the relevant matters.
- (4) The relevant matters are—
 - (a) the defendant’s name and, where the defendant uses one or more other names, each of those names, and
 - (b) the defendant’s home address.
- (5) If while the defendant is subject to the order the defendant—
 - (a) uses a name which has not been notified under the order, or
 - (b) changes home address,the defendant must, in the way specified in the order, notify the person specified in the order of the new name or the new home address.
- (6) The notification must be given before the end of the period of 3 days beginning with the day on which the defendant uses the name or changes home address.
- (7) Where the order requires the defendant to notify the Director General of the National Crime Agency or an immigration officer, the Director General or the officer must give details of any notification to the chief officer of police for each relevant police area.
- (8) “Relevant police area” means—
 - (a) where the defendant notifies a new name, the police area where the defendant lives;
 - (b) where the defendant notifies a change of home address, the police area where the defendant lives and (if different) the police area where the defendant lived before the change of home address.”

Member’s explanatory statement

This amendment confers a power on the court to impose a requirement on a defendant in respect of whom one or more prohibitions have been imposed under a slavery and trafficking prevention order to notify information in relation to name and address in the way specified in the order.

Modern Slavery Bill, *continued*

Karen Bradley

NC2

To move the following Clause—

“Slavery and trafficking risk orders: requirement to provide name and address

- (1) A slavery and trafficking risk order may (as well as imposing prohibitions on the defendant) require the defendant to comply with subsections (3) to (6).
- (2) It may do so only if the court is satisfied that the requirement is 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) Before the end of the period of 3 days beginning with the day on which a slavery and trafficking risk order requiring the defendant to comply with subsections (3) to (6) is first served the defendant must, in the way specified in the order, notify the person specified in the order of the relevant matters.
- (4) The relevant matters are—
 - (a) the defendant’s name and, where the defendant uses one or more other names, each of those names, and
 - (b) the defendant’s home address.
- (5) If while the defendant is subject to the order the defendant—
 - (a) uses a name which has not been notified under the order, or
 - (b) changes home address,
 the defendant must, in the way specified in the order, notify the person specified in the order of the new name or the new home address.
- (6) The notification must be given before the end of the period of 3 days beginning with the day on which the defendant uses the name or changes home address.
- (7) Where the order requires the defendant to notify the Director General of the National Crime Agency or an immigration officer, the Director General or the officer must give details of any notification to the chief officer of police for each relevant police area.
- (8) “Relevant police area” means—
 - (a) where the defendant notifies a new name, the police area where the defendant lives;
 - (b) where the defendant notifies a change of home address, the police area where the defendant lives and (if different) the police area where the defendant lived before the change of home address.”

Member’s explanatory statement

This amendment confers a power on the court to impose a requirement on a defendant in respect of whom one or more prohibitions have been imposed under a slavery and trafficking risk order to notify information in relation to name and address in the way specified in the order.

Mr David Burrowes

NC3

To move the following Clause—

“Meaning of slavery, servitude and forced or compulsory labour

- (1) This section applies to section 1.

Modern Slavery Bill, *continued*

- (2) Forced or compulsory labour means all work or service which is exacted from a person under the menace of any penalty and to which the person has not given free and informed consent.
- (3) It is irrelevant whether a child has consented to forced or compulsory labour.
- (4) Servitude is the condition of a person who provides labour or services, if, because of coercion, threat, or deception—
 - (a) a reasonable person in the same situation as the person would not consider himself or herself to be free—
 - (i) to cease providing the labour or services; or
 - (ii) to leave the place or area where the person provides the labour or services; and
 - (b) the person is significantly deprived of personal freedom in respect of aspects of his or her life other than the provision of the labour or services.
- (5) Services or benefits of any kind can include forced begging or criminal activities.
- (6) Slavery is the condition of a person over whom another person exacts control in such a way as to significantly deprive that person of individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person.
- (7) In section 1 the references to holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour are also to be construed in accordance with Article 4 of the Human Rights Convention.”

Member’s explanatory statement

This amendment adds definitions of slavery, servitude and forced or compulsory labour to the Bill to aid interpretation of the law by frontline police officers and prosecutors. The definitions are based on those in international law.

Fiona Mactaggart

NC4

To move the following Clause—

“Slavery of children and adults

- (1) It is an offence to hold a person in, or subject a person to, slavery.
 - (2) For the purposes of this Act “slavery” means the control by a person of a second person in such a way as—
 - (a) significantly to deprive that second person of their individual liberty, and
 - (b) by which any person obtains a benefit through the use, management, profit, transfer or disposal of that second person.
 - (3) Where that second person is a child, slavery also includes any act or transaction whereby the child is transferred or purports to be transferred to another person in return for money or other consideration, other than through lawful adoption or similar formal process.”
-

Modern Slavery Bill, *continued*

Fiona Mactaggart

NC5

To move the following Clause—

“Child exploitation offences

- (1) It is an offence to exploit a child.
 - (2) It is an offence for one person to obtain a benefit through the use of a child for the purpose of exploitation.
 - (3) In determining whether an offence has been committed under this section—
 - (a) the question whether a child, or any person who has responsibility for the child, has consented to any conduct, and
 - (b) the question whether any coercive means have been used, are irrelevant.”
-

