



Home Office

Draft Modern Slavery Bill

December 2013



Draft Modern Slavery Bill

Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty

December 2013

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Home Secretary Foreword

Modern slavery is an appalling crime. It affects victims in ways that are almost incomprehensible. Sadly it is very real and it is happening in towns and cities all over the world. And it is happening here in the UK. Modern Slavery often goes unseen for months and years, it goes unseen in quiet cul-de-sacs and streets and roads around the country.

Victims are held against their will and forced into a life of abuse, servitude and inhumane treatment. We can no longer allow men, women and children of all races, cultures, nationalities and ages to go unseen. We need to take action.



For years modern slavery has been associated with immigration crime. I have sought to change this perception. We will all have seen the news recently that three women had been kept imprisoned for 30 years in horrific conditions. That was in London in the 21st Century. And it has no place in modern Britain.

Victims are frequently trafficked from other countries into the UK, sometimes being deceived into believing that they are heading towards a better life. This is what is known as human trafficking. But what they are heading towards is a life of modern slavery: working long hours for little or no money or food, forced into a life of crime or pushed into the sex industry. Their entire life and liberty is in the hands of another, with no say and no way out.

The nature of this crime is so multi-faceted that it should not be put in one box. Addressing this issue requires tireless and coordinated effort across government, and law enforcement; enhanced cooperation with foreign partners; and increased awareness within communities across the UK.

This Government has already taken steps and sought to understand the enormity of the problem. Yes, there will often be an immigration crime angle but let's be clear; this is organised crime perpetrated by criminal gangs with links all over the world. They have the ability to move money and people without recourse from one end of the globe to the other.

We need law enforcement at every level, from the National Crime Agency to local forces to be engaged in relentlessly pursuing and disrupting these groups. Stopping these organised crime groups at their source will result in more arrests, more prosecutions, but most importantly, more people released from slavery and more prevented from ever entering it in the first place. I want a strong message to go out to any individual or group involved in the enslavement of victims; you will not get away with it, we will catch you and you will go to prison for a very long time.

This Government is committed to tackling modern slavery in all its forms. We are introducing a Modern Slavery Bill. We also need to build our capabilities if we are to make a difference. I have therefore set up a Modern Slavery Unit in the Home Office, and it will be responsible for ensuring that we tackle this problem from every angle, whilst always keeping the plight of victims at the very heart of our policies and in everything we do.

I also asked the Rt Hon Frank Field MP to lead a series of evidence sessions over the autumn. Frank has sought the views of a wide range of individuals in the UK and from overseas who have expertise on this issue. He has produced a far reaching report which will inform both the pre-legislative scrutiny process for the Modern Slavery Bill and our wider, longer term response. I am very grateful to Frank, Baroness Butler-Sloss and a host of others for the work they have put into developing this report and for their dedication to ensuring that modern slavery is no longer a hidden issue. We will continue to reflect on this work over the coming months, as our draft Bill is discussed by the Joint Committee conducting pre-legislative scrutiny.

Of course, only part of this will require legislation. I therefore intend to publish a Modern Slavery Action Plan in the spring, which will set out a comprehensive response to this crime, based on Frank and others' valuable work. We are also reviewing the operation and effectiveness of the National Referral Mechanism, and working closely with law enforcement and the criminal justice system to make sure that we prosecute the evil people involved in this crime whilst protecting the vulnerable victims whose life has been cruelly taken from them.

Today I am publishing a draft Bill. After pre-legislative scrutiny, we will bring forward a Bill for publication in May next year. This Bill will have the benefit of Frank's evidence sessions, and the Joint Committee's scrutiny. If we all work to ensure the provisions within it are as focused and targeted as possible, we will have a Modern Slavery Act in this Parliament.

I am determined to expose this hidden crime; to stop it at source; to bring more perpetrators to justice; and to protect and support victims. I hope you are too.

The Rt Hon Theresa May MP
Home Secretary
December 2013

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1. The threat

Modern slavery encompasses human trafficking, slavery, forced labour and domestic servitude.

It is a global crime. In 2012, the International Labour Organization¹ estimated that there were 21 million victims of forced labour across the world. Victims trapped in servitude, including sexual exploitation, into which they were deceived or coerced and which they cannot leave.

Modern slavery is also complex and varied. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. Organised crime groups (OCG) systematically exploit large numbers of individuals by forcing and coercing them into a life of abuse and degradation. But victims are not always forced to come to the UK. Many victims from the European Economic Area (EEA) report that their first contact with a trafficker began with the offer of an apparently legitimate job and so they travelled willingly to the UK, not aware of the horrors that awaited them. Individuals can also be brought to the UK by their own families or family connections often for domestic servitude.

Our current understanding of the exact scale of the problem is limited. The only systematic means we have for collecting data is the National Referral Mechanism (NRM)² to which potential victims³ of modern slavery are referred. 1,186 potential victims of modern slavery were referred in 2012 - a 25 per cent increase on the previous year. Of these, 786 were females and 400 were males; 815 were adults and 371 were children.⁴

Victims may be trafficked within the UK or to the UK from source countries. In the UK, individuals from over 95 countries have been referred to the National Referral Mechanism (NRM). However, ten source countries accounted for 68 per cent of all NRM referrals in 2012. Nigeria was the single largest source with 205 referrals followed by Vietnam (135), Albania (128), Romania (74) and China (55). Among those ten source countries, the UK accounted for 33 referrals in 2012.

¹ Summary of ILO report June 2012:

http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_181961/lang-en/index.htm

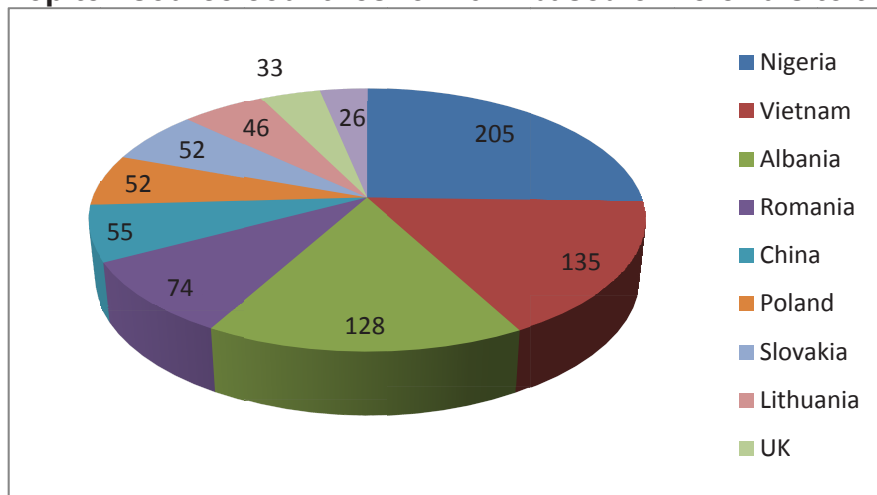
² The National Referral Mechanism (NRM) is an identification and support process for potential victims of modern slavery. It was designed to make it easier for all the different agencies that could be involved in a trafficking case, such as the police, UK Visas and Immigration, local authorities, and designated NGOs to share information about potential victims and to facilitate their access to tailored support.

³ The phrase 'potential victims' is used in relation to the NRM and statistics as it designates that an individual has been referred but not the outcome of that decision which may or may not confirm their victim status.

⁴ Second report of the Inter-Departmental Ministerial Group on Human Trafficking:

<https://www.gov.uk/Government/publications/human-trafficking-inter-departmental-ministerial-group-report-2013>

Top ten source countries for 2012 based on referrals to the NRM



We know there are more victims in the UK. The UK Human Trafficking Centre (UKHTC) Strategic Assessment for 2012⁵ recorded a potential total of 2,255⁶ victims of modern slavery in the UK.

And these are just the people we know about.

We believe there are many more unseen and unheard victims. Since 2009, the UK has seen a 48 per cent increase in the number of referrals to the NRM. Increased awareness of modern slavery makes it likely that more victims will be referred in the future.

⁵ The SOCA / UKHTC Intelligence Assessment: <http://www.nationalcrimeagency.gov.uk/news/publications/15-ukhtc-strategic-assessment-on-human-trafficking-in-2012/file>

⁶ Assessment made on the number of positive and outstanding NRM decisions plus intelligence.

2: The strategic response

This Government is committed to tackling modern slavery in all its forms. We need to build our capabilities if we are to make a difference. We must ask the right questions, gather the evidence so we understand the scope of the problem better, and have the right powers and resources available to support victims and bring offenders to justice.

Following the “4P approach” in the Government’s Serious and Organised Crime Strategy, we will:

- track down those responsible for modern slavery and bring them to justice, through an improved law enforcement response, supported with better information sharing and intelligence (Pursue);
- stop people becoming involved in the perpetration of modern slavery through effective deterrent measures (Prevent);
- strengthen our protection against modern slavery by raising awareness and increasing our resilience and effectiveness against this crime (Protect); and
- reduce the impact of modern slavery through improved support for victims, both in the UK and those returning home (Prepare).

This will be taken forward in three ways: through legislation in this Parliament; through non-legislative action across the country; and through upstream work in source countries.

The draft Modern Slavery Bill will help to cut this crime and prevent future victims. It will:

- **Consolidate and simplify existing slavery and trafficking offences** to provide clarity and focus when investigating and prosecuting traffickers;
- **Increase the maximum sentence available to life imprisonment** so that offenders receive the punishments they deserve;
- **Introduce civil orders** to restrict the activity of those who pose a risk and those convicted of slavery and trafficking offences, strengthening our ability to cut this criminality;
- Create a **new Anti-Slavery Commissioner** role to galvanise law enforcement’s efforts to tackle modern slavery;
- Establish a **legal duty to report potential victims of trafficking** to the National Crime Agency (NCA) to build a clearer picture of the nature of this hidden crime.

