



House of Commons
NOTICES OF AMENDMENTS

given on
Thursday 28 August 2014

PUBLIC BILL COMMITTEE

MODERN SLAVERY BILL

- Karen Bradley 1
- Clause 3, page 3, line 21, after “she” insert “is a child.”
Member’s explanatory statement
This amendment, together with amendments 2, 3 and 4, relate to the definition of groups who can be exploited without force, threats or deception because they were selected due to particular vulnerability. The amendments apply this to a child rather than a young person, and are intended as a clarification.
- Karen Bradley 2
- Clause 3, page 3, line 21, leave out “is young”
- Karen Bradley 3
- Clause 3, page 3, line 23, at beginning insert “an adult, or”
- Karen Bradley 4
- Clause 3, page 3, line 23, leave out “youth”
- Karen Bradley 5
- Clause 10, page 6, line 34, leave out paragraph (d) and insert—
“(d) the reference in section 133(3)(c)(iii) to a slavery and trafficking reparation order under section 8 were to a compensation order under section 130 of that Act;”
Member’s explanatory statement
This amendment is consequential on the amendment to section 133(3)(c) of the Powers of Criminal Courts (Sentencing) Act 2000 made by paragraph 9D of Schedule 4 (as inserted by amendment 25).

Modern Slavery Bill, continued

Karen Bradley

6

Clause 13, page 9, line 23, after “waters” insert “or in international waters that do not form part of the territorial sea of any State”

Member’s explanatory statement

This amendment enables law enforcement officers to exercise enforcement powers in relation to stateless vessels in international waters that do not form part of the territorial sea of any State, where a modern slavery offence is suspected.

Karen Bradley

7

Clause 20, page 15, line 17, at end insert—

“() where the order was made on an application under section 16 by the Director General of the National Crime Agency (“the Director General”), the Director General.”

Member’s explanatory statement

This amendment enables the Director General of the National Crime Agency to apply to the appropriate court to vary, renew or discharge a slavery and trafficking prevention order.

Karen Bradley

8

Clause 20, page 15, line 24, after “defendant” insert “or require the defendant to comply with section (*Slavery and trafficking prevention orders: requirement to provide name and address*)(3) to (6)”

Member’s explanatory statement

This amendment provides that a slavery and trafficking prevention order may be varied to require the defendant to provide details of his or her name and address if the tests in clause 20(4) are met.

Karen Bradley

9

Clause 20, page 15, line 32, at end insert—

“(b) may require the defendant to comply with section (*Slavery and trafficking prevention orders: requirement to provide name and address*) (3) to (6) only if the court is satisfied that the requirement is necessary for that purpose.”

Member’s explanatory statement

This amendment provides that a renewed or varied slavery and trafficking prevention order may require the defendant to provide details of his or her name and address only if the court is satisfied it is necessary for the purpose in clause 20(4)(b).

Karen Bradley

10

Clause 20, page 16, line 1, leave out from beginning to “to” in line 2 and insert “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”

Member’s explanatory statement

This amendment requires the Director General of the National Crime Agency to notify the relevant chief officer of police of an application by the Director General to vary, renew or discharge a slavery and trafficking prevention order.

Karen Bradley

11

Clause 20, page 16, line 4, after “officer” insert “or the Director General”

Member’s explanatory statement

Modern Slavery Bill, continued

This amendment is consequential on amendment 10.

Karen Bradley

12

Clause 21, page 16, line 42, at end insert—

“(5A) The order may (as well as imposing prohibitions on the defendant) require the defendant to comply with subsections (3) to (6) of section (*Slavery and trafficking prevention orders: requirement to provide name and address*).

If it does, those subsections apply as if references to a slavery and trafficking prevention order were to an interim slavery and trafficking prevention order.”

Member’s explanatory statement

This amendment enables an interim slavery and trafficking prevention order to require the defendant to provide details of his or her name and address.

Karen Bradley

13

Clause 26, page 19, line 42, at end insert—

“() where the order was made on an application by the Director General of the National Crime Agency (“the Director General”), the Director General.”

Member’s explanatory statement

This amendment enables the Director General of the National Crime Agency to apply to the appropriate court to vary, renew or discharge a slavery and trafficking risk order.