Fiona Mactaggart

NC6

To move the following Clause—

“Exploitation offence: general

- (1) It is an offence to exploit a person.
 - (2) An offence under this section is committed where one person obtains a benefit through the use of a second person for the purpose of exploitation by means of—
 - (a) the threat or use of force or of other forms of coercion,
 - (b) abduction,
 - (c) fraud or deception,
 - (d) abuse of power,
 - (e) abuse of a position of vulnerability,
 - (f) the giving or receiving of any payment or benefit with a view to securing the consent of any person having control over that second person.”
-

Fiona Mactaggart

NC7

To move the following Clause—

“Child trafficking

- (1) It is an offence to traffick a child.
- (2) An offence under this section is committed by any person who recruits, transports, transfers, harbours or receives that child, including the exchange or transfer of control over that child, for the purpose of exploitation.
- (3) In determining whether an offence has been committed under this section—
 - (a) the question whether that child, or any person who has responsibility for that child, has consented to any conduct, and
 - (b) the question whether any coercive means have been used,

Modern Slavery Bill, *continued*

are irrelevant.”

Fiona Mactaggart

NC8

To move the following Clause—

“Trafficking

- (1) It is an offence to traffick a person.
 - (2) An offence under this section is committed by any person who recruits, transports, transfers, harbours or receives a second person for the purpose of exploitation, where the means used to do any of those acts include—
 - (a) the threat or use of force or of other forms of coercion,
 - (b) abduction,
 - (c) fraud or deception,
 - (d) abuse of power,
 - (e) abuse of a position of vulnerability, or
 - (f) the giving or receiving of any payment or benefit with a view to securing the consent of any other person having control over that second person.”
-

Fiona Mactaggart

NC9

To move the following Clause—

“Facilitating the commission of an offence under Part 1

A person who is concerned in, or who facilitates, the commission of an offence under this Part in relation to a second person or child commits an offence if that first person knows or ought to know that second person or child is, or is to be, held in or subjected to slavery, or exploited or trafficked.”

Fiona Mactaggart

NC10

To move the following Clause—

“Definition of “exploitation”

For the purposes of this Part—

- (1) “exploitation” includes but is not limited to the prostitution of others or other forms of sexual exploitation, labour or services including begging, practices similar to slavery, servitude, or the exploitation of or for criminal activities, or the removal of organs etc.
- (2) “sexual exploitation” means—

Modern Slavery Bill, *continued*

- (a) an offence under Part 1 of the Sexual Offence Act 2003,
 - (b) an offence under section 1(1)(a) of the Protection of Children Act 1978,
 - (c) an offence under any provision of the Sexual Offences (Northern Ireland) Order 2008,
 - (d) an offence listed in Schedule 1 to the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I.9)),
 - (e) an offence under Article 3(1)(a) of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I.17)), or
 - (f) anything done outside England and Wales and Northern Ireland which is not an offence within any of paragraphs (a) to (e) but would be if done in England and Wales or Northern Ireland.
- (3) “removal of organs etc.” means—
- (a) 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
 - (b) which would involve the commission of such an offence if it were done in England and Wales.”

Fiona Mactaggart

NC11

To move the following Clause—

“Commission of offence within or outside the United Kingdom

- (1) A person who is a United Kingdom national or resident commits an offence under this Part regardless of—
 - (a) where the offence took place, or
 - (b) the country or territory which is the place of arrival, entry, departure or travel of any person in relation to whom the offence is committed.
- (2) A person who is not a United Kingdom national or resident commits an offence under this Part if—
 - (a) any part of the offence takes place in the United Kingdom, or
 - (b) the United Kingdom is the country of arrival, entry, departure, or travel of any person in relation to whom the offence is committed.”

Fiona Mactaggart

NC12

To move the following Clause—

“Penalties

- (1) A person guilty of an offence under any section in this Part is liable—
 - (a) on conviction on indictment, to imprisonment for life or a fine or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both.
- (2) A person guilty of an offence under section (*Facilitating the commission of an offence under Part 1*) is (unless subsection (3) applies) liable—

Modern Slavery Bill, *continued*

- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both.
 - (3) Where the commission of an offence under section (*Facilitating the commission of an offence under Part 1*) involves the offender kidnapping or falsely imprisoning any person, a person guilty of that offence is liable, on conviction or indictment, to imprisonment for life or a fine or both.
 - (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 six months.”
-

Fiona Mactaggart

NC13

To move the following Clause—

“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: sentencing of dangerous offenders), after paragraph 63F insert—
“63G An offence under Part 1 of the Modern Slavery Act 2014.”
 - (3) In Part 1 of Schedule 15B (offence listed for purposes of sections 224A, 226A and 246A: life sentences, extended sentences, release on licence of prisoners serving extended sentences), after paragraph 43 insert—
“43A An offence under Part 1 of the Modern Slavery Act 2014.””
-

