



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 30 October 2014

New Amendments handed in are marked thus ★

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

CONSIDERATION OF BILL

MODERN SLAVERY BILL, AS AMENDED

NOTE

The Amendments have been arranged in accordance with the Modern Slavery Bill Programme (No. 2) Motion to be proposed by Secretary Theresa May.

NEW CLAUSES AND NEW SCHEDULES RELATING TO TRANSPARENCY IN SUPPLY CHAINS

Secretary Theresa May

NC11

To move the following Clause—

“Transparency in supply chains etc

- (1) A commercial organisation within subsection (2) must prepare a slavery and human trafficking statement for each financial year of the organisation.
- (2) A commercial organisation is within this subsection if it—
 - (a) supplies goods or services, and
 - (b) has a total turnover of not less than an amount prescribed by regulations made by the Secretary of State.
- (3) For the purposes of subsection (2)(b), an organisation’s total turnover is to be determined in accordance with regulations made by the Secretary of State.
- (4) A slavery and human trafficking statement for a financial year is—
 - (a) a statement of the steps the organisation has taken during the financial year to ensure that slavery and human trafficking is not taking place—
 - (i) in any of its supply chains, and
 - (ii) in any part of its own business, or

Modern Slavery Bill, *continued*

- (b) a statement that the organisation has taken no such steps.
- (5) If the organisation has a website, it must—
 - (a) publish the slavery and human trafficking statement on that website, and
 - (b) include a link to the slavery and human trafficking statement in a prominent place on that website’s homepage.
- (6) If the organisation does not have a website, it must provide a copy of the slavery and human trafficking statement to anyone who makes a written request for one, and must do so before the end of the period of 30 days beginning with the day on which the request is received.
- (7) The Secretary of State—
 - (a) may issue guidance about the duties imposed on commercial organisations by this section;
 - (b) must publish any such guidance in a way the Secretary of State considers appropriate.
- (8) The guidance may in particular include guidance about the kind of information which may be included in a slavery and human trafficking statement.
- (9) The duties imposed on commercial organisations by this section are enforceable by the Secretary of State bringing civil proceedings in the High Court for an injunction or, in Scotland, for specific performance of a statutory duty under section 45 of the Court of Session Act 1988.
- (10) For the purposes of this section—
 - “commercial organisation” means—
 - (a) a body corporate (wherever incorporated) which carries on a business, or part of a business, in any part of the United Kingdom, or
 - (b) a partnership (wherever formed) which carries on a business, or part of a business, in any part of the United Kingdom, and for this purpose “business” includes a trade or profession;
 - “partnership” means—
 - (c) a partnership within the Partnership Act 1890,
 - (d) a limited partnership registered under the Limited Partnerships Act 1907, or
 - (e) a firm, or an entity of a similar character, formed under the law of a country outside the United Kingdom;
 - “slavery and human trafficking” means—
 - (f) conduct which constitutes an offence under any of the following—
 - (i) section 1, 2 or 4 of this Act,
 - (ii) section 57, 58, 58A or 59 of the Sexual Offences Act 2003 (trafficking for sexual exploitation),
 - (iii) section 22 of the Criminal Justice (Scotland) Act 2003 (asp 7) (traffic in prostitution etc),
 - (iv) section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking for exploitation),
 - (v) section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour),
 - (vi) section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) (slavery, servitude and forced or compulsory labour), or

Modern Slavery Bill, continued

- (g) conduct which would constitute an offence in a part of the United Kingdom under any of those provisions if the conduct took place in that part of the United Kingdom.”

Member’s explanatory statement

This New Clause requires businesses over a certain size to disclose annually what steps they have taken to ensure that slavery or human trafficking is not taking place in any of their supply chains or their own business through a statement published on their website, if they have one.

NEW CLAUSES AND NEW SCHEDULES RELATING TO OFFENCES, OTHER THAN OFFENCES OF PROCURING SEX FOR PAYMENT

Diana Johnson
Mr David Hanson
Phil Wilson
Sarah Champion

NC3

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

NC4

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—

Modern Slavery Bill, *continued*

- (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 of the exploitation is irrelevant where any of the means set forth in section 9(1) has been used.”

*REMAINING NEW CLAUSES AND NEW SCHEDULES, OTHER THAN NEW CLAUSES AND
NEW SCHEDULES RELATING TO THE GANGMASTERS LICENSING AUTHORITY,
OVERSEAS DOMESTIC WORKERS OR PROSTITUTION*

Secretary Theresa May

NC8

To move the following Clause—

“Enforcement powers in relation to ships: Scotland

- (4) A Scottish constable or an enforcement officer may exercise the powers set out in Part 2 of Schedule 1 (“Part 2 powers”) in relation to—
 - (a) a United Kingdom ship in Scotland waters, foreign waters or international waters,
 - (b) a ship without nationality in Scotland waters or international waters,
 - (c) a foreign ship in Scotland waters, or
 - (d) a ship, registered under the law of a relevant territory, in Scotland waters.
- (5) But Part 2 powers may be exercised only—
 - (a) for the purpose of preventing, detecting or investigating a listed offence, and
 - (b) in accordance with the rest of this section.
- (6) The authority of the Secretary of State is required before a Scottish constable or an enforcement officer may exercise Part 2 powers in relation to a United Kingdom ship in foreign waters.
- (7) Authority for the purposes of subsection (3) may be given only if the State or relevant territory in whose waters the powers would be exercised consents to the exercise of the powers.
- (8) The authority of the Secretary of State is required before a Scottish constable or an enforcement officer may exercise Part 2 powers in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to the United Kingdom.
- (9) Authority for the purposes of subsection (5) may be given in relation to a foreign ship only if—
 - (a) the home state has requested the assistance of the United Kingdom for the purpose mentioned in subsection (2)(a),
 - (b) the home state has authorised the United Kingdom to act for that purpose, or
 - (c) the Convention otherwise permits the exercise of Part 2 powers in relation to the ship.
- (10) In giving authority for the purposes of subsection (5) in relation to a foreign ship the Secretary of State must give effect to any conditions or limitations that the home state imposes as part of a request or authorisation of the kind mentioned in subsection (6)(a) or (b) (if the authority is given as a result of that request or authorisation).
- (11) For the purposes of subsection (2)(a), “listed offence” means an offence under—

Modern Slavery Bill, continued

- (a) section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc) (asp 7);
- (b) section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking for exploitation);
- (c) section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (slavery, servitude and forced or compulsory labour) (asp 13)."

Member's explanatory statement

This New Clause provides additional powers for law enforcement in Scotland to tackle suspected human trafficking or slavery at sea. The details of the additional powers are set out in Part 2 of Schedule 1 (inserted by amendment 129).

Secretary Theresa May

NC9

To move the following Clause—

“Enforcement powers in relation to ships: Northern Ireland

- (1) A Northern Ireland constable or an enforcement officer may exercise the powers set out in Part 3 of Schedule 1 (“Part 3 powers”) in relation to—
 - (a) a United Kingdom ship in Northern Ireland waters, foreign waters or international waters,
 - (b) a ship without nationality in Northern Ireland waters or international waters,
 - (c) a foreign ship in Northern Ireland waters, or
 - (d) a ship, registered under the law of a relevant territory, in Northern Ireland waters.
- (2) But Part 3 powers may be exercised only—
 - (a) for the purpose of preventing, detecting, investigating or prosecuting a listed offence, and
 - (b) in accordance with the rest of this section.
- (3) The authority of the Chief Constable of the Police Service of Northern Ireland is required before an enforcement officer may exercise any Part 3 powers.
- (4) The authority of the Secretary of State is required before a Northern Ireland constable or an enforcement officer may exercise Part 3 powers in relation to a United Kingdom ship in foreign waters.
- (5) Authority for the purposes of subsection (4) may be given only if the State or relevant territory in whose waters the powers would be exercised consents to the exercise of the powers.
- (6) The authority of the Secretary of State is required before a Northern Ireland constable or an enforcement officer may exercise Part 3 powers in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to the United Kingdom.
- (7) Authority for the purposes of subsection (6) may be given in relation to a foreign ship only if—
 - (a) the home state has requested the assistance of the United Kingdom for the purpose mentioned in subsection (2)(a),
 - (b) the home state has authorised the United Kingdom to act for that purpose, or
 - (c) the Convention otherwise permits the exercise of Part 3 powers in relation to the ship.

Modern Slavery Bill, continued

- (8) In giving authority for the purposes of subsection (6) in relation to a foreign ship the Secretary of State must give effect to any conditions or limitations that the home state imposes as part of a request or authorisation of the kind mentioned in subsection (7)(a) or (b) (if the authority is given as a result of that request or authorisation).
- (9) For the purposes of subsection (2)(a), “listed offence” means an offence under—
- (a) section 57, 58, 58A or 59 of the Sexual Offences Act 2003 (trafficking for sexual exploitation);
 - (b) section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking for exploitation);
 - (c) section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour).”

Member’s explanatory statement

This New Clause provides additional powers for law enforcement in Northern Ireland to tackle suspected human trafficking or slavery at sea. The details of the additional powers are set out in Part 3 of Schedule 1 (inserted by amendment 129).