Our non-legislative work programme will form the basis of a comprehensive action plan to tackle modern slavery, which we will be publishing in the spring. To inform our work, we invited the Rt Hon Frank Field MP to run a number of evidence sessions to gather information and views from a wide range of experts. His recommendations will be fully considered as we develop the Bill and the action plan.

We must not forget the importance of tackling modern slavery at source, and supporting victims returning home. Our action plan will also set out how we will improve law enforcement action in source countries, and take steps towards scaling up reintegration programmes.

2a. Legislation

The Bill will be the first of its kind in Europe. It will send a strong message, both domestically and internationally, that the UK is determined to put an end to modern slavery. Ensuring that the Bill is targeted and focused will allow it to get onto the statute book in this Parliament. This will then allow future Parliaments to build on the foundations laid by this Government to achieve a slavery-free society.

Pre-legislative scrutiny allows us to test our approach with parliamentarians, front-line agencies and other organisations who see first hand the challenges of tackling modern slavery.

Our immediate legislative priorities for this Parliament are set out in the draft Bill, and we welcome views on these.

Tackling and punishing the criminals

Currently, modern slavery offences are littered across a number of different Acts. **Consolidating and simplifying existing offences** into a single Act will make enforcement administratively simpler.

The draft Bill has two substantive modern slavery offences: one for human trafficking and one for forced labour, slavery or servitude. It brings together offences from the following Acts:

- S59A Sexual Offences Act 2003;
- S4 Asylum and Immigration (Treatment of claimants, etc.) Act 2004; and
- S71 Coroners and Justice Act 2009.

The offence of human trafficking has three constituent parts: movement, means and exploitation. The consolidated human trafficking offence reflects these but in a structure, and with language that makes them easier to understand.

The draft Bill also criminalises preparatory conduct: for example, making a visa application with the aim of bringing someone to the UK on a trafficked basis. This builds on the existing provision in section 62 of the Sexual Offences Act.

The **maximum sentence for modern slavery offences** will be increased from 14 years to life imprisonment, ensuring that perpetrators pay for their crimes. The draft Bill will also include modern slavery offences within the extended determinate sentences regime. This means that an individual convicted of a second listed offence will be automatically considered for a life sentence.

These changes will send a very strong signal to the offenders that the UK will not tolerate any form of exploitation and will allow the courts to give stiffer sentences which better reflect the seriousness of these horrific crimes.

Case Study

Victim: 'Josef'

A 53-year-old Romanian man named Josef was working as an electrician in Romania. In March 2010, he became unemployed. He met and was given work by another Romanian man.

Josef was badly treated and assaulted from the outset of their working relationship. In October 2010, Josef travelled with his employers to the UK.

He was threatened with violence by them if he did not do as they said. When he got to the UK, Josef was taken to a house and forced to live in the shed in the garden. This shed had no heating or lighting. He was given no food or bedding and was forced to use a hole in the ground as a lavatory.

Josef was then forced to work for the family, stealing and doing work around the house. In March 2011, Josef finally found a chance to go to the police. He was then housed at a safe location outside London.

All four perpetrators were convicted of human trafficking into the UK for exploitation under section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004 and were sentenced to terms of imprisonment between nine and 13 and a half years.

Restricting offenders

We will legislate to introduce **Slavery and Trafficking Prevention Orders (STPOs) and Slavery and Trafficking Risk Orders (STROs)**. The nature of modern slavery is so complex that it requires bespoke orders to target effectively the behaviour of individuals and organised criminals operating in this space. STPOs will be available for individuals who have been convicted of modern slavery offences. An STRO can be imposed on an individual who has not been convicted of a modern slavery offence, but only where a court is satisfied that the individual presents a sufficiently serious risk to others. The court will be able to tailor the orders to address the risks posed by the individual in order to protect the community. This could include measures such as being banned from working with children, working as a gang-master or employing staff, or travelling to specific countries.

The draft Bill also includes the power to make interim STPOs and STROs. The interim orders will mean that courts can place temporary restrictions on an individual while the substantive order is considered and made. This incorporates safeguards but ensures that the police are able to act to stop a threat immediately whilst a court considers the longer-term restrictions that are necessary to prevent an individual from committing a modern slavery offence.

Improving our response

The draft Bill will also introduce an **Anti-Slavery Commissioner**. Modern slavery damages communities. For the first time, we will have a senior figure dedicated to the UK's fight against modern slavery. The Commissioner will focus on strengthening law enforcement efforts in the UK.

Police and Crime Commissioners (PCCs) have a key role in ensuring a comprehensive local response which fights this crime, and protects and supports victims. They hold their Chief Constable to account for the operational response. The new Commissioner will liaise with PCCs and Chief Constables in respect of the strategic policing requirement in as far as it relates to modern slavery.

The new Commissioner will also work with the Crown Prosecution Service, NCA and other enforcement bodies to challenge the quality of their response and make recommendations on how it could be improved. Appointed by the Home Secretary, the Commissioner will be required to publish an annual report giving an independent assessment on the progress being made to tackle modern slavery.

Improving our understanding

A legal **duty to report** all suspected victims of modern slavery will be placed on those public bodies that regularly come into contact with potential victims.

The duty will apply to public bodies identified as "first responders": the police, immigration, and local authorities. Guidance will make clear that victims will be able to remain anonymous if they wish. No one will be obliged to accept support they do not want. Designated non-governmental bodies will also be expected to report all potential victims that they come into contact with, as part of their responsibilities as a first responder. Our approach will ensure that victims can access all the services that are open to them, and that we develop an improved picture of the number of victims of these terrible crimes.

Scope

The draft Bill currently extends to England and Wales only. Recognising that modern slavery is an issue which affects the whole of the UK, we will continue to

work with the Devolved Administrations to secure a Bill which has the broadest UK-wide effect.

Northern Ireland

The Minister of Justice in Northern Ireland has signalled his intention to launch a public consultation exercise on the application of these proposals to Northern Ireland. Consultation in Northern Ireland will also consider the most effective means of legislative provision, whether through Northern Ireland legislation (a Bill is currently before the Northern Ireland Assembly) or by extending proposals under this Bill to Northern Ireland, following a Legislative Consent Motion in the Northern Ireland Assembly.

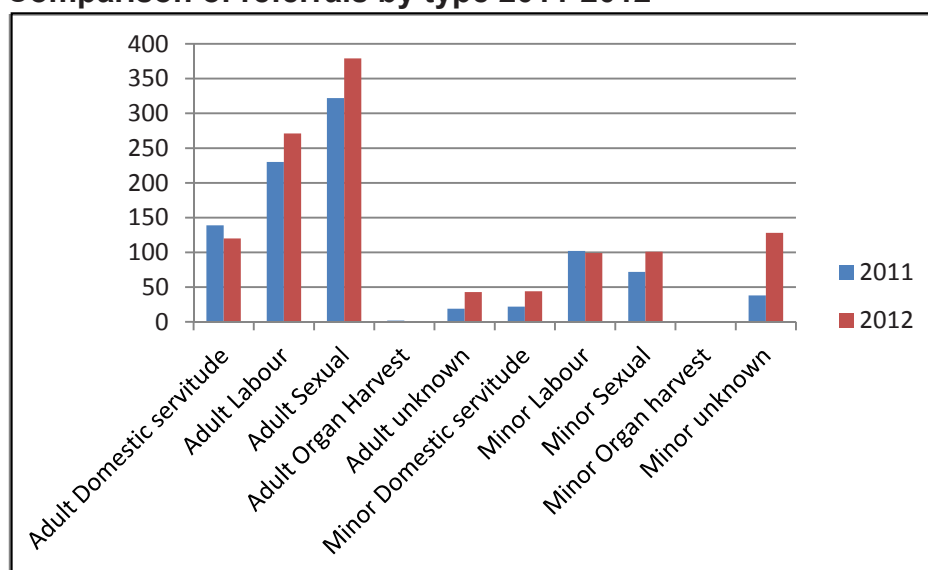
Scotland

The Scottish Government has already made known its intention to explore with the UK Government whether this Bill could be used to legislate for Scottish interests. While modern slavery legislation differs in some respects between jurisdictions, Scotland would wish to retain its current distinctive approach to ensure that the legislative position adopted in Scotland is maintained or enhanced. Any legislative changes covering devolved matters would be subject to a legislative consent motion being approved by the Scottish Parliament.

2b. The wider package

Modern slavery is a complex issue that requires a multi-faceted response. The second report of the Inter-Departmental Ministerial Group on human trafficking⁷ (the group with responsibility for overseeing and assessing the UK's efforts to tackle modern slavery) demonstrates the complexity of modern slavery and the challenges presented in responding to it.

Comparison of referrals by type 2011-2012



The Modern Slavery Bill is just one element of our strategy, and sets the priority and direction for further activity in the future. The wider non-legislative approach will be fully set out in a Modern Slavery Action Plan in the spring, which will include the following elements.

Raising awareness and improving skills to respond

To support first responders, the Home Office will provide additional training and guidance to ensure that they fully understand their role, the indicators that an individual may be a victim of slavery, and the referral process.

- The College of Policing will provide training on modern slavery to all front line officers. It will also develop Authorised Professional Practice⁸ for those officers in roles that require a more detailed and expert understanding of modern slavery.

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251487/9794-TSO-HMG_Human_Trafficking.pdf

⁸ Authorised Professional Practice (APP) is the body of consolidated guidance for policing. APP significantly reduces the amount of national guidance in circulation and encourages the use of professional discretion.

- The Department of Health will roll out training to raise awareness of modern slavery among NHS professionals.
- We will continue to work with the travel industry, who play a key role in identifying and reporting suspicious travel activities that may be linked to modern slavery. With the help of Virgin Atlantic and Thomas Cook we have developed a training package for flight attendants who are well placed to spot indicators of modern slavery.