Fiona Mactaggart

NC14

To move the following Clause—

“Repeal of existing provisions

- (1) In the Sexual Offences Act 2003, omit—
 - (a) section 59A (trafficking people for sexual exploitation),
 - (b) section 60 (interpretation of section 59A),
 - (c) section 60A (forfeiture of land vehicle etc.),
 - (d) section 60B (detention of land vehicle etc.),
 - (e) section 60C (interpretation of sections 60A and 60B).
 - (2) In the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, omit—
 - (a) section 4 (trafficking people for exploitation),
 - (b) section 5(3) and (4) (section 4 - supplementary provision).
 - (3) In the Coroners and Justice Act 2009, omit section 71 (slavery, servitude and forced or compulsory labour).”
-

Modern Slavery Bill, *continued*

Diana Johnson
Mr David Hanson
Phil Wilson
Sarah Champion

NC15

To move the following Clause—

“Human trafficking

- (1) Any person who—
 - (a) recruits, transports, transfers, harbours or receives a person including by exchange or transfer of control over that or those persons,
 - (b) by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or abuse of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, and
 - (c) knows or ought to know that the purpose of the acts in subsections 7(1)(a) and 7(1)(b) above is the exploitation of that person,commits an offence of human trafficking.
- (2) The consent or apparent consent of a person to the acts referred to in subsection 2(1)(a) or to the exploitation shall be irrelevant where any of the means set forth in subsection 2(1)(b) have been used.”

Diana Johnson
Mr David Hanson
Phil Wilson
Sarah Champion

NC16

To move the following Clause—

“Offence of child trafficking

- (1) Any person who—
 - (a) recruits, transports, transfers, harbours or receives a child including by exchange or transfer of control over the child, and
 - (b) knows or ought to know that the purpose of the acts in subsections 8(1)(a) is the exploitation of that child,commits an offence of human trafficking.
- (2) The consent or apparent consent of the child to the acts referenced in subsection 2A(1)(a) or to the exploitation is irrelevant.”

Modern Slavery Bill, *continued*

Diana Johnson
Mr David Hanson
Phil Wilson
Sarah Champion

NC17

To move the following Clause—

“Offence of exploitation

- (1) A person commits an offence if they exploit a person by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or abuse of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.
- (2) A person may be in a situation of exploitation whether or not—
 - (a) escape from the situation is practically possible for the person; or
 - (b) the person has attempted to escape from the situation.
- (3) The consent or apparent consent of the person to the exploitation is irrelevant where any of the means set forth in section 9(1) has been used.”

Diana Johnson
Mr David Hanson
Phil Wilson
Sarah Champion

NC18

To move the following Clause—

“Offence of child exploitation

- (1) A person commits an offence if they exploit a child.
 - (2) It shall be such an offence even if there was no threat or use of violence, other forms of coercion, deception or any abuse of a position of vulnerability.
 - (3) A child may be in a situation of exploitation whether or not—
 - (a) escape from the situation is practically possible for the child; or
 - (b) the child has attempted to escape from the situation.
 - (4) The consent or apparent consent of the child to the exploitation is irrelevant.
 - (5) “Child Exploitation” includes but is not limited to, the exploitation of the prostitution of others or other forms of sexual exploitation; the exploitation of labour or services including begging or practices similar to slavery, servitude or forced or compulsory labour; the exploitation of or for criminal activities including benefit fraud; the removal of organs; forced or servile marriage or enforced surrogacy; exploitation for unlawful adoption; and exploitation by enforced drugs smuggling, manufacture, production or distribution.”
-

Modern Slavery Bill, *continued*

Mark Durkan

NC19

To move the following Clause—

“Establishment of the Anti-Slavery Commissioner

- (1) There is to be an office of Anti-Slavery Commissioner (in this section “the Commissioner”).
 - (2) The Commissioner shall be appointed by the Secretary of State, following a pre-appointment review by Parliament of the candidate proposed by the Secretary of State.
 - (3) The Commissioner may appoint their own staff.”
-

Mark Durkan

NC20

To move the following Clause—

“General function and powers of Commissioner

- (1) The Commissioner shall—
 - (a) monitor trafficking, slavery, exploitation, servitude, and forced or compulsory labour, the fulfilment of international obligations and the effectiveness of national legislation and policy;
 - (b) issue proposals, recommendations, statements, opinions and advice relevant to the fight against trafficking, slavery, exploitation, servitude, forced or compulsory labour and to the realisation of the rights of victims;
 - (c) engage with international organisations on trafficking, slavery, exploitation, servitude, forced or compulsory labour, child protection, and other relevant issues;
 - (d) report annually to Parliament on trafficking, slavery, exploitation, servitude, forced or compulsory labour, and related issues;
 - (e) periodically review the offences and related policy of trafficking and slavery to ensure that they reflect the UK’s obligations under the Trafficking Convention and Trafficking Directive and that other international instruments are consistently applied to all trafficked, enslaved or exploited persons;
 - (f) periodically review public authorities’ compliance with their duties under international and national legislation and policy in relation to trafficking, slavery, exploitation, servitude and forced and compulsory labour; and
 - (g) provide an impact assessment on the trafficking, slavery, exploitation, servitude, and forced or compulsory labour implications for government trade deals and trade and aid policy.
- (2) The Commissioner is responsible for reviewing the practical implementation of the non-prosecution and non-punishment of trafficked, enslaved and/or exploited persons, and in doing so must have particular regard to women and children.
- (3) The Commissioner shall, specifically in respect of victims—
 - (a) encourage persons exercising functions or engaged in activities affecting trafficked, enslaved or exploited persons to take account of the views and interests of victims;