Secretary Theresa May

NC10

To move the following Clause—

“Hot pursuit of ships in United Kingdom waters

- (1) An English and Welsh constable or an enforcement officer may exercise Part 1 powers in relation to a ship in Scotland waters or in Northern Ireland waters if—
 - (a) the ship is pursued there,
 - (b) immediately before the pursuit of the ship, the ship was in relevant waters, and
 - (c) the condition in subsection (10) is met.
- (2) Part 1 powers may be exercised under subsection (1) only—
 - (a) for the purpose mentioned in subsection (2)(a) of section 13, and
 - (b) (if relevant) in accordance with subsections (5) to (7) of that section.
- (3) For the purposes of subsection (1)(b), “relevant waters” are—
 - (a) in the case of a United Kingdom ship or a ship without nationality, England and Wales waters or international waters;
 - (b) in the case of a foreign ship or a ship registered under the law of a relevant territory, England and Wales waters.
- (4) A Scottish constable or an enforcement officer may exercise Part 2 powers in relation to a ship in England and Wales waters or in Northern Ireland waters if—
 - (a) the ship is pursued there,
 - (b) immediately before the pursuit of the ship, the ship was in relevant waters, and
 - (c) the condition in subsection (10) is met.
- (5) Part 2 powers may be exercised under subsection (4) only—
 - (a) for the purpose mentioned in subsection (2)(a) of section (*Enforcement powers in relation to ships: Scotland*), and
 - (b) (if relevant) in accordance with subsections (5) to (7) of that section.
- (6) For the purposes of subsection (4)(b), “relevant waters” are—

Modern Slavery Bill, *continued*

- (a) in the case of a United Kingdom ship or a ship without nationality, Scotland waters or international waters;
 - (b) in the case of a foreign ship or a ship registered under the law of a relevant territory, Scotland waters.
- (7) A Northern Ireland constable or an enforcement officer may exercise Part 3 powers in relation to a ship in England and Wales waters or in Scotland waters if—
- (a) the ship is pursued there,
 - (b) immediately before the pursuit of the ship, the ship was in relevant waters, and
 - (c) the condition in subsection (10) is met.
- (8) Part 3 powers may be exercised under subsection (7) only—
- (a) for the purpose mentioned in subsection (2)(a) of section (*Enforcement powers in relation to ships: Northern Ireland*), and
 - (b) (if relevant) in accordance with subsections (6) to (8) of that section.
- (9) For the purposes of subsection (7)(b), “relevant waters” are—
- (a) in the case of a United Kingdom ship or a ship without nationality, Northern Ireland waters or international waters;
 - (b) in the case of a foreign ship or a ship registered under the law of a relevant territory, Northern Ireland waters.
- (10) The condition referred to in subsection (1)(c), (4)(c) and (7)(c) is that—
- (a) before the pursuit of the ship, a signal is given for it to stop, and
 - (b) the pursuit of the ship is not interrupted.
- (11) The signal referred to in subsection (10)(a) must be given in such a way as to be audible or visible from the ship.
- (12) For the purposes of subsection (10)(b), pursuit is not interrupted by reason only of the fact that—
- (a) the method of carrying out the pursuit, or
 - (b) the identity of the ship or aircraft carrying out the pursuit,
- changes during the course of the pursuit.
- (13) Nothing in this Part affects any right of hot pursuit that a constable or an enforcement officer may have under international law.”

Member’s explanatory statement

This New Clause sets out powers of hot pursuit, where law enforcement seek to pursue a suspected vessel between waters adjacent to different jurisdictions within the UK or between UK waters and international waters.

Diana Johnson
Mr David Hanson
Phil Wilson

NC5

To move the following Clause—

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

- (1) The Secretary of State must, not later than 5 October 2015,—
 - (a) make regulations under section 416(4) of the Companies Act 2006 (c. 46) requiring the directors’ report of a company to contain such information

Modern Slavery Bill, *continued*

- as may be specified in the regulations about modern slavery and forced labour in the supply chain for which the company is responsible, or
- (b) lay before Parliament a report explaining why no such regulations have been made.
- (2) Regulations made under section (1)(a) must be in force in relation to quoted companies by 6 January 2016 and in relation to large private companies as the Secretary of State believes to be appropriate by 2 January 2018.
 - (3) Subsection (1)(a) is complied with if regulations are made containing provision in relation to the company's reporting of work in the following areas—
 - (a) accountability for tackling modern slavery and forced labour, including policy commitments, resourcing and actions to exercise due diligence;
 - (b) investigation, monitoring and auditing of modern slavery and forced labour risks in the UK and throughout their global supply chains;
 - (c) support and access to remedy for victims of forced labour and modern slavery; and
 - (d) training of staff and suppliers, access to expertise and advice.
 - (4) No regulations made under this section shall apply to small companies as defined by section 381 of the Companies Act 2006 (c. 46)."
-

Mark Durkan

NC12

★ To move the following Clause—

“Establishment of the Independent 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 hearing by Parliament of the candidate proposed by the Secretary of State.
 - (3) The Commissioner may appoint his own staff.”
-

Mark Durkan

NC13

★ To move the following Clause—

“General function and powers of the Independent 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;

Modern Slavery Bill, *continued*

- (c) engage with international organisations on trafficking, slavery, exploitation, servitude, forced or compulsory labour, child protection, and other relevant issues;
 - (d) report annually, to both Houses of 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 and 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;
 - (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.

Modern Slavery Bill, *continued*

- (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

NC14

★ To move the following Clause—

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

- (1) The Secretary of State shall have the power to prohibit 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 foreign country that can be demonstrably shown to have been produced by slavery, forced labour, child labour or with the involvement of human trafficking.
- (2) The Secretary of State shall—
 - (a) prescribe such regulations as may be necessary for the enforcement of this provision;
 - (b) co-ordinate with and issue guidance to the Treasury, HMRC, devolved authorities and any other relevant public authority in relation to the exercise by them of their powers and responsibilities under this Clause; and
 - (c) have a duty to publish and maintain information on banned goods including a publicly available list of products which there is a reasonable basis to believe might have been mined, produced, or manufactured in the circumstances described in section (1).
- (3) The Secretary of State shall establish a process whereby a petition can be made by any person, public authority or organisation who has reason to believe that goods produced in the circumstances in section (1) are being or are likely to be imported into the UK to communicate these concerns to the relevant authority. Every such communication shall contain—
 - (a) a full statement of reasons for the claim;
 - (b) a detailed description or example of the product; and

Modern Slavery Bill, continued

(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.

Mark Durkan

NC15

★ 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; and
 - (b) their lack of supervision or control made possible for 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.

Stephen Barclay
Mr Frank Field

NC20

★ To move the following Clause—

“Control of assets related to modern slavery offences

- (1) In section 40 (Restraint orders) of the Proceeds of Crime Act 2002 after subsection (9) insert—
 - “(10) In the case of an investigation or prosecution under the Modern Slavery Act the court shall presume that the alleged offender will dissipate his assets unless restrained.”
- (2) The Secretary of State shall within six months of this Act coming into force bring forward regulations to—
 - (a) presume a freezing order will be granted within 24 hours in respect of assets where the court is satisfied that—
 - (i) there are reasonable grounds to suspect that some of those assets have been obtained as a result of an offence under this Act, and
 - (ii) those assets are over and above those reasonably required for living and business expenses.
 - (b) confer on the police power to issue a notice on financial advisers and institutions placing a duty of care on those institutions in respect of movement of assets that might hinder an investigation into an offence under this Act.

Modern Slavery Bill, *continued*

- (3) The Chancellor of the Exchequer shall within six months of this Act coming into force bring forward regulations to provide that assets recovered in respect of an offence under this Act shall be paid to one or more of—
 - (a) the police and/or,
 - (b) the Gangmasters Licensing Authority, and
 - (c) the victim or victims of the offence.
- (4) The court will require an asset declaration from anyone subject to a restraint order within 24 hours in respect of any financial interests in assets held in whole or in part in the United Kingdom and in overseas territories. In the event of a false declaration, this will be treated as an aggregated factor in the setting of any future penalty.
- (5) Regulations under this section shall be made by statutory instrument and shall not be made unless laid before in draft and approved by both Houses of Parliament.”

Paul Blomfield

NC21

★ To move the following Clause—

“Civil remedy

- (6) An individual who is a victim of an offence under section 1, 2 or 4 may bring a civil action against the perpetrator in the County Court and may recover damages and reasonable legal costs.
- (7) For the purposes of subsection (1) “damages” shall include the greater of the gross income or value to the defendant of the victim’s services or labour or the value of the victim’s labour as guaranteed under the national minimum wage guarantees of the National Minimum Wage Act 1998.”

Member’s explanatory statement

This provision creates a civil remedy for victims of trafficking, to allow victims to pursue a civil claim for compensation directly from the trafficker in the absence of a criminal prosecution.

Paul Blomfield

NC24

★ To move the following Clause—

“Human trafficking

- (1) Any person who for the purpose of exploiting a person or persons—
 - (a) recruits, transports, transfers, harbours or receives a person including by exchange or transfer of control over that or those persons; and
 - (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, or commits an offence of human trafficking.

Modern Slavery Bill, *continued*

- (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.”

Mr David Burrowes
Fiona Bruce
Mark Durkan

132

- ★ Clause 1, page 1, line 12, at end insert—
‘(c) the person exploits another person within the meaning of section 3(4), (5) or (6) of this Act and the circumstances are such that the person knows or ought to know that the other person is being exploited.’”

Mr David Burrowes
Fiona Bruce

135

- ★ Clause 1, page 1, line 12, at end insert—
‘(1A) For the purposes of this Act—
(a) it is irrelevant whether a child consents to being held in slavery or servitude; and
(b) a child 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 child has attempted to escape from the condition.’”

Mr David Burrowes
Fiona Bruce
Mark Durkan

136

- ★ 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; and
(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.’”

Mr David Burrowes
Fiona Bruce

133

- ★ Clause 1, page 1, line 17, after “labour”, insert “or is being exploited”

Mark Durkan
Stephen Barclay

143

- ★ Clause 1, page 2, line 3, at end add—

Modern Slavery Bill, *continued*

“(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.”

Paul Blomfield

152

★ Page 2, line 4, leave out Clause 2.

Mr David Burrowes
Fiona Bruce
Mark Durkan

134

★ Clause 3, page 2, line 30, at end insert—

“(1A) For the purposes of section (1) a person is exploited only if one or more of subsections (4), (5) or (6) of this section apply in relation to the person.”

Mr Frank Field
Stephen Barclay

151

★ Clause 7, page 4, line 30, at end insert—

“Proceeds of Crime Act 2002

In section 69, subsection (2) of the Proceeds of Crime Act 2002, after “debt owned by the Crown”, insert—

“(e) in the case of an investigation or prosecution under the Modern Slavery Act the court must presume that the alleged offender will dissipate his assets unless restrained.””