Improving the law enforcement response

We will ensure the National Crime Agency (NCA) strengthens law enforcement's response to modern slavery – internationally and domestically. Under the NCA's new National Control Strategy, modern slavery has been identified as the highest priority level of threat. This sends a clear message to all law enforcement partners.

The NCA will improve international collaboration; and secure increased intelligence sharing with international partners, through Interpol and Europol and following the implementation of new international intelligence sharing systems.

Drawing on new police-developed local profiles for serious and organised crime, we can build an understanding of the threat of modern slavery at a local level and this will inform the work of organised crime partnership boards. These boards include representation from the relevant local authorities and agencies including the police, health and social care and immigration. Regional Organised Crime Units in England and Wales will support the work of local forces by providing specialist capabilities, such as intelligence collection, asset recovery and witness protection programmes.

Strengthening the border

We will continue to improve our ability to detect both victims and their traffickers at the border. This will include:

- ensuring all frontline border staff are trained on trafficking and child safeguarding so they know what to look out for and what to do;
- ensuring law enforcement agencies share intelligence gathered in-country and overseas, including at the border; and
- better analysis to help officers identify those who may be engaged in or at risk of trafficking.

We will work beyond our borders to encourage other jurisdictions to prioritise anti-trafficking activities and improve returns and reintegration of victims who want to return home.

Prosecution of victims

We recognise there are concerns regarding the prosecution of victims of modern slavery. The Director of Public Prosecutions will issue revised guidance to ensure that prosecutors understand this issue, and when it is not in the public interest they will not proceed with a case. We will continue to reflect on whether there is anything further that is needed to prevent modern slavery victims being prosecuted where it is clearly not right to do so.

Case Study

Slave Driver: Odoosa Usiobaifo

Two girls, aged 14 and 15 at the time, were identified by Border Force officers at Heathrow Airport in September and November 2011 using false passports showing they were adults. They had arrived on flights from Lagos and were attempting to transit to Paris. In interviews with the Serious Organised Crime Agency's Vulnerable Persons Team it became clear that the pair were being trafficked to mainland Europe for the purposes of sexual exploitation. They were placed in local authority care but on 6 April 2012 were reported missing to Sussex Police by their respective foster carers.

Investigation revealed that contact had been made with the girls and Odoosa Usiobaifo had collected them from a pre-arranged meeting point before they were given false passports and tickets and placed on a flight to Spain. One of the girls was refused entry to Spain and returned to the UK. She remains in the care of the UK authorities. The other passed through Spanish border controls and is still missing. It appears that the girls had been subject to JuJu rituals prior to coming to the UK. Usiobaifo was part of an organised crime group trafficking young girls for sexual exploitation.

In March 2013, Usiobaifo was sentenced to the (current) maximum 14 years for his involvement in the trafficking of the girls following a joint Home Office and Sussex Police investigation. He was convicted of conspiring to traffick for the purposes of sexual exploitation and pleaded guilty to conspiring to facilitate illegal immigration.

Asset recovery

Put simply, serious organised criminals become involved because they believe it is lucrative. We must demonstrate that this crime does not pay.

We will use the Proceeds of Crime Act to recover the money made from modern slavery. Human trafficking is already a "lifestyle offence" under Schedule 2 of the Act, meaning that the courts can confiscate relevant assets linked to a defendant's crimes, whenever those crimes took place, and regardless of whether they have

been the subject of criminal proceedings. We will seek to broaden this provision to make forced labour a “lifestyle offence” too.

The general powers of forfeiture in the Powers of the Criminal Courts (Sentencing) Act 2000 will continue to apply to the consolidated offences. We will ensure that the detention and forfeiture powers relating to vehicles, ships and aircraft apply to the offences in the Bill. We will also consider whether we should replicate the approach in the Misuse of Drugs Act 1971 and extend the powers so that they apply to any property that the court deems to have been related to the offence. This would make clear our determination that slave drivers cannot and must not profit from their crimes.

Supply chains

We will continue to work with businesses on a voluntary basis so they can ensure their workforces and supply chains are not exploited. We will also give further consideration to how the experience and knowledge of the Gangmasters Licensing Authority can be maximised to protect workers in other sectors they do not cover.

Support for victims

We will continue to support adult victims of modern slavery through the £4 million Government-funded contract with The Salvation Army. We are required to provide victims with 30 days for ‘reflection and recovery’ but fund an additional 15 days.

We will review the NRM process to ensure that it is the most effective way of identifying and supporting victims.

We will strengthen links between work to tackle modern slavery and our existing programme to tackle violence against women and girls (VAWG). We will carry out a targeted consultation to determine whether the current framework is suited for dealing with those who seek to traffick people into prostitution. We will then take forward actions arising from that consultation.

We will do more to ensure a robust multi-agency approach in response to protect victims who are trafficked or enslaved to provide sexual services.

We will work within Government and with local areas to strengthen support arrangements for child victims of modern slavery. We will ensure robust accountability mechanisms to identify occasions when delivery falls short of the statutory requirements.

We will also ensure that the National Group to Tackle Sexual Violence Against Children and Vulnerable People reflects the needs of victims of modern slavery. The National Group coordinates and implements lessons from recent inquiries into

historic sexual abuse to improve cross-Government delivery. This is done by identifying problems and acting swiftly to resolve them.

Case study

Lithuanian farm workers

Lithuanian males responding to adverts placed on the internet and in Lithuanian newspapers were brought to the UK by minibus for employment catching chickens. An agent's fee of £350 was charged to be deducted over time from the workers' pay. A further £120 was charged for travel. The workers were bussed to locations across the UK to catch and crate chickens ready for transportation to slaughter.

They would spend several days at a time in vans, including for sleep. Food was limited and no washing facilities were available. Other accommodation was squalid with shared mattresses on the floors sleeping up to 9 people per room. Further deductions from wages were made to pay for this accommodation and related heat and power costs. The workers were "kept in line" by a Lithuanian working for the company. Threats, intimidation and violence were used to ensure compliance.

In October 2012, 28 Lithuanian and one Moldovan male were recovered in a police operation and attended a reception centre. All consented to referral to the National Referral Mechanism and moved to Salvation Army accommodation.

3. Draft Modern Slavery Bill

Modern Slavery Bill

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DRAFT
OF A
B I L L
TO

Make provision about slavery and human trafficking; to make provision for an Anti-slavery Commissioner; and for connected purposes.

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

PART 1

OFFENCES

Offences

1 Slavery, servitude and forced or compulsory labour

- (1) A person (“P”) commits an offence if –
 - (a) P holds another person in slavery or servitude and the circumstances are such that P knows or ought to know that the person is held in slavery or servitude, or
 - (b) P requires another person to perform forced or compulsory labour and the circumstances are such that P knows or ought to know that the person is being required to perform forced or compulsory labour.
- (2) In subsection (1) the references to holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour are to be construed in accordance with Article 4 of the Human Rights Convention.

2 Human trafficking

- (1) A person (“P”) commits an offence if P intentionally arranges or facilitates –
 - (a) the arrival in, or entry into, the United Kingdom or another country of another person (“V”),
 - (b) the departure of V from the United Kingdom or another country, or

-
- (c) the travel of V within the United Kingdom or another country, with a view to V being exploited.
- (2) It is irrelevant whether V consents to the arrival or entry, the departure or the travel.
- (3) P’s arranging or facilitating is with a view to V being exploited only if –
- (a) P intends to exploit V (in any part of the world) after the arrival or entry, after the departure, or during or after the travel, or
 - (b) P believes that another person is likely to exploit V as mentioned in paragraph (a).
- (4) A person who is a UK national commits an offence under this section regardless of –
- (a) where the arranging or facilitating takes place, or
 - (b) which country is the country of arrival, entry, departure or travel.
- (5) A person who is not a UK national commits an offence under this section if –
- (a) any part of the arranging or facilitating takes place in the United Kingdom, or
 - (b) the United Kingdom is the country of arrival, entry, departure or travel.

3 Meaning of exploitation

- (1) For the purposes of section 2 a person is exploited only if one or more of the following subsections apply in relation to the person.

Slavery, servitude and forced or compulsory labour

- (2) The person is the victim of behaviour –
- (a) which involves the commission of an offence under section 1, or
 - (b) which would involve the commission of an offence under that section if it took place in England and Wales.

Sexual exploitation

- (3) Something is done to or in respect of the person –
- (a) which involves the commission of an offence under –
 - (i) section 1(1)(a) of the Protection of Children Act 1978 (indecent photographs of children), or
 - (ii) Part 1 of the Sexual Offences Act 2003 (sexual offences), as it has effect in England and Wales, or
 - (b) which would involve the commission of such an offence if it were done in England and Wales.

Removal of organs etc.

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

Securing services etc. by force, threats or deception

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

Securing services etc. from children and vulnerable persons

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

4 Committing offence with intent to commit offence under section 2

A person commits an offence under this section if the person commits any offence with the intention of committing –

- (a) an offence under section 2, or
- (b) an offence of aiding, abetting, counselling or procuring an offence under that section.

5 Penalties

- (1) A person guilty of an offence under section 1 or 2 is liable – (a) on conviction on indictment, to imprisonment for life; (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both.
- (2) A person guilty of an offence under section 4 is (unless subsection (3) applies) liable – (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years; (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both.
- (3) Where the offence under section 4 is committed by kidnapping or false imprisonment, a person guilty of that offence is liable, on conviction on indictment, to imprisonment for life.
- (4) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the references in subsections (1)(b) and (2)(b) to 12 months are to be read as references to 6 months.