Modern Slavery Bill, *continued*

- (b) consult with and advise the Government on the views and interests of trafficked, enslaved or exploited persons;
 - (c) consider the operation of complaints procedures relating to trafficked, enslaved or exploited persons;
 - (d) consider any other matters relating to the services for, and interests and outcomes of trafficked, enslaved or exploited persons;
 - (e) be responsible for reviewing the practical implementation of the provision in this Bill for the non-prosecution of and non-application of penalties to trafficked, enslaved or exploited persons and victims of forced or compulsory labour, and in doing so must have particular regard to women and children; and
 - (f) publish a report on any matter in connection with trafficking, slavery, exploitation, servitude, and forced or compulsory labour considered by the Commissioner, which may include recommendations.
- (4) The Commissioner must take reasonable steps to involve trafficked, enslaved and/or exploited persons in the discharge of his/her function under this section, and in particular to—
- (a) ensure that trafficked, enslaved or exploited persons are made aware of the Commissioner’s function and how they may communicate with the Commissioner, and
 - (b) consult trafficked, enslaved or exploited persons, and organisations working with them on the matters the Commission proposes to consider.
- (5) The Commissioner is not obliged under this section to conduct an investigation of the case of an individual trafficked, enslaved or exploited person. The Commissioner may, however—
- (a) investigate a particular case and/or intervene as a third party in a particular case where the case raises issues of public policy of relevance to other trafficked, enslaved or exploited persons; or
 - (b) investigate any decision or recommendation made, or any act done or omitted, in respect of any trafficked, enslaved or exploited person.
- (6) All public authorities must supply the Commissioner with such information in that person’s possession or control relating to those functions as the Commissioner may reasonably request for the purposes of his function under this section (provided that the information is information which that person may, apart from this section (6), lawfully disclose to the Commissioner).
- (7) Where the Commissioner has published a report under this section containing recommendations in respect of any person exercising functions under any enactment, he may require that person to state in writing, within such period as the Commissioner may reasonably require, what action the person has taken or proposes to take in response to the recommendations.
- (8) The Secretary of State must not take steps or impose measures that may impair, or may appear to impair, the Commissioner’s independence and shall ensure that the Commissioner is, to the extent the Commissioner is able, to determine, without limitation (other than as prescribed in this Bill)—
- (a) the Commissioner’s activities;
 - (b) the Commissioner’s timetables;
 - (c) the Commissioner’s priorities; and
 - (d) the Commissioner’s resources and funding.”
-

Modern Slavery Bill, *continued*

Fiona Mactaggart

NC21

To move the following Clause—

“Procuring sex for payment

- (1) A person commits an offence under this section if he or she procures sexual intercourse or any other sexual act, whether for himself or herself or for another person, in return for payment.
 - (2) a “payment” includes—
 - (a) payment that is promised or given by another person;
 - (b) provision of non-financial benefits, including, but not limited to, drugs or alcohol.”
-

Sarah Teather
Fiona Mactaggart

NC22

To move the following Clause—

“National referral mechanism

- (1) The Secretary of State must by order establish a mechanism for the identification and protection of victims of modern slavery offences as defined in Part 1 of this Act.
 - (2) In establishing the mechanism the Secretary of State must have regard to the desirability of making provision for the following matters—
 - (a) the means and process for the identification and referral to the mechanism of potential victims of modern slavery;
 - (b) the provision to a child of an advocate in accordance with section 41 of this Act, if no such advocate has already been appointed upon identification of the child as a victim or referral to the mechanism;
 - (c) the appropriate stages in the formal identification process of a victim of modern slavery, the tests to be applied at each stage, and the timescales within which each stage must be completed;
 - (d) the suitability, qualification and necessary training of a person or organisation to fulfil the processes at paragraphs (2)(a) or (c);
 - (e) the principle that an organisation whose functions include determining asylum and immigration is unsuitable to deal with the matters referred to in paragraph (c).
 - (f) the care assistance or services which shall be provided as a minimum to all potential and formally identified victims of modern slavery;
 - (g) the provision of an internal review and appeal of a decision under paragraphs (2)(a) or (c).”
-

Modern Slavery Bill, *continued*

Mr David Hanson
Diana Johnson
Phil Wilson

NC23

To move the following Clause—

“Enabling provision to enable the Gangmasters Licensing Authority to tackle modern day slavery

- (1) The Secretary of State shall undertake a review of the Gangmasters Licensing Authority’s remit with regard to section 2 of the Act and the necessity and evidence for an extension of work covered by the Gangmasters (Licensing) Act 2004, and lay a report in both Houses of Parliament within one year of this Bill obtaining Royal Assent.
- (2) The Secretary of State may by order amend section 3 of the Gangmasters (Licensing) Act 2004 to include other areas of work where the Secretary of State believes abuse and exploitation of workers or modern slavery or trafficking may be taking place.”