Secretary Theresa May

2

Clause 13, page 9, line 20, at beginning insert “An English and Welsh constable or”

Member’s explanatory statement

This amendment, together with amendments 10, 14, 71, 75, 76, 77, 80, 81, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 107, 108, 110, 111, 112, 114, 115, 116, 117, 118, 121, 122, 124, 125, 126, is consequential on amendments 23 and 24.

Secretary Theresa May

3

Clause 13, page 9, line 20, leave out “Schedule 1” and insert “Part 1 of Schedule 1

Modern Slavery Bill, continued

(“Part 1 powers”)

Member’s explanatory statement

This amendment, together with amendments 70, 73, 106, 109, 113, 119, 123 and 127, results from the division of Schedule 1 into 3 Parts (see amendment 129).

Secretary Theresa May 4
 Clause 13, page 9, line 22, leave out “domestic waters” and insert “England and Wales waters, foreign waters”
Member’s explanatory statement
This amendment is consequential on amendments 22 and 25.

Secretary Theresa May 5
 Clause 13, page 9, line 23, leave out “domestic” and insert “England and Wales”
Member’s explanatory statement
This amendment, together with amendment 7, is consequential on amendment 22.

Secretary Theresa May 6
 Clause 13, page 9, leave out line 24
Member’s explanatory statement
This amendment is consequential on amendment 26.

Secretary Theresa May 7
 Clause 13, page 9, line 25, leave out “domestic” and insert “England and Wales”

Secretary Theresa May 8
 Clause 13, page 9, line 25, at end insert “, or
 (d) a ship, registered under the law of a relevant territory, in England and Wales waters.”
Member’s explanatory statement
Paragraph (d) inserted by this amendment adds to the categories of ships in relation to which enforcement officers can exercise enforcement powers.

Secretary Theresa May 9
 Clause 13, page 9, line 26, leave out “Schedule” and insert “Part”
Member’s explanatory statement
This amendment, together with amendments 11, 15 and 18, is consequential on amendment 3.

Secretary Theresa May 10
 Clause 13, page 9, line 30, after “before” insert “an English and Welsh constable or”

Secretary Theresa May 11
 Clause 13, page 9, line 31, leave out “Schedule” and insert “Part”

Modern Slavery Bill, continued

Secretary Theresa May

12

Clause 13, page 9, leave out lines 32 and 33 and insert “foreign waters”

Member’s explanatory statement*This amendment results from the new definition of “foreign waters” (see amendment 25).*

Secretary Theresa May

13

Clause 13, page 9, line 34, leave out “in question” and insert “or relevant territory in whose waters the powers would be exercised”

Member’s explanatory statement*This amendment is consequential on amendment 8 and ensures that the Secretary of State may only give authority under clause 13(3) in respect of a UK ship in the waters of a relevant territory where that territory consents.*

Secretary Theresa May

14

Clause 13, page 9, line 36, after “before” insert “an English and Welsh constable or”

Secretary Theresa May

15

Clause 13, page 9, line 37, leave out “Schedule” and insert “Part”

Secretary Theresa May

16

Clause 13, page 9, line 37, leave out from “ship” to end of line 38 and insert “, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to the United Kingdom.”

Member’s explanatory statement*This amendment requires that the authority of the Secretary of State is given before enforcement powers can be exercised in relation to a ship, registered under the law of a relevant territory, which is within the territorial sea adjacent to the United Kingdom.*

Secretary Theresa May

17

Clause 13, page 9, line 39, after “given” insert “in relation to a foreign ship”

Member’s explanatory statement*This amendment ensures that the conditions on when the Secretary of State may give authority for the exercise of enforcement powers in relation to ships within the territorial sea adjacent to the United Kingdom apply only in relation to foreign ships.*

Secretary Theresa May

18

Clause 13, page 9, line 44, leave out “Schedule” and insert “Part”

Secretary Theresa May

19

Clause 13, page 9, line 45, leave out “foreign”

Member’s explanatory statement*This is a technical amendment which removes a word that becomes unnecessary in consequence of amendment 17.*

Modern Slavery Bill, continued

Secretary Theresa May

20

Clause 13, page 10, line 1, after “(5)” insert “in relation to a foreign ship”

Member’s explanatory statement

This amendment is consequential on amendment 17 and makes it clear that the requirement in clause 13(7) to give effect to any conditions or limitations imposed by a home state applies only in relation to foreign ships.

Secretary Theresa May

21

Clause 13, page 10, line 5, leave out “section (and in Schedule 1)” and insert “Part”

Member’s explanatory statement

It is expected that subsections (8) and (9) of clause 13 will become a new section providing for the interpretation of a new Part expected to be formed by subsections (1) to (7) of clause 13 and New Clauses [NC8 to NC10].

Secretary Theresa May

22

Clause 13, page 10, line 10, leave out “domestic” and insert “England and Wales”

Member’s explanatory statement

This amendment provides for the term “England and Wales waters” in place of “domestic waters”. This term is more appropriate in view of the new provisions providing for enforcement powers in Scotland and Northern Ireland.

Mark Durkan

141

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

Secretary Theresa May

23

Clause 13, page 10, leave out lines 13 and 14

Member’s explanatory statement

This amendment removes the reference to a constable from the definition of “enforcement officer” as references to a constable are now inserted in each relevant place in the provisions. The amendment also removes the reference to an immigration officer from this definition, which is considered to be unnecessary given that the definition includes designated customs officials.

Secretary Theresa May

24

Clause 13, page 10, line 21, at end insert—

““English and Welsh constable” means only a person who is—

- (a) a member of a police force in England and Wales,
- (b) a member of the British Transport Police Force,
- (c) a port constable, within the meaning of section 7 of the Marine Navigation Act 2013, or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964, or
- (d) a National Crime Agency officer having the powers and privileges of a constable in England and Wales under the Crime and Courts Act 2013;”

Member’s explanatory statement

This amendment provides for the meaning of “English and Welsh constable”.

Modern Slavery Bill, continued

Secretary Theresa May

25

Clause 13, page 10, line 25, at end insert—

““foreign waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to any relevant territory or State other than the United Kingdom;”

Member’s explanatory statement

This amendment provides for the meaning of “foreign waters” as a result of limiting the meaning of “international waters” to waters that do not form part of the territorial sea of any State or relevant territory (see amendment 26).

Secretary Theresa May

26

Clause 13, page 10, line 29, leave out from “waters” to end of line 30 and insert “beyond the territorial sea of the United Kingdom or of any other State or relevant territory;”

Member’s explanatory statement

This amendment provides that “international waters” do not include any waters forming part of the territorial sea of other States or relevant territories (which are instead referred to as “foreign waters”).

Secretary Theresa May

27

Clause 13, page 10, line 30, at end insert—

““Northern Ireland constable” means a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve;

“Northern Ireland waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to Northern Ireland;

“Part 1 powers” means the powers set out in Part 1 of Schedule 1;

“Part 2 powers” means the powers set out in Part 2 of that Schedule;

“Part 3 powers” means the powers set out in Part 3 of that Schedule;

“relevant territory” means—

- (e) the Isle of Man;
- (f) any of the Channel Islands;
- (g) a British overseas territory;

“Scottish constable” means only a person who is—

- (h) a constable, within the meaning of section 99 of the Police and Fire Reform (Scotland) Act 2012 (asp 8), or
- (i) a National Crime Agency officer having the powers and privileges of a constable in Scotland under the Crime and Courts Act 2013;

“Scotland waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to Scotland;

“ship” includes every description of vessel (including a hovercraft) used in navigation;”

Member’s explanatory statement

This amendment sets out various new definitions used in the new Part 2A.

Secretary Theresa May

28

Clause 13, page 10, leave out line 31

Member’s explanatory statement

This amendment removes the definition of a term that is no longer used.

Modern Slavery Bill, *continued*

- Secretary Theresa May 29
- Clause 13, page 10, line 34, after “State” insert “or relevant territory”
Member’s explanatory statement
This amendment clarifies that a stateless vessel is one that is not registered in, or otherwise entitled to fly, the flag of a State or relevant territory.
- Secretary Theresa May 30
- Clause 13, page 10, line 35, after “States” insert “or relevant territories, or under the flags of a State and relevant territory,”
Member’s explanatory statement
This amendment clarifies that a vessel is stateless where it flies the flags of two or more States or relevant territories, or both.
- Secretary Theresa May 31
- Clause 13, page 10, leave out line 37
Member’s explanatory statement
This amendment removes the provision that the term ‘State’ includes territories. The other amendments to clause 13 explicitly deal with the position of the relevant territories.
- Secretary Theresa May 32
- Clause 13, page 10, line 41, after “State” insert “or relevant territory”
Member’s explanatory statement
This amendment clarifies that a United Kingdom ship includes one that is not registered in any relevant territory (or State) but is wholly owned by persons with a UK connection.
- Secretary Theresa May 33
- Clause 13, page 10, line 49, at end insert—
 “() an individual who is habitually resident in the United Kingdom, or”
Member’s explanatory statement
This amendment adds an individual who is habitually resident in the UK to the definition of persons who have a UK connection. This provision applies for the purposes of the definition of “United Kingdom ship”.
- Mark Durkan 142
- ★ Clause 13, page 11, line 3, at end add—
 ‘(10) The Secretary of State shall, by way of Regulations—
- (a) establish means to ensure that trends in maritime trafficking and forced labour in 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 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;

Modern Slavery Bill, *continued*

- (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.”

Secretary Theresa May

That Clause 13 be transferred to end of line 15 on page 26

Secretary Theresa May

To move, That Clause No. 13 be divided into two clauses, the first (*Enforcement powers in relation to ships: England and Wales*) to consist of subsections (1) to (7) and the second (*Interpretation of Part 2A*) to consist of subsections (8) and (9)

Mark Durkan

- ★ Page 24, line 19, leave out Clause 34.