6 Sentencing

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In Part 1 of Schedule 15 (specified offences for purposes of Chapter 5 of Part 12:

sentencing of dangerous offenders), after paragraph 63F insert –

“63G An offence under section 1 of the Modern Slavery Act 2014 (slavery, servitude and forced or compulsory labour).

63H An offence under section 2 of that Act (human trafficking).”

- (3) In Part 1 of Schedule 15B (offences listed for purposes of sections 224A, 226A and 246A: life sentences, extended sentences, release on licence of prisoners serving extended sentences), after paragraph 43 insert –

“43A An offence under section 1 of the Modern Slavery Act 2014 (slavery, servitude and forced or compulsory labour).

43B An offence under section 2 of that Act (human trafficking).”

Supplementary

7 Forfeiture of land vehicle, ship or aircraft

- (1) This section applies if a person is convicted on indictment of an offence under section 2.
- (2) The court may order the forfeiture of a land vehicle used or intended to be used in connection with the offence if the convicted person –
- owned the vehicle at the time the offence was committed,
 - was at that time a director, secretary or manager of a company which owned the vehicle,
 - was at that time in possession of the vehicle under a hire-purchase agreement,
 - was at that time a director, secretary or manager of a company which was in possession of the vehicle under a hire-purchase agreement, or
 - was driving the vehicle in the course of the commission of the offence.
- (3) The court may order the forfeiture of a ship or aircraft used or intended to be used in connection with the offence if the convicted person –
- owned the ship or aircraft at the time the offence was committed,
 - was at that time a director, secretary or manager of a company which owned the ship or aircraft,
 - was at that time in possession of the ship or aircraft under a hire-purchase agreement,
 - was at that time a director, secretary or manager of a company which was in possession of the ship or aircraft under a hire-purchase agreement,
 - was at that time a charterer of the ship or aircraft, or
 - committed the offence while acting as captain of the ship or aircraft.
- (4) But where subsection (3)(a) or (b) does not apply to the convicted person, forfeiture of a ship or aircraft may be ordered only if subsection (5) applies or –
- in the case of a ship, its gross tonnage is less than 500 tons;
 - in the case of an aircraft other than a hovercraft, the maximum weight at which it may take off in accordance with its certificate of airworthiness is less than 5,700 kilogrammes.

- (5) This subsection applies where a person who, at the time the offence was committed –
 - (a) owned the ship or aircraft, or
 - (b) was a director, secretary or manager of a company which owned it, knew or ought to have known of the intention to use it in the course of the commission of an offence under section 2.
- (6) Where a person who claims to have an interest in a land vehicle, ship or aircraft applies to a court to make representations about its forfeiture, the court may not order its forfeiture without giving the person an opportunity to make representations.

8 Detention of land vehicle, ship or aircraft

- (1) If a person (“P”) has been arrested for an offence under section 2, a constable or senior immigration officer may detain a relevant land vehicle, ship or aircraft.
- (2) A land vehicle, ship or aircraft is relevant if the constable or officer has reasonable grounds to believe that an order for its forfeiture could be made under section 7 if P were convicted of the offence.
- (3) The land vehicle, ship or aircraft may be detained –
 - (a) until a decision is taken as to whether or not to charge P with the offence,
 - (b) if P has been charged, until P is acquitted, the charge against P is dismissed or the proceedings are discontinued, or
 - (c) if P has been charged and convicted, until the court decides whether or not to order forfeiture of the vehicle, ship or aircraft.
- (4) A person (other than P) may apply to the court for the release of the land vehicle, ship or aircraft on the grounds that the person –
 - (a) owns the vehicle, ship or aircraft,
 - (b) was, immediately before the detention of the vehicle, ship or aircraft, in possession of it under a hire-purchase agreement, or
 - (c) is a charterer of the ship or aircraft.
- (5) The court to which an application is made under subsection (4) may, if satisfactory security or surety is tendered, release the land vehicle, ship or aircraft on condition that it is made available to the court if –
 - (a) P is convicted, and
 - (b) an order for its forfeiture is made under section 7.
- (6) In this section, “the court” means –
 - (a) if P has not been charged, or P has been charged but proceedings for the offence have not begun to be heard, a magistrates’ court;
 - (b) if P has been charged and proceedings for the offence have begun to be heard, the court hearing the proceedings.
- (7) In this section, “senior immigration officer” means an immigration officer (appointed under the Immigration Act 1971) not below the rank of chief immigration officer.

9 Interpretation of Part 1

- (1) In this Part –

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- “aircraft” includes hovercraft;
“captain” means master (of a ship) or commander (of an aircraft);
“country” includes territory or other part of the world;
“the Human Rights Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950;
“land vehicle” means any vehicle other than a ship or aircraft;
“ship” includes every description of vessel used in navigation;
“UK national” means –
- (a) a British citizen,
 - (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has a right of abode in the United Kingdom, or
 - (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.

- (2) In sections 7 and 8, a reference to being an owner of a vehicle, ship or aircraft includes a reference to being any of a number of persons who jointly own it.

10 Repeal of existing provisions

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

PART 2

PREVENTION ORDERS

Slavery and trafficking prevention orders

11 Slavery and trafficking prevention orders on sentencing

- (1) A court may make an order under this section against a person (“the defendant”) where it deals with the defendant in respect of –
 - (a) a conviction for a slavery or human trafficking offence,
 - (b) a finding that the defendant is not guilty of a slavery or human trafficking offence by reason of insanity, or
 - (c) a finding that the defendant is under a disability and has done the act charged against the defendant in respect of a slavery or human trafficking offence.

- (2) The court may make the order only if it is satisfied that it is necessary to do so for the purpose of protecting persons generally, or particular persons, from physical or psychological harm caused by the defendant committing an offence under Part 1.
- (3) A “slavery or human trafficking offence” means an offence listed in the Schedule.
- (4) For the purposes of this section, convictions and findings include those taking place before this section comes into force.

12 Slavery and trafficking prevention orders on application

- (1) A magistrates’ court may make an order under this section against a person (“the defendant”) on an application by –
 - (a) a chief officer of police, or
 - (b) the Director General of the National Crime Agency (“the Director General”).
- (2) The court may make the order only if it is satisfied that –
 - (a) the defendant is a relevant offender (see section 13), and
 - (b) since the defendant first became a relevant offender, the defendant has acted in a way which makes it necessary to make the order for the purpose of protecting persons generally, or particular persons, from physical or psychological harm caused by the defendant committing an offence under Part 1.
- (3) A chief officer of police may make an application under this section only in respect of a person –
 - (a) who lives in the chief officer’s police area, or
 - (b) who the chief officer believes is in that area or is intending to come to it.
- (4) The Director General must give notice of any application the Director General makes under this section to the chief officer of police for –
 - (a) the police area where the person in question lives, or
 - (b) a police area which the Director General believes the person is in or is intending to come to.
- (5) An application under this section is to be made by complaint.
- (6) The acts of the defendant which may be relied on for the purposes of subsection (2)(b) include acts taking place before this section comes into force.

13 Meaning of “relevant offender”

- (1) A person is a “relevant offender” for the purposes of section 12 if subsection (2) or (3) applies to the person.
- (2) This subsection applies to a person if –
 - (a) the person has been convicted of a slavery or human trafficking offence,
 - (b) a court has made a finding that the person is not guilty of a slavery or human trafficking offence by reason of insanity,
 - (c) a court has made a finding that the person is under a disability and has done the act charged against the person in respect of a slavery or human trafficking offence, or

-
- (d) the person has been cautioned in respect of a slavery or human trafficking offence.
- (3) This subsection applies to a person if, under the law of a country outside the United Kingdom –
- (a) the person has been convicted of an equivalent offence (whether or not the person has been punished for it),
 - (b) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is not guilty by reason of insanity,
 - (c) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is under a disability and has done the act charged against the person, or
 - (d) the person has been cautioned in respect of an equivalent offence.
- (4) An “equivalent offence” means an act which –
- (a) constituted an offence under the law of the country concerned, and
 - (b) would have constituted a slavery or human trafficking offence under the law of England and Wales if it had been done in England and Wales, or by a UK national, or as regards the United Kingdom.
- (5) For the purposes of subsection (4) an act punishable under the law of a country outside the United Kingdom constitutes an offence under that law, however it is described in that law.
- (6) On an application under section 12 where subsection (3) is alleged to apply to the defendant, the condition in subsection (4)(b) is to be taken as met unless –
- (a) not later than provided by rules of court, the defendant serves on the applicant a notice which states that in the defendant’s opinion the condition is not met, shows the grounds for that opinion, and requires the applicant to prove that the condition is met, or
 - (b) the court permits the defendant to require the applicant to prove that the condition is met without service of such a notice.
- (7) References in this section to convictions, findings and cautions include those taking place before this section comes into force.

14 Effect of slavery and trafficking prevention orders

- (1) An order under section 11 or 12 (a “slavery and trafficking prevention order”) prohibits the defendant from doing anything described in the order.
- (2) The only prohibitions that may be included in the order are those which the court is satisfied are necessary for the purpose of protecting persons generally, or particular persons, from physical or psychological harm caused by the defendant committing an offence under Part 1.
- (3) Subject to section 15(1), a prohibition contained in a slavery and trafficking prevention order has effect –
- (a) for a fixed period, specified in the order, of at least 5 years, or
 - (b) until further order.
- (4) A slavery and trafficking prevention order –
- (a) may specify that some of its prohibitions have effect until further order and some for a fixed period;
 - (b) may specify different periods for different prohibitions.