Mr David Hanson
Diana Johnson
Phil Wilson

NC24

To move the following Clause—

“Protection from slavery for overseas domestic workers

- (1) All overseas and domestic workers including those working for staff of diplomatic missions shall be entitled to—
 - (a) change their employer (but not work sector) while in the United Kingdom;
 - (b) renew their domestic worker or diplomatic domestic worker visa for a period not exceeding six months as long as they remain in employment and are able to support themselves adequately without recourse to public funds;
 - (c) a three month temporary visa permitting them to live in the United Kingdom for the purposes of seeking alternative employment as an overseas domestic worker where there is evidence that the worker has been a victim of modern slavery.”

Sir Andrew Stunell

NC25

To move the following Clause—

“Quoted company’s duty to prepare strategic report: impact of supply chains on human rights

- (2) That section 414C, Contents of strategic report, of the Companies Act 2006 be amended as follows.

Modern Slavery Bill, *continued*

- (3) In subsection (7), paragraph (b)(iii), insert “, including the impact of the company’s supply chain of goods and services on them.”

Member’s explanatory statement

This New Clause imposes on quoted companies a requirement to report on the impact of their supply chains on social, community and human rights issues in their annual strategic reports.

Mr David Hanson
Diana Johnson
Phil Wilson

NC26

To move the following Clause—

“Independent legal guardian for trafficked children

- (1) An independent legal guardian shall be appointed to represent the best interests of each child who is a separated child and/or may be a trafficked, enslaved or exploited person pursuant to this Bill if the person who has parental responsibility for the child fulfils any of the conditions set out in section 17(4).
- (2) The Secretary of State shall establish an independent body to be known as “the Child Guardianship Service” which shall—
 - (a) by order set out the arrangements for the recruitment, vetting and appointment of a suitably qualified independent child guardian with the requisite professional qualifications immediately after a child is identified as a separated child and/or a potential victim of trafficking, enslaving or exploitation;
 - (b) by order set out requirements for the training courses to be completed before a person may discharge duties as an independent child guardian;
 - (c) by order set out the arrangements for the supervision of persons discharging duties as an independent child guardian;
 - (d) monitor the activities of the independent child guardians and by order provide an accessible individual complaint mechanism for all children under the Child Guardianship Service;
 - (e) by order set out the arrangements for the provision of support services for persons discharging duties as an independent child guardian; and
 - (f) by order designate organisations as a “recognised charitable organisation” for the purpose of this section.
- (3) Under the supervision of the Child Guardianship Service, the appointed independent legal child guardian shall be responsible at a minimum for—
 - (a) ensuring that all decisions relating to the child are made in the child’s best interests and, where reasonably practicable, are consistent with the child’s welfare after ascertaining the child’s wishes and feelings in relation to those decisions;
 - (b) advocating for the child, if a potential trafficked, enslaved or exploited person, to receive identification as such, appropriate care, safe accommodation, medical treatment, including psychological assistance, education, translation and interpretation services;
 - (c) assisting the child to access legal and other representation where necessary, including, where appropriate, appointing and instructing the solicitor representing the child on all matters relevant to the interests of the child;

Modern Slavery Bill, *continued*

- (d) consulting, advising and informing the child victim of the child's legal rights;
 - (e) keeping the child informed of all relevant legal and administrative proceedings;
 - (f) contributing to the identification of a plan to safeguard and promote the long-term welfare of the child based on an individual assessment of that child's best interests;
 - (g) providing a link between the child and various organisations who may provide services to the child;
 - (h) assisting in establishing contact with the child's family, where the child so wishes and it is in the child's best interests;
 - (i) where appropriate, liaising with an immigration officer handling the child's case in conjunction with the child's legal representative;
 - (j) accompanying the child to all relevant interviews, including those relating to police, welfare, immigration and compensation; and
 - (k) accompanying the child whenever the child moves to new accommodation.
- (4) Section 17(1) shall apply if the person who has parental responsibility for the child—
- (a) is suspected of taking part in the trafficking of human beings;
 - (b) has another conflict of interest with the child;
 - (c) is not in contact with the child;
 - (d) is a local authority; or
 - (e) is in a country outside the United Kingdom.
- (5) In section 17(1), an independent child guardian may be an employee of—
- (a) an independent statutory body; or
 - (b) a recognised charitable organisation.
- (6) A person discharging duties as an independent child guardian shall not discharge any other statutory duties in relation to a child for whom they are providing assistance under this section.
- (7) Where an independent child guardian is appointed under section 17(1), the authority of the independent child guardian in relation to the child shall be recognised by any relevant body.
- (8) In section 17(7), a "relevant body" means a person or organisation—
- (a) which provides services to the child;
 - (b) to which a child makes an application for services; or
 - (c) to which the child needs access in relation to being a potential victim of trafficking, enslaving or exploitation."