139

Mark Durkan

- ★ Page 24, line 39, leave out Clause 35.

140

Secretary Theresa May

Clause 36, page 26, line 19, after “must” insert “, after consulting the Scottish Ministers and the Department of Justice in Northern Ireland,”

Member’s explanatory statement

This amendment places a duty on the Secretary of State to consult the Scottish Ministers and the Department of Justice in Northern Ireland before appointing the Commissioner.

34

Secretary Theresa May

Clause 36, page 26, line 19, after “the” insert “Independent”

Member’s explanatory statement

This amendment changes the name of the Commissioner from the “Anti-slavery Commissioner” to the “Independent Anti-slavery Commissioner”.

35

Stephen Barclay

- ★ Clause 36, page 26, line 19, after “as the” insert “independent”

147

Modern Slavery Bill, continued

Secretary Theresa May 36
 Clause 36, page 26, line 34, at beginning insert “Independent”
Member’s explanatory statement
This amendment is consequential on amendment 35.

Secretary Theresa May 37
 Clause 36, page 26, line 34, at end insert—
 “() In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership: other disqualifying offices) at the appropriate place insert—
 “Independent Anti-slavery Commissioner”.”
Member’s explanatory statement
This amendment adds the Commissioner to the list of disqualifying offices under the Northern Ireland Assembly Disqualification Act 1975.

Secretary Theresa May 38
 Clause 36, page 26, line 37, after “The” insert “Independent”
Member’s explanatory statement
This amendment is consequential on amendment 35.

Secretary Theresa May 39
 Clause 37, page 26, line 40, leave out from “of” to end of line 41 and insert “slavery and human trafficking offences”
Member’s explanatory statement
This amendment, together with amendment 40, adds relevant Scottish and Northern Irish offences to those that the Commissioner has functions in relation to.

Secretary Theresa May 40
 Clause 37, page 27, line 1, at end insert—
 “() For the purposes of subsection (1) a slavery and human trafficking offence is an offence under—
 (a) section 1, 2 or 4 of this Act,
 (b) section 57, 58, 58A or 59 of the Sexual Offences Act 2003 (trafficking for sexual exploitation),
 (c) section 22 of the Criminal Justice (Scotland) Act 2003 (asp 7) (traffic in prostitution etc),
 (d) section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking for exploitation),
 (e) section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour),
 (f) section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) (slavery, servitude and forced or compulsory labour).”
Member’s explanatory statement
See the explanatory statement for amendment 39.

Modern Slavery Bill, continued

Stephen Barclay

148

- ★ Clause 37, page 27, line 1, at end insert—
 “(c) the assessment of policies relating to modern slavery and compliance in other international jurisdictions.”

Secretary Theresa May

41

- Clause 37, page 27, line 4, leave out “to the Secretary of State”
Member’s explanatory statement
This amendment is consequential on amendment 42.

Secretary Theresa May

42

- Clause 37, page 27, line 4, at end insert “to the Secretary of State, the Scottish Ministers and the Department of Justice in Northern Ireland”
Member’s explanatory statement
This amendment enables the Commissioner to make reports to the Scottish Ministers and the Department of Justice in Northern Ireland, as well as the Secretary of State.

Secretary Theresa May

43

- Clause 37, page 27, line 6, leave out “in England and Wales”
Member’s explanatory statement
This amendment reflects the expansion of the Commissioner’s role across the UK and enables the Commissioner to make recommendations to any UK public authority (other than a court or tribunal) about the exercise of its functions.

Stephen Barclay

149

- ★ Clause 37, page 27, line 12, at end insert—
 “(g) providing benchmarking data in respect of the UK against international standards relating to modern slavery.”

Secretary Theresa May

44

- Clause 37, page 27, line 14, leave out “has authorised” and insert “, the Scottish Ministers or the Department of Justice in Northern Ireland have asked”
Member’s explanatory statement
This amendment extends the definition of a ‘permitted matter’ to include a matter which the Secretary of State, Scottish Ministers or the Department of Justice in Northern Ireland have asked the Commissioner to report on.

Secretary Theresa May

45

- Clause 37, page 27, line 18, leave out from beginning to “publish” and insert “, the Scottish Ministers or the Department of Justice in Northern Ireland wish to exercise the powers conferred by subsections (5) to (7))”
Member’s explanatory statement
This amendment provides that the Commissioner must not publish a report under subsection (2)(a) before establishing whether the Secretary of State, Scottish Ministers or Department of Justice in Northern Ireland wish to exercise the redaction powers conferred by subsections (5) to (7) (amendment 49 inserts subsections (6) and (7)).

Modern Slavery Bill, continued

Secretary Theresa May 46
 Clause 37, page 27, line 19, leave out “to the Secretary of State”
Member’s explanatory statement
This amendment is consequential on amendment 42.

Secretary Theresa May 47
 Clause 37, page 27, line 24, after “person” insert “in England and Wales”
Member’s explanatory statement
This amendment limits the Secretary of State’s power to direct the Commissioner to omit from any report before publication material whose publication the Secretary of State thinks might jeopardise the safety of any person, to the safety of a person in England and Wales.

Secretary Theresa May 48
 Clause 37, page 27, line 25, at end insert “under the law of England and Wales”
Member’s explanatory statement
This amendment limits the Secretary of State’s power to direct the Commissioner to omit from any report before publication material whose publication the Secretary of State thinks might prejudice the investigation or prosecution of an offence, to an offence under the law of England and Wales.

Secretary Theresa May 49
 Clause 37, page 27, line 25, at end insert—
 “(6) The Scottish Ministers may direct the Commissioner to omit from any report before publication any material whose publication the Scottish Ministers think—
 (a) might jeopardise the safety of any person in Scotland, or
 (b) might prejudice the investigation or prosecution of an offence under the law of Scotland.
 (7) The Department of Justice in Northern Ireland may direct the Commissioner to omit from any report before publication any material whose publication the department thinks—
 (a) might jeopardise the safety of any person in Northern Ireland, or
 (b) might prejudice the investigation or prosecution of an offence under the law of Northern Ireland.
 (8) If the Secretary of State, the Scottish Ministers or the Department of Justice in Northern Ireland lay before Parliament, the Scottish Parliament or the Northern Ireland Assembly a report made by the Commissioner under subsection (2)(a), they must lay the report as it is published by the Commissioner under subsection (4).”
Member’s explanatory statement
This amendment gives Scottish Ministers and the Department of Justice power to direct the removal from reports of material they think might jeopardise the safety of any person in Scotland / Northern Ireland, or prejudice the investigation or prosecution of an offence under the law of Scotland / Northern Ireland.

Secretary Theresa May 50
 Clause 38, page 28, line 2, at end insert—

Modern Slavery Bill, continued

- “() The Secretary of State must—
- (a) before approving a strategic plan, consult the Scottish Ministers and the Department of Justice in Northern Ireland, and
 - (b) after approving a strategic plan, send a copy of the plan to the Scottish Ministers and the Department of Justice in Northern Ireland.”

Member’s explanatory statement

This amendment places a duty on the Secretary of State to consult the Scottish Ministers and the Department of Justice in Northern Ireland before approving a strategic plan, and to send them a copy of the plan once it has been approved.

Secretary Theresa May

51

Clause 38, page 28, line 4, after “State” insert “the Scottish Ministers and the Department of Justice in Northern Ireland”

Member’s explanatory statement

This amendment requires the Commissioner to submit the annual report to the Scottish Ministers and the Department of Justice in Northern Ireland, as well as the Secretary of State.

Stephen Barclay

150

★ Clause 38, page 28, line 12, at end insert—

- “(d) a statement in respect of the outcome of those who have been admitted and released from the Trafficking Victim Support Scheme.”

Secretary Theresa May

52

Clause 38, page 28, line 17, at end insert—

- “(9A) The Scottish Ministers must lay before the Scottish Parliament—
- (a) any strategic plan the Secretary of State approves, and,
 - (b) any annual report they receive,
- and must do so as soon as reasonably practicable after receiving the plan or the report.
- (9B) The Department of Justice in Northern Ireland must lay before the Northern Ireland Assembly—
- (a) any strategic plan the Secretary of State approves, and
 - (b) any annual report it receives,
- and must do so as soon as reasonably practicable after receiving the plan or the report.
- (9C) An annual report laid under any of subsections (9) to (9B) must not contain material removed from the report under any of subsections (10) to (12).”

Member’s explanatory statement

This amendment requires the Scottish Ministers / Department of Justice to lay the Commissioner’s strategic plans and annual reports before the Scottish Parliament / Northern Ireland Assembly as soon as reasonably practicable. An annual report must not contain information redacted under subsections (10) to (12) (amendment 56 inserts subsections (11) and (12)).

Secretary Theresa May

53

Clause 38, page 28, line 18, leave out from beginning to “report” in line 19 and insert “The Secretary of State may remove from an annual”

Member’s explanatory statement

This amendment is consequential on amendment 52.

Modern Slavery Bill, continued

Secretary Theresa May

54

Clause 38, page 28, line 22, after “person” insert “in England and Wales”

Member’s explanatory statement

This amendment limits the Secretary of State’s power to remove from an annual report before publication material whose publication the Secretary of State thinks might jeopardise the safety of any person, to a person in England and Wales.

Secretary Theresa May

55

Clause 38, page 28, line 23, at end insert “under the law of England and Wales”

Member’s explanatory statement

This amendment limits the Secretary of State’s power to remove from an annual report before publication material whose publication the Secretary of State thinks might prejudice the investigation or prosecution of an offence, to an offence under the law of England and Wales.

Secretary Theresa May

56

Clause 38, page 28, line 23, at end insert—

“(11) The Scottish Ministers may remove from an annual report any material whose publication the Scottish Ministers think—

- (a) might jeopardise the safety of any person in Scotland, or
- (b) might prejudice the investigation or prosecution of an offence under the law of Scotland.

(12) The Department of Justice in Northern Ireland may remove from an annual report any material whose publication the department thinks—

- (a) might jeopardise the safety of any person in Northern Ireland, or
- (b) might prejudice the investigation or prosecution of an offence under the law of Northern Ireland.”