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

15 Prohibitions on foreign travel

- (1) A prohibition on foreign travel contained in a slavery and trafficking prevention order must be for a fixed period of not more than 5 years.
- (2) A “prohibition on foreign travel” means –
- (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
 - (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
 - (c) a prohibition on travelling to any country outside the United Kingdom.
- (3) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 16.
- (4) A slavery and trafficking prevention order that contains a prohibition within subsection (2)(c) must require the defendant to surrender all of the defendant’s passports at a police station specified in the order –
- (a) on or before the date when the prohibition takes effect, or
 - (b) within a period specified in the order.
- (5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a slavery and trafficking prevention order containing a prohibition within subsection (2)(c).
- (6) Subsection (5) does not apply in relation to –
- (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
 - (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.

16 Variation, renewal and discharge

- (1) A person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging a slavery and trafficking prevention order.
- (2) The persons are –
- (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant lives;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer’s police area;
 - (d) where the order was made on an application by a chief officer of police under section 12, that officer.
- (3) An application under subsection (1) may be made –
- (a) where the appropriate court is the Crown Court, in accordance with rules of court;
 - (b) in any other case, by complaint.

- (4) On the application the court, after hearing –
 - (a) the person making the application, and
 - (b) the other persons mentioned in subsection (2) (if they wish to be heard),may make any order varying, renewing or discharging the slavery and trafficking prevention order that the court considers appropriate.
- (5) An order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if the court is satisfied that it is necessary to do so for the purpose of protecting persons generally, or particular persons, from physical or psychological harm caused by the defendant committing an offence under Part 1.
- (6) Any renewed or varied order may contain only those prohibitions which the court is satisfied are necessary for that purpose.
- (7) The court must not discharge an order before the end of 5 years beginning with the day on which the order was made, without the consent of the defendant and –
 - (a) where the application is made by the defendant, the chief officer of police for the area in which the defendant lives;
 - (b) where the application is made by a chief officer of police, that chief officer.
- (8) Subsection (7) does not apply to an order containing a prohibition on foreign travel and no other prohibitions.
- (9) In this section “the appropriate court” means –
 - (a) where the Crown Court or the Court of Appeal made the slavery and trafficking prevention order, the Crown Court;
 - (b) where a magistrates’ court made the order, a magistrates’ court;
 - (c) where a youth court made the order, a youth court.

17 Interim slavery and trafficking prevention orders

- (1) This section applies where an application under section 12 (“the main application”) has not been determined.
- (2) An application for an order under this section (an “interim slavery and trafficking prevention order”) –
 - (a) may be made by the complaint by which the main application is made, or
 - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The court may, if it considers it just to do so, make an interim slavery and trafficking prevention order, prohibiting the defendant from doing anything described in the order.
- (4) Such an order –
 - (a) has effect only for a fixed period, specified in the order;
 - (b) ceases to have effect, if it has not already done so, on the determination of the main application.

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

18 Appeals

- (1) A defendant may appeal against the making of a slavery and trafficking prevention order –
- (a) where the order was made under section 11(1)(a), as if the order were a sentence passed on the defendant for the offence;
 - (b) where the order was made under section 11(1)(b) or (c), as if the defendant had been convicted of the offence and the order were a sentence passed on the defendant for that offence;
 - (c) where the order was made on an application under section 12, to the Crown Court.
- (2) A defendant may appeal to the Crown Court against the making of an interim slavery and trafficking prevention order.
- (3) A defendant may appeal against the making of an order under section 16, or the refusal to make such an order –
- (a) where the application for such an order was made to the Crown Court, to the Court of Appeal;
 - (b) in any other case, to the Crown Court.
- (4) On an appeal under subsection (1)(c), (2) or (3)(b), the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (5) Any order made by the Crown Court on an appeal under subsection (1)(c) or (2) is for the purposes of section 16(9) or 17(5) (respectively) to be treated as if it were an order of the court from which the appeal was brought.
- (6) Subsection (5) does not apply to an order directing that an application be re-heard by a magistrates' court.

19 Offences

- (1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by –
- (a) a slavery and trafficking prevention order, or
 - (b) an interim slavery and trafficking prevention order,
- commits an offence.
- (2) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under section 15(4).
- (3) A person guilty of an offence under this section is liable –
- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years;
 - (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding £5,000 or both.

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- (4) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make an order for conditional discharge in respect of the offence.

20 Guidance

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

Slavery and trafficking risk orders

21 Slavery and trafficking risk orders

- (1) A magistrates' court may make an order under this section against a person ("the defendant") on an application by –
- (a) a chief officer of police, or
 - (b) the Director General of the National Crime Agency ("the Director General").
- (2) The court may make the order only if it is satisfied that the defendant has acted in a way which makes it necessary to make the order for the purpose of protecting persons generally, or particular persons, from physical or psychological harm caused by the defendant committing an offence under Part 1.
- (3) A chief officer of police may make an application under this section only in respect of a person –
- (a) who lives in the chief officer's police area, or
 - (b) who the chief officer believes is in that area or is intending to come to it.
- (4) The Director General must give notice of any application the Director General makes under this section to the chief officer of police for –
- (a) the police area where the person in question lives, or
 - (b) a police area which the Director General believes the person is in or is intending to come to.
- (5) An application under this section is to be made by complaint.
- (6) The acts of the defendant which may be relied on for the purposes of subsection (2) include acts taking place before this section comes into force.

22 Effect of slavery and trafficking risk orders

- (1) An order under section 21 (a "slavery and trafficking risk order") prohibits the defendant from doing anything described in the order.

- (2) The only prohibitions that may be included in the order are those which the court is satisfied are necessary for the purpose of protecting persons generally, or particular persons, from physical or psychological harm caused by the defendant committing an offence under Part 1.
- (3) Subject to section 23(1), a prohibition contained in a slavery and trafficking risk order has effect—
 - (a) for a fixed period, specified in the order, of at least 2 years, or
 - (b) until further order.
- (4) A slavery and trafficking risk order—
 - (a) may specify that some of its prohibitions have effect until further order and some for a fixed period;
 - (b) may specify different periods for different prohibitions.
- (5) Where a court makes a slavery and trafficking risk order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

23 Prohibitions on foreign travel

- (1) A prohibition on foreign travel contained in a slavery and trafficking risk order must be for a fixed period of not more than 5 years.
- (2) A “prohibition on foreign travel” means—
 - (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
 - (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
 - (c) a prohibition on travelling to any country outside the United Kingdom.
- (3) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 24.
- (4) A slavery and trafficking risk order that contains a prohibition within subsection (2)(c) must require the defendant to surrender all of the defendant’s passports at a police station specified in the order—
 - (a) on or before the date when the prohibition takes effect, or
 - (b) within a period specified in the order.
- (5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a slavery and trafficking risk order containing a prohibition within subsection (2)(c).
- (6) Subsection (5) does not apply in relation to—
 - (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
 - (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.

24 Variation, renewal and discharge

- (1) A person within subsection (2) may by complaint to a magistrates' court apply for an order varying, renewing or discharging a slavery and trafficking risk order.
- (2) The persons are –
 - (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant lives;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer's police area;
 - (d) where the order was made on an application by a chief officer of police, that officer.
- (3) On the application the court, after hearing –
 - (a) the person making the application, and
 - (b) the other persons mentioned in subsection (2) (if they wish to be heard),may make any order varying, renewing or discharging the slavery and trafficking risk order that the court considers appropriate.
- (4) An order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if the court is satisfied that it is necessary to do so for the purpose of protecting persons generally, or particular persons, from physical or psychological harm caused by the defendant committing an offence under Part 1.
- (5) Any renewed or varied order may contain only those prohibitions which the court is satisfied are necessary for that purpose.
- (6) The court must not discharge an order before the end of 2 years beginning with the day on which the order was made, without the consent of the defendant and –
 - (a) where the application is made by the defendant, the chief officer of police for the area in which the defendant lives;
 - (b) where the application is made by a chief officer of police, that chief officer.

25 Interim slavery and trafficking risk orders

- (1) This section applies where an application for a slavery and trafficking risk order ("the main application") has not been determined.
- (2) An application for an order under this section (an "interim slavery and trafficking risk order") –
 - (a) may be made by the complaint by which the main application is made, or
 - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The court may, if it considers it just to do so, make an interim slavery and trafficking risk order, prohibiting the defendant from doing anything described in the order.
- (4) Such an order –
 - (a) has effect only for a fixed period, specified in the order;

- (b) ceases to have effect, if it has not already done so, on the determination of the main application.
- (5) The applicant or the defendant may by complaint apply to the court that made the interim slavery and trafficking risk order for the order to be varied, renewed or discharged.

26 Appeals

- (1) A defendant may appeal to the Crown Court—
 - (a) against the making of a slavery and trafficking risk order;
 - (b) against the making of an interim slavery and trafficking risk order;
 - (c) against the making of an order under section 24, or the refusal to make such an order.
- (2) The Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (3) An order made by the Crown Court on an appeal against the making of an interim slavery and trafficking risk order is to be treated for the purposes of section 25(5) as if it were an order of the court from which the appeal was brought.
- (4) Subsection (3) does not apply to an order directing that an application be re-heard by a magistrates' court.

27 Offences

- (1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—
 - (a) a slavery and trafficking risk order, or
 - (b) an interim slavery and trafficking risk order,commits an offence.
- (2) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under section 23(4).
- (3) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years,
 - (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding £5,000 or both.
- (4) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make an order for conditional discharge in respect of the offence.

28 Guidance

- (1) The Secretary of State must issue guidance to chief officers of police and to the Director General of the National Crime Agency in relation to the exercise by them of their powers with regard to slavery and trafficking risk orders and interim slavery and trafficking risk orders.

- (2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1).
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published in a way the Secretary of State considers appropriate.