Diana Johnson
Mr David Hanson
Phil Wilson

NC27

To move the following Clause—

“General duty to identify, assist, support and promote the welfare of victims

- (1) Public authorities have a general duty—

Modern Slavery Bill, *continued*

- (a) to take all reasonable steps to identify persons who are, may be, or may have been, trafficked, enslaved or exploited persons;
- (b) to take all reasonable steps to provide assistance and support (including to refer persons to other agencies for assistance and support) on a consensual and informed basis, and to promote the welfare of persons who are, may be, or may have been, trafficked, enslaved or exploited persons, including, as a minimum the provision of—
 - (i) standards of living capable of ensuring their subsistence, through such measures as the provision of appropriate and secure accommodation, psychological and material assistance;
 - (ii) access to necessary medical treatment;
 - (iii) translation and interpretation services;
 - (iv) counselling and information, in particular regarding their legal rights and the services available to them, in a language that they can understand;
 - (v) assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders; and
 - (vi) access to education for children;
- (c) to make arrangements for ensuring that any services provided by another person for the purpose of discharging the public authority's function are provided in accordance with the general duty in section 16(1) above; and
- (d) to have due regard to the fact that an individual is, or may have been a trafficked, enslaved or exploited person when making decisions affecting that individual."

Diana Johnson
Mr David Hanson
Phil Wilson

NC28

To move the following Clause—

“Establishment and function of the National Referral Mechanism (“NRM”)

- (1) The Secretary of State must establish an NRM to—
 - (a) identify trafficked, enslaved or exploited persons within the United Kingdom;
 - (b) provide assistance and support to a person who may have been trafficked, enslaved or exploited from the time at which that person is first referred into the NRM until such time as a final and conclusive determination is made that they are not such a person; and
 - (c) ensure that the rights of such persons are protected and promoted in a manner which discharges the Government's obligations under the Trafficking Convention and the Trafficking Directive regarding the identification and protection of victims, including measures for assistance and support including, at a minimum, the measures referred to in section 16(1).
- (2) The Secretary of State must, in regulations, specify the procedures to be followed to implement the NRM and the procedures to be applied by the NRM including to give effect to the right to a renewable residence permit provided for in sections 16(11) and (12) below.

Modern Slavery Bill, *continued*

- (3) The regulations must provide for a right of appeal by an individual in respect of a decision in the NRM process that they are not a trafficked, enslaved or exploited person.
- (4) A person (including a child) must give their free and informed consent to being referred into the NRM before a referral is made on their behalf.

Additional protections - renewable residence permits

- (5) A person who is determined in the NRM process to be a trafficked, enslaved or exploited person shall be entitled to a one year renewable residence permit permitting them to remain in the United Kingdom where one or other, or both, of the following situations apply—
 - (a) a competent authority in the NRM considers that their stay is necessary owing to their personal situation; or
 - (b) a competent authority in the NRM considers that their stay is necessary for the purpose of the person's co-operation with the authorities in connection with their investigations or criminal proceedings.
- (6) A residence permit for child victims shall be issued where it is in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.

Duties in relation to children

- (7) The protection, assistance and support provided to trafficked, enslaved or exploited children (including those to whom the presumption of age applies) in accordance with the provisions in this Bill shall be at least equivalent to the protection, assistance and support provided to adults, save that where other legislation provides for greater protection for children that legislation shall, to the extent of any inconsistency with this Bill, prevail.”

Fiona Bruce
Mr David Burrowes

NC29

To move the following Clause—

“Identifying and supporting victims

- (1) The Secretary of State shall make regulations about the arrangements for determining whether or not a person is to be treated as a victim of slavery or human trafficking and shall in particular make provision—
 - (a) about the process for the referral of potential victims of slavery or human trafficking for such a determination;
 - (b) about the process and tests for determining whether a person should be treated as such a victim; and
 - (c) for an individual to have access to an internal review and appeal of a decision made about them under subsection 1(b).
- (2) The Secretary of State must issue guidance to such public authorities and other persons as the Secretary of State considers appropriate about indicators that a person may be a victim of slavery or human trafficking.
- (3) The Secretary of State may, from time to time, revise the guidance issued under subsection (2).