Member’s explanatory statement

This amendment gives Scottish Ministers and the Department of Justice power to remove from annual reports material they think might jeopardise the safety of any person in Scotland / Northern Ireland, or prejudice the investigation or prosecution of an offence under the law of Scotland / Northern Ireland.

Secretary Theresa May

57

Clause 39, page 28, line 37, leave out from “made” to end of line 38 and insert “for the purposes of this section.

- () The power to make regulations under subsection (5) is exercisable—
 - (a) in relation to a public authority having only functions which are exercisable in or as regards Scotland, by the Scottish Ministers,
 - (b) in relation to a public authority having only functions which are exercisable in or as regards Northern Ireland, by the Department of Justice in Northern Ireland, and
 - (c) in relation to any other public authority, by the Secretary of State.”

Member’s explanatory statement

This amendment provides powers for Scottish Ministers / the Department of Justice to specify public authorities who are required to cooperate with the Commissioner. They can only specify

Modern Slavery Bill, continued

public authorities which solely have functions in or as regards Scotland / Northern Ireland. The Secretary of State may specify any other public authority.

Mark Durkan

138

★ Clause 41, page 29, line 29, at end add—

“(9) A child is not guilty of an offence if—

- (a) he or she was under the age of 18 when the act which constitutes the offence was done; and
- (b) the offence was integral to or consequent on the trafficking, slavery or exploitation of which he or she was a victim.”

Member’s explanatory statement

This amendment aims to ensure a child victim of trafficking is not obliged to prove they were compelled to commit an offence before being able to access the protection of the statutory defence in line with international standards.

Secretary Theresa May

58

Clause 43, page 30, line 2, leave out “may make arrangements” and insert “must make such arrangements as the Secretary of State considers reasonable”

Member’s explanatory statement

This amendment places a duty on the Secretary of State to make arrangements that she considers reasonable to enable child trafficking advocates to be available for children who there is reason to believe may be victims of human trafficking. This duty is subject to the commencement procedures in amendment 69.

Fiona Bruce

146

★ Clause 43, page 30, line 2, leave out from “may” to end of line 23 and insert “must in accordance with this section, make arrangements to enable a person (“child trafficking advocate”) to be appointed to represent and support any child who there is reason to believe may be a victim of human trafficking or slavery if the person who has parental responsibility for the child fulfils any of the conditions in subsection (5).

- (2) 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.
- (3) 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.
- (4) 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 as required;
 - (d) assist the child to access legal and other representation where necessary;

Modern Slavery Bill, *continued*

- (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;
 - (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 interests;
 - (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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) In subsection (8) 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.
- (10) 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;

Modern Slavery Bill, *continued*

- (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.
- (11) 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
 - (b) a durable solution for the child has been found based on an individual assessment of the best interests of the child.”

Secretary Theresa May

59

Clause 43, page 30, line 20, at end insert—

“(4A) A person exercising the functions of a child trafficking advocate in relation to a child must act in the child’s best interests.”

Member’s explanatory statement

This amendment places a duty on any person exercising the functions of a child trafficking advocate to act in the child’s best interests.

Mr David Burrowes
Fiona Bruce
Sarah Teather
Mark Durkan

137

★ Clause 43, page 30, line 20, at end insert—

- ‘(e) for child trafficking advocates to assist the child to obtain legal or other advice, assistance and representation, including (whether necessary) the appointment and instructing of legal representatives to act on behalf of the child in their best interests; and
- (f) to require any person or body providing services or taking administrative decisions in relation to a child for whom a child trafficking advocate has been appointed to recognise, and pay due regard to, the functions of the child trafficking advocate and (to the extent otherwise permitted by law) provide the child trafficking advocate with access to such information relating to the child as will enable the child trafficking advocate to carry out his or her functions effectively.”

Secretary Theresa May

60

Clause 47, page 32, leave out line 5

Member’s explanatory statement

This amendment extends the definition of a “public authority” to mean any public authority in the UK within the meaning of section 6 of the Human Rights Act 1998 (other than a court or tribunal).

Secretary Theresa May

61

Clause 49, page 32, line 18, after “regulations” insert “made by the Secretary of

Modern Slavery Bill, *continued*

State”

Member’s explanatory statement

This amendment is consequential on amendment 57 and reflects the fact that the Bill now contains powers for the Secretary of State, Scottish Ministers and the Department of Justice in Northern Ireland to make secondary legislation.

Secretary Theresa May

62

Clause 49, page 32, line 29, at end insert—

“() regulations under section (*Transparency in supply chains etc*)(2);”

Member’s explanatory statement

This amendment specifies that regulations under subsection (2)(b) of New Clause NC11, which will specify the total turnover required for that clause to apply to a commercial organisation, will be subject to the affirmative resolution procedure.

Secretary Theresa May

63

Clause 49, page 32, line 31, at end insert—

“() Regulations made by the Scottish Ministers under section 39 are subject to the negative procedure.

() The power of the Department of Justice in Northern Ireland to make regulations under section 39 is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

() Regulations made by the Department of Justice in Northern Ireland under section 39 are subject to negative resolution (within the meaning of section 41(6) of the Interpretation (Northern Ireland) Act 1954 (c. 33 (N.I.))).”

Member’s explanatory statement

This amendment is consequential on amendment 57 and specifies the relevant legislative procedure for secondary legislation made by the Scottish Ministers and the Department for Justice in Northern Ireland.

Secretary Theresa May

64

Clause 49, page 32, line 32, leave out “by the Secretary of State”

Member’s explanatory statement

This amendment is consequential on amendment 57.

Secretary Theresa May

65

Clause 51, page 33, line 4, leave out “This Act extends” and insert “Parts 1, 2 and 4 extend”

Member’s explanatory statement

This amendment limits the Parts of the Bill that extend to England and Wales only to Parts 1 (offences), 2 (prevention orders) and 4 (protection of victims). This is subject to amendments generally having the same extent as the provision amended.

Secretary Theresa May

66

Clause 51, page 33, line 4, at end insert—

“() Part 2A extends as follows—

Modern Slavery Bill, continued

- (a) section (*Enforcement powers in relation to ships*) extends to England and Wales only;
- (b) section (*Enforcement powers in relation to ships: Scotland*) extends to Scotland only;
- (c) section (*Enforcement powers in relation to ships: Northern Ireland*) extends to Northern Ireland only;
- (d) sections (*Hot pursuit of ships in United Kingdom waters*) and (*Interpretation of Part 2A*), and Schedule 1, extend to England and Wales, Scotland and Northern Ireland.”

Member’s explanatory statement

This amendment provides for the extent of the new Part 2A.

Secretary Theresa May

67

Clause 51, page 33, line 4, at end insert—

“() Parts 3, 4A and 5 extend to England and Wales, Scotland and Northern Ireland, subject to subsections (2) and (3).”

Member’s explanatory statement

This amendment provides that Parts 3 (Anti-slavery Commissioner), 4A (which is expected to consist of New Clause NC11) and 5 (final provisions) will extend to England and Wales, Scotland and Northern Ireland (subject to amendments generally having the same extent as the provision amended).

Sarah Teather

144

★ Clause 52, page 33, line 19, leave out “and (3)” and insert “, (3) and (4)”.

Sarah Teather

145

★ Clause 52, page 33, line 21, at end insert—

“(3) Section 40 shall come into force on a day to be appointed, that day being no earlier than the day on which an order made by the Lord Chancellor under section 9(2)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in respect of civil legal services for victims of slavery and victims of human trafficking comes into effect.”

Member’s explanatory statement

This amendment ensures that until an order made by the Lord Chancellor regarding the provision of civil legal aid for victims of slavery or human trafficking comes into effect, the Anti-Slavery Commissioner will be able to exercise its functions in relation to individual cases.

Secretary Theresa May

68

Clause 52, page 33, line 23, at end insert—

“() Before making regulations bringing into force any of the provisions of Part 2A, the Secretary of State must consult—

- (a) the Scottish Ministers, so far as the provisions extend to Scotland;

Modern Slavery Bill, continued

- (b) the Department of Justice in Northern Ireland, so far as the provisions extend to Northern Ireland.”

Member’s explanatory statement

This amendment requires the Secretary of State to consult devolved administrations before commencing provisions of the new Part 2A that extend to those administrations.

Secretary Theresa May

69

Clause 52, page 33, line 23, at end insert—

“(3A) The Secretary of State may not make regulations under subsection (1) bringing section 43(1) to (4A) (or any part of it) into force before the end of the period of 9 months beginning with the day on which this Act is passed.

(3B) After the end of that period—

- (a) if a resolution is passed by each House of Parliament that section 43(1) to (4A) (or any part of it) should come into force, the Secretary of State must make regulations under subsection (1) bringing into force that section (or that part of it);

- (b) the Secretary of State may not make regulations under subsection (1) bringing into force section 43(1) to (4A) (or any part of it) unless required to do so by paragraph (a).

(3C) Regulations made by virtue of subsection (3B)(a) must bring into force section 43(1) to (4A) (or the part of it specified in the resolutions) before the end of the period of one month beginning with the day on which the resolutions are passed (or, if they are passed on different days, the day on which the later of them is passed).”

Member’s explanatory statement

This amendment ensures that the Secretary of State must commence the duty to introduce child trafficking advocates in response to resolutions passed by both Houses of Parliament. These resolutions can only be passed after 9 months from Royal Assent, to give time for the child trafficking advocates trial to finish.

Secretary Theresa May

70

Schedule 1, page 34, line 5, after “This” insert “Part of this”

Secretary Theresa May

71

Schedule 1, page 34, line 5, after “by” insert “English and Welsh constables and”

Secretary Theresa May

72

Schedule 1, page 34, line 6, at end insert “and (*Hot pursuit of ships in United Kingdom waters*)(1)”

Member’s explanatory statement

This amendment is consequential on the powers conferred under subsection (1) of New Clause [NC10].