Interpretation of Part 2

29 Interpretation of Part 2

- (1) In this Part –
 - “cautioned” means cautioned after the person concerned has admitted the offence,
 - “country” includes territory,
 - “interim slavery and trafficking prevention order” means an order under section 17,
 - “interim slavery and trafficking risk order” means an order under section 25,
 - “slavery or human trafficking offence” means an offence listed in the Schedule,
 - “slavery and trafficking prevention order” means an order under section 11 or 12,
 - “slavery and trafficking risk order” means an order under section 21,
 - “UK national” has the same meaning as in Part 1.
- (2) In this Part “passport” means –
 - (a) a United Kingdom passport within the meaning of the Immigration Act 1971;
 - (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation;
 - (c) a document that can be used (in some or all circumstances) instead of a passport.
- (3) In this Part a reference to a conviction includes a conviction for an offence in respect of which an order for conditional discharge is made, despite –
 - (a) section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (conviction with conditional discharge deemed not to be a conviction),
 - (b) article 6(1) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (equivalent provision for Northern Ireland).
- (4) Subsection (3) applies only to convictions after this Part comes into force.
- (5) In this Part a reference to a conviction includes a finding of a court in summary proceedings that the accused did the act charged, where the court makes an order under –
 - (a) section 37(3) of the Mental Health Act 1983,
 - (b) section 58(3) of the Criminal Procedure (Scotland) Act 1995, or
 - (c) article 44(4) of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)),(hospital and guardianship orders).

- (6) In relation to an offence under the law of Scotland, a reference in this Part to a person being found not guilty by reason of insanity is to be treated as a reference to a person being acquitted by reason of the special defence in section 51A of the Criminal Procedure (Scotland) Act 1995.
- (7) In this Part, a reference to a finding that a person is under a disability and has done the act charged against the person in respect of an offence includes a finding that a person is insane or unfit to be tried and has done the act charged against the person in respect of an offence.
- (8) Section 127 of the Magistrates Courts Act 1980 (time limits) does not apply to a complaint under any provision of this Part.

PART 3

THE ANTI-SLAVERY COMMISSIONER

30 The Anti-slavery Commissioner

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

31 General functions of Commissioner

- (1) The Commissioner must encourage good practice in the prevention, detection, investigation and prosecution of offences under Part 1.
- (2) The things that the Commissioner may do in pursuance of subsection (1) include –
 - (a) making reports to the Secretary of State on any permitted matter;
 - (b) making recommendations to any public authority about the exercise of its functions in England and Wales;
 - (c) undertaking or supporting (financially or otherwise) the carrying out of research;

- (d) providing information, education or training;
 - (e) consulting people.
- (3) In subsection (2)(a) “permitted matter” means a matter which –
- (a) the Secretary of State has authorised the Commissioner to report on, or
 - (b) the current annual plan, approved by the Secretary of State under section 32(3), states is a matter the Commissioner proposes to report on.
- (4) The Commissioner must (after ascertaining whether the Secretary of State wishes to exercise the power conferred by subsection (5)) publish each report made to the Secretary of State under subsection (2)(a).
- (5) The Secretary of State may direct the Commissioner to omit from any report before publication any material whose publication the Secretary of State thinks –
- (a) is undesirable for reasons of national security,
 - (b) might jeopardise an individual’s safety, or
 - (c) might prejudice the investigation or prosecution of an offence.
- (6) In this section “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998 (other than a court or tribunal) which exercises functions in England and Wales.

32 Annual plans and annual reports

- (1) Before the beginning of each calendar year the Commissioner must –
- (a) prepare an annual plan setting out how the Commissioner proposes to exercise the Commissioner’s functions during the year, and
 - (b) submit the annual plan to the Secretary of State for approval.
- (2) An annual plan must in particular –
- (a) state the Commissioner’s objectives and priorities for the year;
 - (b) state any matters on which the Commissioner proposes to report under section 31(2)(a) during the year;
 - (c) state any other activities the Commissioner proposes to undertake during the year in the exercise of the Commissioner’s functions.
- (3) The Secretary of State may approve an annual plan either without modifications or with modifications agreed with the Commissioner.
- (4) As soon as reasonably practicable after the end of each calendar year the Commissioner must submit to the Secretary of State an annual report on the exercise of the Commissioner’s functions during the year.
- (5) An annual report must include –
- (a) an assessment of the extent to which the Commissioner’s objectives and priorities for the year have been met;
 - (b) a statement of the matters on which the Commissioner has reported under section 31(2)(a) during the year;
 - (c) a statement of the other activities the Commissioner has undertaken during the year in the exercise of the Commissioner’s functions.
- (6) The Secretary of State must lay before Parliament –
- (a) any annual plan the Secretary of State approves; (b)
 - any annual report the Secretary of State receives.

- (7) But before laying an annual report before Parliament the Secretary of State may remove from the report any material whose publication the Secretary of State thinks –
- (a) is undesirable for reasons of national security,
 - (b) might jeopardise an individual’s safety, or
 - (c) might prejudice the investigation or prosecution of an offence.

33 Duty to co-operate with Commissioner

- (1) The Commissioner may request a specified public authority to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner’s functions.
- (2) A specified public authority must so far as reasonably practicable comply with a request made to it under this section.
- (3) A public authority which discloses information to the Commissioner in pursuance of subsection (2) does not breach –
- (a) any obligation of confidence owed by the public authority, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (4) But subsection (2) does not require or authorise any disclosure of information which –
- (a) contravenes the Data Protection Act 1998, or
 - (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- (5) In this section –
- “public authority” has the same meaning as in section 31;
 - “specified public authority” means a public authority which is specified in, or is of a description specified in, an order made by the Secretary of State for the purposes of this section.

34 Restriction on exercise of functions

The Commissioner must not exercise any function in relation to –

- (a) a particular offence;
- (b) the initiation or conduct of a particular investigation or particular proceedings;
- (c) anything done or omitted to be done by a person acting in a judicial capacity or on the instructions of or on behalf of such a person.

PART 4

MISCELLANEOUS

Duty to notify NCA

35 Duty to notify NCA about suspected victims of human trafficking

- (1) A specified public authority must notify the National Crime Agency if it has reasonable grounds to suspect that an individual may be a victim of human trafficking.
- (2) The Secretary of State may by order make provision determining the information that must be included in a notification under this section.
- (3) Provision made under subsection (2) may not require information to be included in a notification if its inclusion would result in a disclosure which contravenes the Data Protection Act 1998.
- (4) The Secretary of State may issue guidance to specified public authorities as to the sorts of things which indicate that an individual may be a victim of human trafficking.
- (5) For the purposes of this section an individual is a “victim of human trafficking” if the individual is—
 - (a) a victim of an offence under section 2, or
 - (b) a victim of conduct which would have constituted an offence under that section had the person responsible for the conduct been a UK national.
- (6) In this section—
 - “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998 (other than a court or tribunal) which exercises functions in England and Wales;
 - “specified” means specified in an order made by the Secretary of State for the purposes of this section;
 - “UK national” has the same meaning as in Part 1.

Final provisions

36 Saving, transitional and consequential provision

- (1) The Secretary of State may by order make whatever saving, transitory or transitional provision the Secretary of State thinks appropriate in connection with the coming into force of any provision of this Act or of an order made under this Act.
- (2) The Secretary of State may by order make whatever provision the Secretary of State thinks appropriate in consequence of this Act.
- (3) The provision which may be made by an order under subsection (2) includes provision amending, repealing or revoking any provision of an Act or of subordinate legislation (within the meaning of the Interpretation Act 1978).

37 Orders

- (1) Any power of the Secretary of State to make an order under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing an order under this Act is subject to annulment in pursuance of a resolution of either House of Parliament, subject to subsections (3) and (4).
- (3) Subsection (2) does not apply to a statutory instrument containing –
 - (a) only orders under section 36(1) (transitional etc. provision) or section 39 (commencement);
 - (b) an order under section 36(2) which amends or repeals any provision of an Act.
- (4) A statutory instrument containing an order under section 36(2) which amends or repeals any provision of an Act may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

38 Extent

This Act extends to England and Wales only.

39 Commencement

- (1) Sections 36 to 40 come into force on the day on which this Act is passed.
- (2) The other provisions of this Act come into force on whatever day or days the Secretary of State appoints by order.
- (3) Different days may be appointed for different purposes.

40 Short title

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

SLAVERY AND HUMAN TRAFFICKING
OFFENCES

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

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

Sexual Offences Act 2003 (c. 42)

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

Criminal Justice (Scotland) Act 2003 (asp 7)

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

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

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

Coroners and Justice Act 2009 (c. 25)

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

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

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

Modern Slavery Act 2014

- 7 An offence under Part 1 of this Act.

Ancillary offences

- 8 (1) An offence of attempting or conspiring to commit an offence listed in this Schedule.
- (2) An offence of aiding, abetting, counselling, procuring or inciting the commission of an offence listed in this Schedule.

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

4. Explanatory Notes

DRAFT MODERN SLAVERY BILL

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the draft Modern Slavery Bill as Published on 16 December 2013 for pre-legislative scrutiny by a Joint Committee of both Houses of Parliament. They have been prepared by the Home Office in order to assist the reader of the draft Bill and to help inform debate on it. They do not form part of the draft Bill and have not been endorsed by Parliament.

2. The Notes need to be read in conjunction with the draft Bill. They are not, and are not meant to be, a comprehensive description of the draft Bill. So where a clause or part of a clause does not seem to require any explanation or comment, none is given.

SUMMARY

3. The Bill is in four parts. Part 1 consolidates the current offences of slavery and human trafficking whilst increasing the maximum penalty for such offences. Part 2 provides for two new civil preventative orders, the Slavery and Trafficking Prevention Order and the Slavery and Trafficking Risk Order. Part 3 establishes the office of Anti-slavery Commissioner and sets out the functions of the Commissioner. Part 4 introduces a duty on specified public authorities to notify the National Crime Agency about suspected victims of human trafficking and makes general provisions.