Karen Bradley

14

Clause 26, page 20, line 5, after “defendant” insert “or require the defendant to comply with section (*Slavery and trafficking risk orders: requirement to provide name and address*)(3) to (6)”

Member’s explanatory statement

This amendment provides that a slavery and trafficking risk order may be varied to require the defendant to provide details of his or her name and address if the tests in clause 26(4) are met.

Karen Bradley

15

Clause 26, page 20, line 13, at end insert—

“(b) may require the defendant to comply with section (*Slavery and trafficking risk orders: requirement to provide name and address*)(3) to (6) only if the court is satisfied that the requirement is necessary for that purpose.”

Member’s explanatory statement

This amendment provides that a renewed or varied slavery and trafficking prevention order may require the defendant to provide details of his or her name and address only if the court is satisfied it is necessary for the purpose in clause 26(4)(b).

Karen Bradley

16

Clause 26, page 20, line 20, leave out from beginning to “to” in line 21 and insert “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”

Member’s explanatory statement

This amendment requires the Director General of the National Crime Agency to notify the relevant chief officer of police of an application by the Director General to vary, renew or discharge a slavery and trafficking risk order.

Modern Slavery Bill, continued

Karen Bradley

Clause 26, page 20, line 23, after “officer” insert “or the Director General”

Member’s explanatory statement

This amendment is consequential on amendment 16.

17

Karen Bradley

Clause 27, page 21, line 15, at end insert—

“(5A) The order may (as well as imposing prohibitions on the defendant) require the defendant to comply with subsections (3) to (6) of section (*Slavery and trafficking risk orders: requirement to provide name and address*).

If it does, those subsections apply as if references to a slavery and trafficking risk order were to an interim slavery and trafficking risk order.”

Member’s explanatory statement

This amendment enables an interim slavery and trafficking risk order to require the defendant to provide details of his or her name and address.

18

Karen Bradley

Clause 29, page 22, line 8, after “19(4)” insert “or 25(4) (requirement to surrender passports)”

Member’s explanatory statement

This amendment is consequential on amendment 20 and is rearranging existing provision in the Bill (relating to the offence of failing to surrender a passport) without changing its effect.

19

Karen Bradley

Clause 29, page 22, line 9, leave out “25(4)” and insert “(*Slavery and trafficking prevention orders: requirement to provide name and address*)(1)”, 21(5A), (*Slavery and trafficking risk orders: requirement to provide name and address*)(1) or 27(5A) (*requirement to provide name and address*)”

Member’s explanatory statement

This amendment makes it an offence for a defendant to fail to give notification of the defendant’s name or address where this requirement has been imposed as a part of a slavery and trafficking prevention or risk order (or an interim order).

20

Karen Bradley

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 the Isle of Man, by Order in Council.

21

Karen Bradley

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.

22

Modern Slavery Bill, continued

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”.

(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;”.

Modern Slavery Bill, continued
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”;
 - (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”.

Modern Slavery Bill, continued*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

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.

Modern Slavery Bill, continued

- (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.

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.

Modern Slavery Bill, continued

- (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 Hanson
Diana Johnson
Phil Wilson

27

Clause 13, page 11, line 3, at end insert—

- “(c) the Secretary of State must submit a report annually to Parliament on the use of sections 11, 12 and 13 of this Act in the previous 12 months.”

Mr David Hanson
Diana Johnson
Phil Wilson

28

Clause 12, page 9, line 44, at end add—

- “(6A) The Secretary of State shall set out by published memorandum how the authority under section 13(3) is to be exercised.”

Mr David Burrowes

29

Clause 1, page 1, line 12, at end insert—

- “(1A) For the purposes of this Act—
- (a) it is irrelevant whether a person consents to being held in slavery or servitude.
 - (b) a person may be in a condition of slavery, servitude or forced or compulsory labour whether or not—
 - (i) escape from the condition is practically possible; or
 - (ii) the person has attempted to escape from the condition.”

Member’s explanatory statement

The amendment establishes that consent is irrelevant in cases of slavery and servitude and clarifies that a person may still be in slavery, servitude or forced or compulsory labour even where physical escape is practically possible, recognising that people can be held in slavery by psychological means as well as physical restraint.