Secretary Theresa May

73

Schedule 1, page 34, line 7, after “In” insert “this Part of”

Modern Slavery Bill, continued

Secretary Theresa May	74
Schedule 1, page 34, line 11, at beginning insert “Part of this”	
Secretary Theresa May	75
Schedule 1, page 34, line 13, after “if” insert “an English and Welsh constable or”	
Secretary Theresa May	76
Schedule 1, page 34, line 19, after “The” insert “constable or”	
Secretary Theresa May	77
Schedule 1, page 34, line 25, after “before” insert “a constable or”	
Secretary Theresa May	78
Schedule 1, page 34, line 27, leave out “England and Wales” and insert “the United Kingdom”	
<i>Member’s explanatory statement</i>	
<i>This amendment reflects the fact that enforcement powers in relation to ships have been amended to have UK wide extent.</i>	
Secretary Theresa May	79
Schedule 1, page 34, line 29, after “State” insert “or relevant territory”	
<i>Member’s explanatory statement</i>	
<i>This amendment ensures that the Secretary of State can only give authority for a ship to be diverted to a port within a relevant territory where that relevant territory is willing to receive the ship.</i>	
Secretary Theresa May	80
Schedule 1, page 34, line 30, after first “the” insert “constable or”	
Secretary Theresa May	81
Schedule 1, page 34, line 31, after first “the” insert “constable or enforcement”	
Secretary Theresa May	82
Schedule 1, page 34, line 32, after “home state” insert “or relevant territory”	
<i>Member’s explanatory statement</i>	
<i>This amendment, together with amendments 83 and 84, is consequential on amendment 8.</i>	
Secretary Theresa May	83
Schedule 1, page 34, line 33, after “home state” insert “or relevant territory”	
Secretary Theresa May	84
Schedule 1, page 34, line 33, after “State” insert “or relevant territory”	

Modern Slavery Bill, *continued*

Secretary Theresa May	85
Schedule 1, page 34, line 34, after “The” insert “constable or”	
Secretary Theresa May	86
Schedule 1, page 35, line 1, at beginning insert “A constable or”	
Secretary Theresa May	87
Schedule 1, page 35, line 4, after “by” insert “a constable or”	
Secretary Theresa May	88
Schedule 1, page 35, line 7, after “if” insert “an English and Welsh constable or”	
Secretary Theresa May	89
Schedule 1, page 35, line 13, after “The” insert “constable or”	
Secretary Theresa May	90
Schedule 1, page 35, line 17, after “The” insert “constable or”	
Secretary Theresa May	91
Schedule 1, page 35, line 23, after “authorise” insert “a constable or”	
Secretary Theresa May	92
Schedule 1, page 35, line 26, after “(3)” insert “a constable or”	
Secretary Theresa May	93
Schedule 1, page 35, line 30, after “the” insert “constable or enforcement”	
Secretary Theresa May	94
Schedule 1, page 35, line 34, at beginning insert “constable or enforcement”	
Secretary Theresa May	95
Schedule 1, page 35, line 42, after “if” insert “an English and Welsh constable or”	
Secretary Theresa May	96
Schedule 1, page 36, line 1, after “The” insert “constable or”	
Secretary Theresa May	97
Schedule 1, page 36, line 2, at beginning insert “constable or”	

Modern Slavery Bill, *continued*

Secretary Theresa May	98
Schedule 1, page 36, line 3, after “The” insert “constable or”	
Secretary Theresa May	99
Schedule 1, page 36, line 4, after first “the” insert “constable or”	
Secretary Theresa May	100
Schedule 1, page 36, line 5, after “the” insert “constable or”	
Secretary Theresa May	101
Schedule 1, page 36, line 9, after “by” insert “English and Welsh constables and”	
Secretary Theresa May	102
Schedule 1, page 36, line 14, after first “of” insert “a constable or”	
Secretary Theresa May	103
Schedule 1, page 36, line 15, after “the” insert “constable or”	
Secretary Theresa May	104
Schedule 1, page 36, line 35, after “An” insert “English and Welsh constable or an”	
Secretary Theresa May	105
Schedule 1, page 36, line 38, after first “the” insert “constable or”	
Secretary Theresa May	106
Schedule 1, page 36, line 38, after “this” insert “Part of this”	
Secretary Theresa May	107
Schedule 1, page 36, line 39, after “accompanying” insert “a constable or”	
Secretary Theresa May	108
Schedule 1, page 36, line 40, after “the” insert “constable’s or”	
Secretary Theresa May	109
Schedule 1, page 36, line 40, after “this” insert “Part of this”	
Secretary Theresa May	110
Schedule 1, page 36, line 41, after “the” insert “constable’s or”	

Modern Slavery Bill, continued

Secretary Theresa May	111
Schedule 1, page 37, line 2, after “An” insert “English and Welsh constable or an”	
Secretary Theresa May	112
Schedule 1, page 37, line 3, leave out “the officer’s”	
Secretary Theresa May	113
Schedule 1, page 37, line 3, after “this” insert “Part of this”	
Secretary Theresa May	114
Schedule 1, page 37, line 5, after “An” insert “English and Welsh constable or an”	
Secretary Theresa May	115
Schedule 1, page 37, line 5, after “the” insert “constable’s or”	
Secretary Theresa May	116
Schedule 1, page 37, line 7, after “of” insert “constables and enforcement”	
Secretary Theresa May	117
Schedule 1, page 37, line 8, after “An” insert “English and Welsh constable or an”	
Secretary Theresa May	118
Schedule 1, page 37, line 9, leave out “the officer’s”	
Secretary Theresa May	119
Schedule 1, page 37, line 10, after “this” insert “Part of this”	
Secretary Theresa May	120
Schedule 1, page 37, line 14, after “offence” insert “under the law of England and Wales”	
<i>Member’s explanatory statement</i>	
<i>This amendment, together with amendment 128, limits the offence in paragraph 10 of Schedule 1 to England and Wales. There are corresponding offences in relation to Scotland and Northern Ireland (see paragraphs 18 and 28 of that Schedule, as inserted by amendment 129).</i>	
Secretary Theresa May	121
Schedule 1, page 37, line 15, after “obstructs” insert “a constable or”	
Secretary Theresa May	122
Schedule 1, page 37, line 16, leave out “the officer’s”	

Modern Slavery Bill, *continued*

Secretary Theresa May	123
Schedule 1, page 37, line 16, after “this” insert “Part of this”	
Secretary Theresa May	124
Schedule 1, page 37, line 18, after “by” insert “a constable or”	
Secretary Theresa May	125
Schedule 1, page 37, line 20, at beginning insert “a constable or”	
Secretary Theresa May	126
Schedule 1, page 37, line 20, leave out “the officer’s”	
Secretary Theresa May	127
Schedule 1, page 37, line 21, after “this” insert “Part of this”	
Secretary Theresa May	128
Schedule 1, page 37, line 21, after “offence” insert “under the law of England and Wales”	
Secretary Theresa May	129
Schedule 1, page 37, line 26, at end insert—	
	“PART 2
	SCOTLAND

Introductory

- 11 (1) This Part of this Schedule sets out the powers exercisable by Scottish constables and enforcement officers under sections (*Enforcement powers in relation to ships: Scotland*) and (*Hot pursuit of ships in United Kingdom waters*)(4).
- (2) In this Part of this Schedule—
- “items subject to legal privilege” has the same meaning as in Chapter 3 of Part 8 of the Proceeds of Crime Act 2002 (see section 412 of that Act);
- “listed offence” has the meaning given by section (*Enforcement powers in relation to ships: Scotland*)(8);
- “the ship” means the ship in relation to which the powers set out in this Part of this Schedule are exercised.

Power to stop, board, divert and detain

- 12 (1) This paragraph applies if a Scottish constable or an enforcement officer has reasonable grounds to suspect that—
- (a) a listed offence is being, or has been, committed on the ship, or
- (b) the ship is otherwise being used in connection with the commission of a listed offence.

Modern Slavery Bill, *continued*

- (2) The constable or enforcement officer may—
 - (a) stop the ship;
 - (b) board the ship;
 - (c) require the ship to be taken to a port (in Scotland or elsewhere) and detained there.
- (3) Except as provided by sub-paragraph (5), authority of the Secretary of State is required before a constable or an enforcement officer may exercise the power conferred by sub-paragraph (2)(c) to require the ship to be taken to a port outside the United Kingdom.
- (4) Authority for the purposes of sub-paragraph (3) may be given only if the State or relevant territory in which the port is located is willing to receive the ship.
- (5) If the constable or enforcement officer is acting under authority given for the purposes of section (*Enforcement powers in relation to ships: Scotland*)(5), the constable or officer may require the ship to be taken to—
 - (a) a port in the home state or relevant territory in question, or
 - (b) if the home state or relevant territory requests, any other State or relevant territory willing to receive the ship.
- (6) The constable or enforcement officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2) or (5).
- (7) A constable or an enforcement officer must give notice in writing to the master of any ship detained under this paragraph.
- (8) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a constable or an enforcement officer.

Power to search and obtain information

- 13 (1) This paragraph applies if a Scottish constable or an enforcement officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating—
 - (a) to a listed offence, or
 - (b) to an offence that is connected with a listed offence.
- (2) The constable or enforcement officer may search—
 - (a) the ship;
 - (b) anyone on the ship;
 - (c) anything on the ship (including cargo).
- (3) The constable or enforcement officer may require a person on the ship to give information about himself or herself.
- (4) The power to search conferred by sub-paragraph (2)—
 - (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and
 - (b) in the case of a search of a person, does not authorise a constable or an enforcement officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (5) In exercising a power conferred by sub-paragraph (2) or (3) a constable or an enforcement officer may—
 - (a) open any containers;
 - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the constable or

Modern Slavery Bill, *continued*

officer has reasonable grounds to believe to be an item subject to legal privilege);

- (c) make photographs or copies of anything the production of which the constable or officer has power to require.
- (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3).