BACKGROUND

4. Human trafficking is a brutal form of organised crime in which people are treated as commodities and exploited for criminal gain. The true extent of human trafficking in the United Kingdom, and indeed globally, is unknown. This is an international problem and victims may have entered the United Kingdom legally, on forged documentation or clandestinely, or they may be British citizens living in the United Kingdom. Modern slavery takes a number of forms, including sexual exploitation, forced labour and domestic servitude, and victims come from all

walks of life. Victims are often unwilling to come forward to law enforcement or public protection agencies, not seeing themselves as victims, or fearing further reprisals from their traffickers, and/ or may not always be recognised as trafficking victims by those who come into contact with them. In particular, there may be particular social and cultural barriers to men identifying themselves as victims.

5. The Government has outlined its approach to modern slavery within the Serious and Organised Crime Strategy.⁹ The Inter-Departmental Ministerial Group on Human Trafficking also published its annual report¹⁰ in October 2013 which highlights activity to fight modern slavery across the UK, as well as providing information on the nature and scale of the problem.

6. The intention to introduce a Modern Slavery Bill was announced by the Home Secretary on the 25 August 2013. The Home Secretary subsequently announced a series of evidence sessions¹¹ to gather information to support pre-legislative scrutiny of the draft Bill, lead by Frank Field MP. A report from the evidence sessions was published on 16 December. To ensure the Bill is also informed by international best practice and the challenges faced in key source and transit countries, Anthony Steen, Chair of the Human Trafficking Foundation, was also commissioned as the Home Secretary's special envoy to report back on a series of international visits.

TERRITORIAL EXTENT AND APPLICATION

7. The provisions of the draft Bill extend to England and Wales only at present. In relation to Wales the provisions of the Bill generally related to reserved matters, namely preventing and detecting the crimes of slavery and human trafficking so are not within the competence of the Welsh Government. However, discussions continue with the Welsh Government on the Bill and its effect on public authorities in Wales.

8. The Government is in discussion with the Scottish Government and Northern Ireland Department of Justice as to whether some or all of the provisions of the Bill, as introduced, should extend to Scotland and Northern Ireland respectively.

COMMENTARY ON CLAUSES

Part 1: Offences of slavery and human trafficking

9. Part 1 makes provision for the consolidation of the current offences of slavery and human trafficking into one Act. Currently, a trafficking offence is an offence under section 59A of the Sexual Offences Act 2003 or section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. An offence of forced labour, slavery or servitude is an offence under section 71 of the Coroners and Justice Act 2009.

10. The primary rationale for retaining two offences is that they concern different types of conduct. The physical element of the offence of human trafficking is the actual movement of a victim but with intent to exploit them, whether for sexual exploitation for forced labour or

⁹ <https://www.gov.uk/government/publications/serious-organised-crime-strategy>

¹⁰ <https://www.gov.uk/government/publications/human-trafficking-inter-departmental-ministerial-group-report-2013>

¹¹ <https://www.gov.uk/government/news/home-secretary-begins-evidence-sessions-on-modern-slavery>

otherwise. Whereas, in the slavery offence in clause 1 the physical element is actual slavery or forced labour.

11. Currently, the maximum sentence for slavery or trafficking offences is 14 years imprisonment. To reflect the serious nature of these crimes, the Bill increases the maximum penalties on conviction for either offence to life imprisonment. The offences will also be included in the extended determinate sentences regime. This will make them one of a number of serious offences where, on conviction of a second offence, an individual would automatically be considered for a life sentence.

Clause 1: Slavery, servitude and forced or compulsory labour

12. *Subsection (1)* provides for an offence of slavery, servitude and forced or compulsory labour. It replaces the existing such offence in section 71 of the Coroners and Justice Act 2009 which is repealed by clause 10. The wording of the offence has not been amended and continues to criminalise slavery, servitude and forced or compulsory labour.

13. *Subsection (2)* requires subsection (1) to be interpreted in accordance with Article 4 of the ECHR. That Article states:

- 1) No one shall be held in slavery or servitude.
- 2) No one shall be required to perform forced or compulsory labour.
- 3) For the purpose of this Article the term “forced or compulsory labour” shall not include:
 - a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
 - b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
 - c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
 - d) any work or service which forms part of normal civic obligations.

Clause 2: Human trafficking

14. This clause provides for a single offence of human trafficking covering sexual and non-sexual exploitation. It replaces the two existing offences in sections 59A of the Sexual Offences Act 2003 (which relates to human trafficking for the purposes of sexual exploitation), as inserted by section 109 of the Protection of Freedoms Act 2012 (which replaced the previous offences in sections 57 to 59 of the Sexual offences Act 2003), and section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (which relates to human trafficking for the purposes of labour or other exploitation); both these existing offences are repealed by clause 10. Introducing one offence for all types of trafficking will make it administratively simpler for investigators and prosecutors to bring forward human trafficking prosecutions.

15. *Subsection (1)* makes it a criminal offence to intentionally arrange or facilitate the arrival in or entry into (paragraph (a)), departure from (paragraph (b)), or travel within (paragraph (c)) the UK or any other country of another person with a view to their being exploited.

16. *Subsection (2)* highlights that for the purpose of an human trafficking offence the victim's consent to their transportation is irrelevant.

17. *Subsection (3)* provides that the arranging or facilitating is done with a view to the exploitation of the victim (V) if the perpetrator (P) either intends to exploit V, or believes that any other person is likely to exploit V. It is irrelevant where in the world that exploitation might take place.

18. *Subsection (4)* makes the offence extra-territorial in its reach in relation to UK nationals. It provides that a UK national commits an offence regardless of where in the world the arranging or facilitating takes place or regardless of which country is the country of arrival, entry, travel or departure. For example, a UK national who trafficks a person from Spain to France could be prosecuted in England and Wales for this offence.

19. *Subsection (5)* provides for more limited extra-territoriality in relation to a non-UK national. Such a person commits the offence if any part of the arranging or facilitating takes place in the UK or if the UK is the country of arrival, entry, travel or departure.

Clause 3: Meaning of Exploitation

20. The clause 2 offence is arranging or facilitating travel with a view to the victim's exploitation. This clause sets out the meaning of exploitation for the purposes of clause 2.

21. *Subsection (2)* covers slavery, servitude and forced or compulsory labour by reference to the offence under section 1.

22. *Subsection (3)* covers sexual exploitation by reference to conduct which would constitute the commission of an offence of taking, or permitting to take, indecent photographs of children or any of the sexual offences provided for in Part 1 of the Sexual Offences Act 2003 (these include offences relating to rape, sexual assault, prostitution and child pornography). *Subsection (3)(b)* ensures that equivalent conduct committed outside of England and Wales also comes within the definition even though for jurisdictional reasons it would not be an offence under English law.

23. *Subsection (4)* covers exploitation in the context of trafficking for the sale and purchase of organs and human material more generally (subject to certain exceptions) by reference to the offences in the Human Tissue Act 2004.

24. *Subsection (5)* covers all other types of exploitation where a person is forced, threatened or deceived into providing a service of any kind, providing a person with benefits or enabling another to acquire benefits. This includes forcing a person to engage in activities such as begging or shop theft. It is not necessary for this conduct to be a criminal offence.

25. *Subsection (6)* also covers exploitation where a person provides services or benefits or enables another person to acquire benefits. However, in this subsection force threats or deception are not required. Rather, it provides it is exploitation where a person is used to do something, having been chosen on the grounds that he or she is ill, disabled, young or related to a person, in circumstances where a person without the illness, disability, youth or family relationship would be likely to refuse.

Clause 4: Committing offence with intent

26. This clause provides that it is an offence to commit another offence with a view to committing a trafficking offence under clause 2. This separate offence ensures that the preparatory criminal conduct for a lesser offence, for example theft of a vehicle with the intention of using that vehicle to traffick individuals, can attract the higher penalties provided for in clause 5.

Clause 5: Penalties

27. This clause sets out the maximum penalties for the offences in clauses 1, 2 and 4.

28. *Subsection (1)* provides that the maximum sentence for a clause 1 or 2 offence is six months imprisonment (increasing to 12 months when the increase in magistrates' courts sentencing powers provided for in the Criminal Justice Act 2003 are brought into force) or an unlimited fine, or both in the case of a summary conviction and life imprisonment for conviction on indictment. This compares with a maximum of 14 years imprisonment for the existing slavery and human trafficking offences.

29. *Subsections (2) and (3)* provide for the maximum penalties for the clause 4 offence. In most instances the maximum is six months imprisonment (again increasing to 12 months when the increase in magistrates' courts sentencing powers are brought into force) or an unlimited fine, or both in the case of a summary conviction and 10 years imprisonment for conviction on indictment. However, where the precursor offence committed under clause 4 is one of kidnapping or false imprisonment, the maximum penalty is life imprisonment.

Clause 6: Sentencing

30. This clause adds the clause 1 and 2 offences to the list of offences in Part 1 of Schedule 15B to the Criminal Justice Act 2003 ("the 2003 Act"). The effect is to engage the provisions in sections 224A, 226A(2) and 246A(2)(b) of the 2003 Act. By virtue of the provisions in section 224A of the 2003 Act, a court must impose a life sentence on a person aged 18 or over who is convicted of an offence listed in Part 1 of Schedule 15B to that Act which is serious enough to justify a sentence of imprisonment of 10 years or more, if that person has previously been convicted of an offence listed in any Part of Schedule 15B and was sentenced to imprisonment for life or for a period of 10 years or more in respect of that previous offence. However, the court is not obliged to impose a life sentence where it is of the opinion that there are particular circumstances which relate to the offence, the previous offence or the offender which would make it unjust to do so in all the circumstances.