Mr David Burrowes

30

Clause 1, page 1, line 13, leave out subsection (2).

Member’s explanatory statement

This amendment is consequential on the insertion of New Clause 3 (Meaning of slavery, servitude and forced or compulsory labour).

Mr David Burrowes

NC3

To move the following Clause—

Modern Slavery Bill, continued
“Meaning of slavery, servitude and forced or compulsory labour

- (1) This section has effect for section 1.
- (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.

Mr David Burrowes

31

Clause 3, page 3, line 19, leave out from “having” to the end of line 20 and insert—
“where”—

Member’s explanatory statement

The amendment removes the burden on the prosecution to demonstrate that an offender chose the victim because of his or her particular vulnerability.

Mr David Burrowes

32

Clause 3, page 3, line 21, leave out “young” and insert “a child”

Member’s explanatory statement

The amendment removes the burden on the prosecution to demonstrate that an offender chose the victim because of his or her particular vulnerability and clarifies that this section applies to children under the age of 18.

Mr David Burrowes

33

Clause 3, page 3, line 23, leave out “a person” and insert “an adult”

Member’s explanatory statement

The amendment is consequential on inserting a specific reference to a child in this subsection.

Mr David Burrowes

34

Clause 3, page 3, line 23, leave out “youth”

Modern Slavery Bill, continued
Member's explanatory statement

The amendment is consequential on inserting a specific reference to a child in this subsection.

Mr David Burrowes

35

Clause 3, page 3, line 24, at end insert—

“(7) In this section—

“child” means any person below 18 years of age;

“services” or “benefits of any kind” can include forced begging or criminal activities.”

Member's explanatory statement

The amendment clarifies the definition of a child and some of the types of behaviour which can be included under the clause.

Mr David Burrowes

36

Clause 1, page 1, line 14, after “labour”, insert “or other forms of exploitation”

Mr David Burrowes

37

Clause 1, page 1, line 15, at end insert “and/or any of the types of exploitation listed in section 3 of this Act.”

Mr David Burrowes

38

Clause 1, page 1, line 17, after “labour”, insert “or other forms of exploitation”

Mr David Burrowes

39

Clause 1, page 1, line 17, leave out “may” and insert “shall”

Mr David Burrowes

40

Clause 1, page 1, line 20, leave out “(such as their age)” to the end of line 20 and insert “this shall include, but not be limited to; age, family relationships, disability, position of dependency, language skills, and any mental or physical illness”

Mr David Burrowes

41

Clause 2, page 2, line 26, at end insert—

“(8) A person commits an offence if he is the Director, Employer, Employee, Occupier and/or concerned in the management of any premises or business and he knowingly permits or suffers any of the activities detailed in sections (1) and (2) to take place on those premises.”

Mr David Burrowes

42

Clause 41, page 28, line 2, leave out “may” and insert “must”

Fiona Mactaggart

43

Page 1, line 4, leave out Clause 1.

Modern Slavery Bill, *continued*

Fiona Mactaggart
Diana Johnson
Mr David Hanson
Phil Wilson

Page 2, line 1, leave out Clause 2.

44

Fiona Mactaggart
Diana Johnson
Mr David Hanson
Phil Wilson

Page 2, line 27, leave out Clause 3.

45

Fiona Mactaggart

Page 3, line 25, leave out Clause 4.

46

Fiona Mactaggart

Page 3, line 31, leave out Clause 5.

47

Fiona Mactaggart

Page 4, line 7, leave out Clause 6.

48

Fiona Mactaggart

To move the following Clause—

NC4

“Slavery of children and adults

- (9) It is an offence to hold a person in, or subject a person to, slavery.
- (10) 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.
- (11) 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.”

Fiona Mactaggart

To move the following Clause—

NC5

“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—

Modern Slavery Bill, *continued*

- (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, 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.”

Modern Slavery Bill, *continued*

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—
 - (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.

Modern Slavery Bill, continued

- (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—
 - (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),

Modern Slavery Bill, continued

- (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)."