Power of arrest and seizure

- 14 (1) This paragraph applies if a Scottish constable or an enforcement officer has reasonable grounds to suspect that a listed offence has been, or is being, committed on the ship.
- (2) The constable or enforcement officer may arrest without warrant anyone whom the constable or officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The constable or enforcement officer may seize and detain anything found on the ship which appears to the constable or officer to be evidence of the offence (but not including anything that the constable or officer has reasonable grounds to believe to be an item subject to legal privilege).

Assistants

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

Reasonable force

- 16 A Scottish constable or an enforcement officer may use reasonable force, if necessary, in the performance of functions under this Part of this Schedule.

Evidence of authority

- 17 A Scottish constable or an enforcement officer must produce evidence of the constable's or officer's authority if asked to do so.

Offences

- 18 (1) A person commits an offence under the law of Scotland if the person—
 - (a) intentionally obstructs a constable or an enforcement officer in the performance of functions under this Part of this Schedule, or
 - (b) fails without reasonable excuse to comply with a requirement made by a constable or an enforcement officer in the performance of those functions.

Modern Slavery Bill, *continued*

- (2) A person who provides information in response to a requirement made by a Scottish constable or an enforcement officer in the performance of functions under this Part of this Schedule commits an offence under the law of Scotland if—
- (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
 - (b) the person intentionally fails to disclose any material particular.
- (3) A person guilty of an offence under this paragraph is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.

PART 3

NORTHERN IRELAND

Introductory

- 19 (1) This Part of this Schedule sets out the powers exercisable by Northern Ireland constables and enforcement officers under sections (*Enforcement powers in relation to ships: Northern Ireland*) and (*Hot pursuit of ships in United Kingdom waters*)(7).
- (2) In this Part of this Schedule—
- “items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (1989/1341 (N.I. 12)) (see Article 12 of that Order);
 - “listed offence” has the meaning given by section (*Enforcement powers in relation to ships: Northern Ireland*)(9);
 - “the ship” means the ship in relation to which the powers set out in this Part of this Schedule are exercised.

Power to stop, board, divert and detain

- 20 (1) This paragraph applies if a Northern Ireland constable or an enforcement officer has reasonable grounds to suspect that—
- (a) a listed offence is being, or has been, committed on the ship, or
 - (b) the ship is otherwise being used in connection with the commission of a listed offence.
- (2) The constable or enforcement officer may—
- (a) stop the ship;
 - (b) board the ship;
 - (c) require the ship to be taken to a port (in Northern Ireland or elsewhere) and detained there.
- (3) Except as provided by sub-paragraph (5), authority of the Secretary of State is required before a constable or an enforcement officer may exercise the power conferred by sub-paragraph (2)(c) to require the ship to be taken to a port outside the United Kingdom.
- (4) Authority for the purposes of sub-paragraph (3) may be given only if the State or relevant territory in which the port is located is willing to receive the ship.
- (5) If the constable or enforcement officer is acting under authority given for the purposes of section (*Enforcement powers in relation to ships: Northern Ireland*)(6), the constable or officer may require the ship to be taken to—
- (a) a port in the home state or relevant territory in question, or

Modern Slavery Bill, *continued*

- (b) if the home state or relevant territory requests, any other State or relevant territory willing to receive the ship.
- (6) The constable or enforcement officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2) or (5).
- (7) A constable or an enforcement officer must give notice in writing to the master of any ship detained under this paragraph.
- (8) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a constable or an enforcement officer.

Power to search and obtain information

- 21
- (1) This paragraph applies if a Northern Ireland constable or an enforcement officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating—
 - (a) to a listed offence, or
 - (b) to an offence that is connected with a listed offence.
 - (2) The constable or enforcement officer may search—
 - (a) the ship;
 - (b) anyone on the ship;
 - (c) anything on the ship (including cargo).
 - (3) The constable or enforcement officer may require a person on the ship to give information about himself or herself or about anything on the ship.
 - (4) The power to search conferred by sub-paragraph (2)—
 - (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and
 - (b) in the case of a search of a person, does not authorise a constable or an enforcement officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
 - (5) In exercising a power conferred by sub-paragraph (2) or (3) a constable or an enforcement officer may—
 - (a) open any containers;
 - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the constable or officer has reasonable grounds to believe to be an item subject to legal privilege);
 - (c) make photographs or copies of anything the production of which the constable or officer has power to require.
 - (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
 - (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3).

Power of arrest and seizure

- 22
- (1) This paragraph applies if a Northern Ireland constable or an enforcement officer has reasonable grounds to suspect that a listed offence has been, or is being, committed on the ship.

Modern Slavery Bill, *continued*

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

Code of practice

- 23
- (1) The Department of Justice in Northern Ireland must prepare and issue a code in respect of the practice to be followed by Northern Ireland constables and enforcement officers when arresting a person under the power conferred by paragraph 22.
 - (2) The code must in particular provide guidance as to the information to be given to the person at the time of arrest (whether about procedural rights or other matters).
 - (3) A failure of a constable or an enforcement officer to comply with any provision of the code does not of itself render the constable or officer liable to any criminal or civil proceedings.
 - (4) The code—
 - (a) is admissible in evidence in criminal and civil proceedings, and
 - (b) may be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
 - (5) The Department of Justice may at any time revise the whole or any part of the code.
 - (6) The code, or any revision of the code, does not come into operation until the Department of Justice—
 - (a) lays a draft of the code, or revised code, before the Northern Ireland Assembly, and
 - (b) provides by order for the code, or revised code, to come into operation.
 - (7) An order bringing the code into operation may contain such transitional provisions or savings as appear to the Department of Justice to be necessary or expedient.
 - (8) An order under this paragraph is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))).
 - (9) The power of the Department of Justice to make an order under this paragraph is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

Assistants

- 24
- (1) A Northern Ireland constable or an enforcement officer may—
 - (a) be accompanied by other persons, and
 - (b) take equipment or materials,
 to assist the constable or officer in the exercise of powers under this Part of this Schedule.
 - (2) A person accompanying a constable or an enforcement officer under subparagraph (1) may perform any of the constable's or officer's functions under this Part of this Schedule, but only under the constable's or officer's supervision.

Modern Slavery Bill, *continued**Reasonable force*

- 25 A Northern Ireland constable or an enforcement officer may use reasonable force, if necessary, in the performance of functions under this Part of this Schedule.

Evidence of authority

- 26 A Northern Ireland constable or an enforcement officer must produce evidence of the constable's or officer's authority if asked to do so.

Protection of constables and enforcement officers

- 27 A Northern Ireland constable or an enforcement officer is not liable in any criminal or civil proceedings for anything done in the purported performance of functions under this Part of this Schedule if the court is satisfied that—
- (a) the act was done in good faith, and
 - (b) there were reasonable grounds for doing it.

Offences

- 28 (1) A person commits an offence under the law of Northern Ireland if the person—
- (a) intentionally obstructs a constable or an enforcement officer in the performance of functions under this Part of this Schedule, or
 - (b) fails without reasonable excuse to comply with a requirement made by a constable or an enforcement officer in the performance of those functions.
- (2) A person who provides information in response to a requirement made by a Northern Ireland constable or an enforcement officer in the performance of functions under this Part of this Schedule commits an offence under the law of Northern Ireland if—
- (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
 - (b) the person intentionally fails to disclose any material particular.
- (3) A person guilty of an offence under this paragraph is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”

Member's explanatory statement

This amendment inserts two new Parts into Schedule 1, setting out enforcement powers in relation to Scotland and Northern Ireland. These include powers to stop, board, divert and detain vessels, and powers relating to search, arrest and seizure.

Secretary Theresa May

That Schedule 1 be transferred to end of line 25 on page 38

Modern Slavery Bill, continued

Fiona Mactaggart
 Fiona Bruce
 Michael Connarty
 Mark Durkan
 Sir John Randall
 Mrs Madeleine Moon

Mike Kane
 Sandra Osborne
 Lady Hermon
 Dr William McCrea
 Mr Gregory Campbell
 Meg Hillier
 Kelvin Hopkins
 Hazel Blears

Keith Vaz
 Mrs Mary Glendon
 Mr Philip Hollobone
 David Simpson
 Mr Nigel Dodds
 Barbara Keeley
 Fiona O'Donnell
 Mr Jim Hood

Mr Virendra Sharma
 Ann Coffey
 Jim Shannon
 Ian Paisley
 Mrs Siân C. James
 Liz McInnes
 Sarah Teather
 Mr Gary Streeter

1

Schedule 4, page 45, line 21, at end insert—

“Street Offences Act 1959

(10) Omit section 1”

Secretary Theresa May

130

Schedule 4, page 50, leave out line 10 and insert—

“(1) The Prevention of Social Housing Fraud Act 2013 is amended as follows.

(2) In section 4(12)(d) (application of Powers of Criminal Courts (Sentencing) Act 2000 to unlawful profit orders)—

(a) for the words from “133(3)(c)” to “confiscation order or” substitute “133(3)(c)(ii) to an unlawful profit order under section 4 were to”;

(b) omit the second “(or both)”.

(3) In the Schedule”.

Member’s explanatory statement

This amendment is consequential on the changes to section 133(3)(c) of the Powers of Criminal Courts (Sentencing) Act 2000 made by paragraph 13 of Schedule 4.

Secretary Theresa May
 Mark Durkan

131

Title, line 2, after “an” insert “Independent”

Member’s explanatory statement

This amendment is consequential on amendment 3.

Modern Slavery Bill, continued*AUTHORITY*

Mr David Hanson
 Yvette Cooper
 Diana Johnson
 Phil Wilson

NC1

To move the following Clause—

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

- (1) 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.
- (2) An order under subsection (1) may not be made unless a draft of the Statutory Instrument containing it has been laid before each House of Parliament and been approved by a resolution in each House.”