Modern Slavery Bill, *continued*

- (4) 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.
- (5) The Secretary of State must ensure that—
- (a) a person about whom a referral has been made under subsection (1)(a) is provided with assistance and support in accordance with this section for—
 - (i) if there are no criminal proceedings, ninety days,
 - (ii) if criminal proceedings take place, ninety days after criminal proceedings are completed; or
 - (iii) until there is a conclusive determination under the processes established by subsection (1) that a person is not to be treated as a victim of slavery or human trafficking,
 - (b) if the family of a child identified as a victim is resident in the United Kingdom it be entitled to assistance and support under this section,
 - (c) assistance and support provided under this section—
 - (i) is not conditional on the willingness of the person to act as a witness;
 - (ii) shall be provided with the person’s agreement;
 - (iii) shall take due account of the victim’s need for safety and protection, including the opportunity to receive assistance from a person of the same gender;
 - (iv) shall be provided to assist victims in their physical, psychological and social recovery; and
 - (v) shall meet minimum standards for such support as shall be set out by the Secretary of State by order.
- (6) For the purpose of this section, “assistance and support” may include but not be restricted to—
- (a) appropriate and safe accommodation;
 - (b) material assistance, including that required by a person with special needs arising from pregnancy, physical or mental health conditions, disability, or being the victim of serious psychological, physical or sexual violence;
 - (c) medical treatment, including psychological assistance;
 - (d) counselling;
 - (e) information, including on a reflection and recovery period, the possibility of granting international protection and refugee status, a voluntary return, welfare entitlements and accessing employment;
 - (f) translation and interpretation services, as required;
 - (g) access to education for child victims and children of victims;
 - (h) legal counselling, either through legal aid or other means;
 - (i) legal representation, either through legal aid or other means;
 - (j) assistance in applying for compensation; and
 - (k) provision of services (including travelling and other expenses) to assist a victim of trafficking in human beings, and children of victims, to leave the United Kingdom and to settle in a new place of residence.”

Member’s explanatory statement

This New Clause ensures the arrangements for determining if a person is a victim of slavery or human trafficking are established in regulations and contain a formal process for review and appeal and requires the Secretary of State to set out in guidance the indicators that suggest a person may be trafficked. The New Clause sets out the clear types of assistance which a victim can receive and enables the Secretary of State to establish minimum standards for the provision of that support. The New Clause sets out a ninety day minimum period for which a victim can receive

Modern Slavery Bill, continued

support.

Diana Johnson
Mr David Hanson
Phil Wilson

NC30

To move the following Clause—

“Prosecutions of victims of human trafficking

- (1) The Director of Public Prosecutions shall issue guidance as to the charging of known or suspected victims of human trafficking.
- (2) Before issuing guidance under subsection (1) the Director of Public Prosecutions must consult with the Anti-Slavery Commissioner.
- (3) New guidance provided under subsection (1), must be published within 12 months of the appointment of the Anti-Slavery Commissioner.
- (4) A prosecution of a trafficked, enslaved or exploited person must be reviewed by the Director of Public Prosecutions before going to trial.
- (5) For the purpose of this section, a person (A) is taken to be trafficked, enslaved or exploited if—
 - (a) a decision has been made under the National Referral Mechanism that A is a trafficked, enslaved or exploited person; or
 - (b) no such decision has been made under the National Referral Mechanism but the court determines, based on the evidence before it, that A is a trafficked, enslaved or exploited person; or
 - (c) a decision was made under the National Referral Mechanism that A is not a trafficked, enslaved or exploited person, but the court is satisfied that the evidence is adduced by the defence establishes that A was a trafficked, enslaved or exploited person.”

Diana Johnson
Mr David Hanson
Phil Wilson

NC31

To move the following Clause—

“Duty on large UK companies to report on efforts to eradicate modern slavery and forced labour

- (1) Section 414C(7)(iii) of The Companies Act 2006 is amended as follows.

Before “social”, insert “modern slavery and forced labour”.
- (2) After section 414C(7) insert—

“(7A) In relation to the information about modern slavery in subsection (7)(iii) the Secretary of State must by order specify the information that must be included in the strategic report and any other necessary requirements. The order must include requirements—

Modern Slavery Bill, *continued*

- (a) that the modern slavery information in the strategic report be published online; and
- (b) that the information included in the strategic report must include an explanation of measures taken by the quoted company to—
 - (i) verify and evaluate its supply chains to address the risks of modern slavery;
 - (ii) audit its suppliers;
 - (iii) certify goods and services purchased from suppliers;
 - (iv) maintain accountability for modern slavery issues within the company; and
 - (v) train staff.”

Michael Connarty

NC32

To move the following Clause—

“Disclosure by companies of measures to eradicate modern slavery, human trafficking, forced labour and the worst forms of child labour from their supply chains

- (1) A company operating in the United Kingdom and having annual worldwide gross receipts exceeding £60,000,000 shall disclose its efforts to eradicate modern slavery, human trafficking, forced labour and the worst forms of child labour from its direct supply chains for tangible goods and services offered for sale.
- (2) In (1) above, the “the worst forms of child labour” are those set out in Article 3 of the International Labour Organisation’s Convention No. 182.
- (3) The disclosure in (1) above shall—
 - (a) be set out in that company’s annual report,
 - (b) be posted prominently on that company’s internet website, and
 - (c) disclose to what extent, if any, the company carries out each of the following—
 - (i) engages in verification of product supply chains to evaluate and address risks of modern slavery, human trafficking, forced labour and the worst forms of child labour;
 - (ii) conducts unannounced and verified audits and inspections of suppliers to evaluate supplier compliance with company standards for modern slavery, human trafficking, forced labour and the worst forms of child labour in supply chains;
 - (iii) requires direct suppliers to certify that materials incorporated into the product comply with the laws regarding modern slavery, human trafficking, forced labour and the worst forms of child labour of the country or countries in which they are doing business;
 - (iv) maintains internal accountability standards, supply chain management and procurement systems, and procedures for employees or contractors failing to meet company’s standards regarding modern slavery, human trafficking, forced labour and the worst forms of child labour;
 - (v) provides company employees and management who have direct responsibility for supply chain management with training on