Diana Johnson
Mr David Hanson
Phil Wilson

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Clause 1, page 1, line 23, at end insert—

- “(5) The consent or apparent consent of a person to the acts referred to in subsections 1(1)(a) or 1(1)(b) shall be irrelevant.”.

Diana Johnson
Mr David Hanson
Phil Wilson

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

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.

Modern Slavery Bill, continued

- (2) The consent or apparent consent of the child to the acts referenced in subsection 2A(1)(a) or to the exploitation is irrelevant.”.

Diana Johnson
Mr David Hanson
Phil Wilson

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

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.”.

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,

Modern Slavery Bill, continued

- (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

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”.

Diana Johnson
Mr David Hanson
Phil Wilson

52

Clause 35, page 25, 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 Bill)—

- (a) the Commissioner’s activities;
- (b) the Commissioner’s timetables;
- (c) the Commissioner’s priorities, and
- (d) the Commissioner’s resources and funding.”.

Diana Johnson
Mr David Hanson
Phil Wilson

53

Clause 39, page 27, line 28, at end insert—

“(9) Once the defence set out in subsection (1) is raised by the accused or on his or her behalf, or 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.”.

Diana Johnson
Mr David Hanson
Phil Wilson

54

Clause 3, page 3, line 16, at end insert—

“(d) is in a situation where their employment could reasonably be constituted as slavery, wherever in the world they are employed, if their employment is related to services or goods for sale in the UK”.

Mark Durkan

55

Page 24, line 18, leave out Clause 34.

Modern Slavery Bill, *continued*

Mark Durkan

56

Page 24, line 38, leave out Clause 35.

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 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.”.

Mark Durkan

57

Clause 13, page 10, line 11, at end add “ and all territorial waters of the United Kingdom including its dependencies and territories.”

Modern Slavery Bill, *continued*

Mark Durkan

58

Clause 13, page 10, line 4, at end add—

“(7A) The Secretary of State shall, by way of Regulations—

- (a) establish means to ensure that trends in maritime trafficking and forced labour in the UK and international waters are identified and tracked;
- (b) establish means to ensure that intelligence and information on maritime trafficking and forced labour are communicated to the enforcement officers set out in this provision;
- (c) establish means to ensure that co-ordination and intelligence sharing in relation to maritime trafficking and forced labour occurs between the agencies responsible for the enforcement officers as set out in this provision;
- (d) establish means to ensure that enforcement officers set out in this provision are aware of their responsibilities to potential and actual victims of trafficking and forced labour;
- (e) receive bi-annual reports from the agencies responsible for the enforcement officers in relation to their attempts to identify and disrupt maritime trafficking and forced labour, and to assist the victims.”

Mark Durkan

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

60

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

Mark Durkan

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.”

Mark Durkan

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.”

Mark Durkan

63

Clause 41, page 28, line 1, after “arrangements”, insert “to set up an independent body known as the child trafficking advocacy service”

 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.”

Fiona Mactaggart

64

Clause 5, page 4, line 3, at end insert—

- “(3A) A person guilty of an offence under section (Procuring sex for payment) is liable on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both.”

Fiona Mactaggart

65

Schedule 4, page 44, line 37, at end insert—

“Street Offences Act 1959

- (10) Omit section 1.”

Mr David Hanson
Diana Johnson
Phil Wilson

66

Clause 12, page 8, line 34, leave out ‘senior’

Mr David Hanson
Diana Johnson
Phil Wilson

67

Clause 12, page 9, line 17, leave out subparagraph (7).

Mr David Hanson
Diana Johnson
Phil Wilson

68

Clause 16, page 12, line 26, at end add—

- “(c) or who the chief officer believes has been to it previously or had connections with the area.”

Modern Slavery Bill, *continued*

Mr David Hanson
Diana Johnson
Phil Wilson

Schedule 1, page 33, line 18, at end insert—

69

“(3A) Any person refusing to disclose such information shall be guilty of an offence and shall be liable on conviction to a fine not exceeding level 5 on the standard scale, or imprisonment for up to six months.”

Mr David Hanson
Diana Johnson
Phil Wilson

Clause 11, page 8, line 25, leave out “or ought to have known”

70