Stephen Barclay

NC16

★ To move the following Clause—

“Accommodation operated by gangmasters

- (1) The Secretary of State shall within one year of this Act being passed bring forward regulations to require gangmasters providing, or soliciting a third party to provide, accommodation to a worker to—
 - (a) agree and keep of a copy of a tenancy agreement with the worker;
 - (b) provide and keep copies of receipts for any rent paid by the worker to them; and
 - (c) keep a rent book recording rent due and paid.
- (2) In section 7 of the Gangmaster (Licensing) Act 2004 after subsection (5) insert—

“(6) It shall be a condition of holding a license under this section that the gangmaster provide on request to the Authority or a local authority the documents required under regulations made under section (Accommodation operated by Gangmasters) of the Modern Slavery Act 2014.”
- (3) The Authority and police shall have the right of inspection of tenancy agreements held by letting agencies where there are reasonable grounds to suspect a number of properties are let or sub-let by the same individual to multiple workers.”

Stephen Barclay

NC17

★ To move the following Clause—

Modern Slavery Bill, *continued***“Gangmasters: offences, financial transactions**

In the Gangmaster Licensing Act 2004 after section 13 (Offences: payments to or by gangmasters) insert—

“13A Offences: gangmasters, financial transactions

- (1) This section applies to a person who is acting as a gangmaster in respect of a worker (“W”).
- (2) The person commits an offence if whilst acting as set out in subsection (1) they make a payment to W that is not made either—
 - (a) by a cheque which under section 81A of the Bills of Exchange Act 1882 is not transferable, or
 - (b) by an electronic transfer of funds (authorised by credit or debit card or otherwise), or
- (3) The person commits an offence if—
 - (a) whilst making a payment to W in respect of work they do not keep a record of the payment and the hours worked for which the payment is due, or
 - (b) if they do not produce such a record when required to by either the Gangmasters Licensing Authority or the police.
- (4) The Secretary of State may by regulations amend subsection (2) to permit other methods of payment.
- (5) In this section making a payment includes payment in kind (with goods or services).
- (6) If a gangmaster pays a worker in breach of subsection (2), each of the following is guilty of an offence—
 - (a) the gangmaster;
 - (b) if the payment is made with the knowledge of the person to whom the gangmaster is supplying W, that person; and
 - (c) any person who makes the payment acting for the gangmaster.
- (7) It is a defence for a person within subsection (4)(a) or (b) who is charged with an offence under this section to prove that the person—
 - (a) made arrangements to ensure that the payment was not made in breach of subsection (1), and
 - (b) took all reasonable steps to ensure that those arrangements were complied with.
- (8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Stephen Barclay

NC18

★ To move the following Clause—

“Provision of fixed penalty notices for gangmasters

- (1) The Gangmasters (Licensing) Act 2004 is amended as follows.

Modern Slavery Bill, continued

- (2) In section 12 (Offences: acting as a gangmaster, being in possession of false documents etc.) after subsection (4) insert—
- “(4A) The Secretary of State may by regulations make provision for fixed monetary penalties to be applied for an offence under this Act where—
- (a) the offence is of a lower level of severity, and
 - (b) slavery, servitude and forced or compulsory labour is not a contributory factor in the offence.
- (4B) Regulations made under subsection (4A) shall be made by statutory instrument and may not be made unless laid before in draft and agreed by both Houses of Parliament.””

Stephen Barclay

NC19

★ To move the following Clause—

“Investigation of modern slavery offences by Gangmasters Licensing Authority

- (1) In section 1 (The Gangmasters Licensing Authority) after “holding licences under this Act,” insert—
- “(c) investigate offences under section 1 of the Modern Slavery Act 2014, and related offences of fraud, where those offences involve gangmasters,
 - (d) investigate offences under section 1 of the Modern Slavery Act 2014, and related offences of fraud, where those offences are alleged to have been committed by a person licensed under this Act, whether or not the offence was committed in their capacity as a gangmaster,”
- (2) The Secretary of State may by regulations confer powers on the Gangmasters Licensing Authority in order to investigate offences under this Act.
- (3) Regulations under subsection (2) shall include provision to require financial institutions to disclose details of financial holdings to the Gangmasters Licensing Authority or the police in pursuit of an investigation of an offence under this Act.
- (4) Regulations under this section shall be made by statutory instrument and may not be made unless they have been laid before in draft, and approved by, both Houses of Parliament.”

NEW CLAUSES AND NEW SCHEDULES RELATING TO OVERSEAS DOMESTIC WORKERS

Mr David Hanson
Yvette Cooper
Diana Johnson
Phil Wilson

NC2

To move the following Clause—

Modern Slavery Bill, *continued*

“Protection from slavery from 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 up to 12 months as long as they remain in employment and are able to support themselves adequately without recourse to public funds; and
 - (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.”

NEW CLAUSES AND NEW SCHEDULES RELATING TO PROSTITUTION

Fiona Mactaggart
 Fiona Bruce
 Michael Connarty
 Mark Durkan
 Sir John Randall
 Mrs Madeleine Moon

Mike Kane
 Sandra Osborne
 Mr David Burrowes
 Jim Shannon
 David Simpson
 Mr Nigel Dodds
 Liz McInnes
 Fiona O’Donnell
 Mr Jim Hood

Keith Vaz
 Mrs Mary Glendon
 Lady Hermon
 Barbara Keeley
 Ian Paisley
 Mrs Siân C. James
 Kelvin Hopkins
 Sarah Teather
 Mr Gary Streeter

Mr Virendra Sharma
 Ann Coffey
 Mr Philip Hollobone
 Dr William McCrea
 Mr Gregory Campbell
 Meg Hillier
 Joan Walley
 Hazel Blears

NC6

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 for another person, in return for payment.
 - (2) A “payment” includes—
 - (a) payment that is promised or is given or promised by another person; and
 - (b) provision of non-financial benefits, including, but not limited to, drugs or alcohol.”
-

Modern Slavery Bill, *continued*

Fiona Mactaggart
 Fiona Bruce
 Michael Connarty
 Mark Durkan
 Sir John Randall
 Mrs Madeleine Moon

Mike Kane
 Sandra Osborne
 Mr David Burrowes
 Dr William McCrea
 Mr Gregory Campbell
 Meg Hillier
 Joan Walley
 Fiona O'Donnell
 Mr Jim Hood

Keith Vaz
 Mrs Mary Glendon
 Lady Hermon
 David Simpson
 Mr Nigel Dodds
 Kelvin Hopkins
 Caroline Lucas
 Sarah Teather
 Mr Gary Streeter

Mr Virendra Sharma
 Ann Coffey
 Jim Shannon
 Ian Paisley
 Mrs Siân C. James
 Liz McInnes
 Barbara Keeley
 Hazel Blears

NC7

To move the following Clause—

“Strategy on assistance and support for exiting prostitution

The Secretary of State shall, at least once in every year, publish a strategy to ensure that a programmes of assistance and support is made available to a person who wishes to leave prostitution.”

Yvette Cooper
 Diana Johnson
 Mr David Hanson
 Phil Wilson

NC22

★ To move the following Clause—

“Prostitution and sexual exploitation

- (1) The Secretary of State must undertake a review of the links between prostitution and human trafficking and sexual exploitation in England and Wales.
- (2) The review under subsection (1) must consider—
 - (a) the extent to which the current legislation governing prostitution in England and Wales acts as an effective deterrent to demand for sexual services from exploited persons;
 - (b) the extent to which the current legislation governing prostitution in England and Wales enables effective enforcement action against those trafficking people for sexual exploitation; and
 - (c) the extent to which alternative legal frameworks for governing prostitution adopted by other countries within the European Union, including Northern Ireland, have been effective at reducing sexual exploitation and the number of people trafficked for the purpose of sexual exploitation.

Modern Slavery Bill, *continued*

- (3) The review under subsection (1) must be completed and a copy must be laid before Parliament within six months of Royal Assent.”
-

Yvette Cooper
 Diana Johnson
 Mr David Hanson
 Phil Wilson

NC23

★ To move the following Clause—

“Consultation on prostitution, sexual exploitation and trafficking

- (1) The Secretary of State must initiate a statutory consultation on the introduction of legislation prohibiting the procurement of sex for payment.
- (2) The consultation in subsection (1) must seek to ascertain the degree to which the prohibition of sex for payment would—
- (a) reduce the number of people sexually exploited in England and Wales;
 - (b) reduce demand for sexual services from sexually exploited persons in England and Wales;
 - (c) reduce the number of people trafficked into England and Wales for the purposes of sexual exploitation.
- (3) In undertaking the consultation in subsection (1) the Secretary of State must—
- (a) seek the views of those who work with trafficked and exploited persons in England and Wales;
 - (b) seek the views of the Director of Public Prosecutions and the Association of Chief Police Officers; and
 - (c) allow submissions from members of the public.
- (4) The consultation must be completed and a summary of the results laid before Parliament within six months of the date of Royal Assent.”

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.

MODERN SLAVERY BILL PROGRAMME (NO. 2) MOTION

Secretary Theresa May

That the Order of 8 July 2014 (Modern Slavery Bill (Programme)) be varied as follows—

1. Paragraphs (4) and (5) of the Order shall be omitted.
2. Proceedings on Consideration shall be taken in the order shown in the first column of the following Table.
3. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to transparency in supply chains; new Clauses and new Schedules relating to offences, other than offences of procuring sex for payment; remaining new Clauses and new Schedules, other than new Clauses and new Schedules relating to the Gangmasters Licensing Authority, overseas domestic workers or prostitution; amendments, other than amendments relating to the Gangmasters Licensing Authority, overseas domestic workers or prostitution	4.00pm on the day on which the proceedings are commenced
New Clauses and new Schedules relating to the Gangmasters Licensing Authority; amendments relating to the Gangmasters Licensing Authority; new Clauses and new Schedules relating to overseas domestic workers; amendments relating to overseas domestic workers; new Clauses and new Schedules relating to prostitution; amendments relating to prostitution; remaining proceedings on Consideration	6.00pm on that day

Modern Slavery Bill, *continued*

4. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 7.00pm on the day on which proceedings on Consideration are commenced.
-