Modern Slavery Bill, *continued*

slavery, human trafficking, forced labour and the worst forms of child labour with particular respect to mitigating risks within the supply chains of products; and

- (vi) ensures that recruitment practices at all suppliers comply with the company's standards for eliminating exploitative labour practices that contribute to modern slavery, human trafficking, forced labour and the worst forms of child labour, and
- (d) specify whether the verifications, audits and inspections in (c) above were carried out by a person independent on the company."

Mark Durkan

NC33

To move the following Clause—

“Ban on importation of products produced by slavery or forced labour

- (1) The Secretary of State shall have the power to ban the import at any point of entry to the United Kingdom of any good, ware, article, or product mined, produced or manufactured wholly or in part in any other country which has been found to have been produced by slavery, convict labour or/and forced labour or/and indentured labour, including child labour.
- (2) The Secretary of State shall—
 - (a) prescribe such regulations as may be necessary for the enforcement of this provision by the relevant public authority and to investigate other products and supply chains related to the company or companies producing or importing a product banned under subsection (1),
 - (b) co-ordinate with the Treasury to issue guidance to HM Revenue and Customs, devolved authorities and any other relevant public authority in relation to the exercise by them of their powers and responsibilities under this Clause,
 - (c) have a duty to publish and maintain information on prohibited products including a publically available list of products banned under subsection (1), or
 - (d) manufactured in the circumstances described in subsection (1).
- (3) The Secretary of State shall by regulations establish a process whereby a petition can be made by any person, public authority or organisation who has reason to believe that goods produced or sourced in the circumstances in subsection (1) are being or are likely to be imported into the UK to communicate these concerns to the relevant authority.
- (4) A communication under subsection (3) shall contain—
 - (a) a full statement of reasons for the claim,
 - (b) a detailed description or example of the product, and
 - (c) all relevant information regarding the production of the good.”

Member's explanatory statement

This would allow for the banning of the import of any product produced by slavery, convict, forced or indentured labour, including child labour.

Modern Slavery Bill, *continued*

Mark Durkan

NC34

To move the following Clause—

“Legal liability for the beneficiaries of slavery

- (1) The Secretary of State shall within six months of this Act coming into force bring forward regulations to ensure that a person benefiting from an offence under section 1 or 2 of this Act committed by a third party shall have committed an offence where—
 - (a) the third party acted for that person’s benefit,
 - (b) their lack of supervision or control made possible the committing of the offence by the third party.
- (2) Regulations under subsection (1) shall not be made unless a draft has been laid before and approved by both Houses of Parliament.”

Member’s explanatory statement

This new clause requires the Secretary of State to bring forward measures along the lines set out in EU Directive 2011/36/EU on preventing trafficking in human beings.

 Mr David Burrowes
 Sarah Teather

NC35

☆ To move the following Clause—

“Provision of NHS services to victims of modern slavery

Where a provider of services, to which section 175 of the National Health Service Act 2006 relates, believes that a person may be a victim of slavery or human trafficking, no charge may be made under that section for services from that provider to that person.”

ORDER OF THE HOUSE [8 JULY 2014]

That the following provisions shall apply to the the Modern Slavery Bill:—

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 14 October 2014.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption of that day.

Modern Slavery Bill, *continued*

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other Proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or any further message from the Lords) may be programmed.

ORDER OF THE COMMITTEE [21 JULY 2014]

That—

- (1) the Committee shall (in addition to its first meeting at 3.30pm on Monday 21 July) meet—
- (a) at 9.25 am and 2.00 pm on Tuesday 2 September;
 - (b) at 11.30 am and 2.00 pm on Thursday 4 September;
 - (c) at 9.25 am and 2.00 pm on Tuesday 9 September;
 - (d) at 11.30 am and 2.00 pm on Thursday 11 September;
 - (e) at 9.25 am and 2.00 pm on Tuesday 14 October;
- (2) the Committee shall hear oral evidence on Monday 21 July in accordance with the following Table—

TABLE

<i>Time</i>	<i>Witness</i>
Until not later than 4.00 pm	Alison Saunders, Director of Public Prosecutions; National Crime Agency
Until no later than 4.45 pm	Church of England; Catholic Bishops for England and Wales
Until not later than 5.30 pm	Centre for Social Justice; Kalayaan; Unseen UK
Until no later than 6.00 pm	Nadine Finch, Garden Court Chambers; Peter Carter QC, Red Lion Chambers

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order; Clauses 1 to 13; Schedule 1; Clauses 14 and 15; Schedule 2; Clauses 16 to 39; Schedule 3; Clauses 40 to 46; Schedule 4; Clauses 47 to 51; new Clauses; new Schedules; remaining proceedings on the Bill.
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 14 October.