31. Section 226A provides for extended sentences for adults. The sentence may be imposed in respect of the sexual and violent offences listed in Schedule 15 to the 2003 Act where certain conditions are met. The court must consider that the offender presents a substantial risk of causing serious harm through re-offending. In addition the court must either consider that the current offence is serious enough to merit a determinate sentence of at least 4 years, or at the time the present offence was committed the offender must have previously been convicted of an offence listed in Schedule 15B of the 2003 Act (which will now include the slavery and human trafficking offences). Where these conditions are made out, the court may impose an extended period for which the offender is to be subject to a licence of up to five years for a violent offence and up to eight years for a sexual offence. Schedule 15 to the 2003 Act lists violent and sexual offences separately.

32. Section 246A of the 2003 Act deals with the release arrangements in respect of persons sentenced to an extended sentence under section 226A of that Act. Offenders who have committed an offence listed in Parts 1 to 3 of Schedule 15B to the 2003 Act (Part 1 will now include the slavery and human trafficking offences), or whose offending merits a custodial term of 10 years or more, will be considered for release on licence by the Parole Board once the offender has served two-thirds of the appropriate custodial term, and will be released automatically at the end of the appropriate custodial term (that is, the term imposed by the court as the custodial element of the extended sentence) if the Parole Board has not already directed release.

Clause 7: Forfeiture of land vehicle, ship or aircraft

33. This clause enables the court, when a person is convicted on indictment of a human trafficking offence under clause 2, to order the forfeiture of a vehicle, ship or aircraft used or intended to be used in connection with the offence of which the person is convicted. *Subsection (2)* lists the circumstances that would allow the forfeiture of a vehicle; *subsections (3) to (5)* do likewise for a ship or aircraft. *Subsection (6)* allows a person who claims to have an interest in a vehicle, ship or aircraft, and who makes an application to the court, to make representations on the question of forfeiture before the court may make an order for its forfeiture. Similar provisions are currently contained in section 60A of the Sexual Offences Act 2003 and supplement the more general provisions on forfeiture in section 143 of the Powers of the Criminal Courts (Sentencing) Act 2000.

Clause 8: Detention of land vehicles, ship or aircraft

34. *Subsections (1) to (3)* enable a constable or immigration officer not below the rank of chief immigration officer to detain a vehicle, ship or aircraft of a person arrested for an offence under clause 2 if it is one which the constable or officer concerned has reasonable grounds for believing could, on conviction of the arrested person for the offence for which he was arrested, be the subject of an order for forfeiture made under clause 7. Detention is permitted until a decision is taken whether or not to charge the arrested person, until the arrested person is acquitted, the charge against him dismissed or the proceedings discontinued, or, where the person is subsequently convicted, until the court makes a decision on forfeiture.

35. *Subsection (4)* lists the circumstances in which a person other than the arrested person may apply to the court for the release of that vehicle, ship or aircraft. *Subsection (5)* provides

that on such an application the court may release the vehicle, ship or aircraft subject to satisfactory security or surety and on condition that it is made available to the court if the arrested person is convicted and if an order under clause 7 is made. Similar provisions are currently contained in section 60B of the Sexual Offences Act 2003.

Clause 9: Interpretation of Part 1

36. This clause defines terms used in Part 1.

Clause 10: Repeals of existing provisions

37. This clause repeals the legislation containing the existing slavery and human trafficking offences and related provisions.

Part 2: Prevention orders

38. Part 2 makes provision (clauses 11 to 29) for the introduction of new civil orders to enable prohibitions to be imposed by the courts on individuals convicted of a slavery or trafficking offence, or those involved in slavery or trafficking but who have not been convicted of a slavery or trafficking offence. The rationale for creating these orders is to enable law enforcement bodies and the courts to take tougher action against those involved in trafficking, and to protect individuals from the harm caused by slavery or trafficking by preventing future offending. Slavery and trafficking are high-harm activities, which adversely affect the rights and freedoms of those who are victims of them. The new orders will complement existing civil orders¹², enabling the courts to impose necessary prohibitions on individuals where there is evidence of that individual posing a risk of causing another person to be the victim of slavery, or trafficking for exploitation.

Clause 11: Slavery and trafficking prevention orders on sentencing.

39. This clause provides for slavery and trafficking prevention orders (“STPO”) on conviction. *Subsection (1)* enables a court (for example, the magistrates’ court, youth court, Crown Court or in limited cases the Court of Appeal) to impose a STPO on a person on a conviction or other finding in respect of that person for a slavery or human trafficking offence. A slavery or human trafficking offence means an offence listed in the *Schedule* (introduced by *subsection (3)*) to the Bill. The Schedule lists the new offences provided for in Part 1 of the Bill, preceding offences in England and Wales and equivalent offences in Scotland and Northern Ireland. Since the Bill extends only to England and Wales the power conferred by this clause will be available only where a court in England and Wales deals with a person for an offence under the law of England and Wales. Offences under the law of Scotland and Northern Ireland are however relevant to whether a court in England and Wales may make an order under clause 12.

40. *Subsection (2)* provides that the court must be satisfied that it is necessary to impose a STPO for the purposes of protecting persons generally, or particular persons, from physical or psychological harm caused by the offender committing an offence in Part 1.

¹² For example, see the orders available under the Sexual Offence Act 2003 (where the victims suffer sexual harm) or the Serious Crime Act 2007.

41. *Subsection (4)* provides that a STPO may be made in relation to a conviction and finding made before this clause comes into force.

Clause 12: Slavery and trafficking prevention on application

42. This clause provides for a STPO in cases other than on conviction etc. An application for a STPO may be made to a magistrates' court by a chief officer of police or the Director General of the National Crime Agency ("NCA") (*subsection (1)*). The NCA, established under section 1 of the Crime and Courts Act 2013, holds the national lead for tackling slavery and human trafficking. Where an application is made by the Director General of the NCA, the Director General must notify the chief officer of police for the area where the offender resides or is believed to intend to reside (*subsection (4)*).

43. The court in accordance with *subsection (2)* must be satisfied that the person is a relevant offender (defined in clause 13) and that, since the individual became a relevant offender, he or she has acted in a way which makes it necessary to impose an order for the purposes of protecting persons generally, or particular persons, from physical or psychological harm caused by the offender committing an offence in Part 1.

44. *Subsection (5)* provides that an application is made by complaint.

45. *Subsection (6)* provides that an application for a STPO under this clause may be made in relation to conduct that took place before its commencement.

Clause 13 Meaning of "relevant offender"

46. *Subsections (1) to (2)* define a relevant offender for the purposes of clause 12. A relevant offender includes a person convicted, made the subject of a finding or cautioned for a slavery or human trafficking offence in any part of the United Kingdom, and also a person convicted etc. in relation to an equivalent offence outside the United Kingdom (defined in *subsections (3) to (5)*). Where an application is made in respect of an equivalent offence, it is open to the person in respect of whom the application is made to challenge whether the offence he or she has been convicted of is an equivalent offence. They can do this by serving a notice on the applicant setting out the grounds for such a challenge (*subsection (6)*), or without serving such a notice if the court permits.

Clause 14: Effect of slavery and trafficking prevention orders

47. *Subsection (1)* provides that a STPO may prohibit the person in respect of whom the order is made from doing anything described in it. The nature of any prohibition is a matter for the court to determine. A prohibition may include preventing a person from participating in a particular type of business, operating as a gangmaster, visiting a particular place, working with children or travelling to a specified country. The court may only include in an order prohibitions which it is satisfied are necessary for the purpose of protecting persons generally, or particular persons, from physical or psychological harm caused by the offender committing an offence under Part 1 (*subsection (2)*).

48. *Subsections (3) and (4)* provide for the duration of a STPO and the prohibitions in it. A STPO may last for a fixed period of at least five years or until further order. The prohibitions specified in it may each have different duration.

Clause 15: Prohibitions on foreign travel

49. A STPO may prohibit a person from travelling to any specified country outside the United Kingdom, any country other than a country specified in the order or any country outside the United Kingdom (*subsection (2)*). Such a prohibition may be for a fixed period not exceeding five years, but may be renewed at the end of that period (*subsections (1) and (3)*). A person prohibited from travelling to any country must surrender all his or her passports to the police (*subsection (4)*). The police must return any such passports, unless they have been returned to the relevant national or international issuing authorities, once the all-country prohibition ceases to have effect (*subsections (5) and (6)*).

Clause 16: Variation, renewal and discharge

50. This clause makes provision to enable a person in respect of whom a STPO has been made or the police to apply to the court which made the order to vary, renew or discharge the order (*subsections (1) and (2)*). This provision ensures that the order can be modified to reflect changing circumstances, both to ensure that it remains effective to manage the risk posed by activities relating to slavery or trafficking and that the order remains necessary for that purpose.

51. The person in respect of whom the order was made and the police have the right to be heard by the court (*subsection (4)*). In relation to the imposition of any additional prohibitions, the court must apply the same test as that which it applied when making the order (*subsection (5)*). An order may not be discharged within five years of it being made without the consent of the relevant chief officer of police (*subsection (7)*).

Clause 17: Interim slavery and trafficking prevention orders

52. *Subsections (1) and (2)* provide for an interim STPO to be made where an application has been made for a STPO under clause 12 and the court considers that it is just to do so (*subsection (3)*). For example, the court may make an interim order in a case where it is satisfied that this is necessary for the purpose of protecting a person from immediate harm pending the full determination of the application for the order.

53. An interim order must be made for a specified period and ceases to have effect once the main application has been determined (*subsection (4)*). An interim order may be varied, renewed or discharged (*subsection (5)*).

Clause 18: Appeals

54. A person may appeal against the making of a STPO on conviction in the same manner as an appeal against sentence (*subsection (1)(a) and (b)*). For example, an order made by the magistrates' court may be appealed to the Crown Court. A STPO made on an application under clause 12 and an interim STPO may be appealed to the Crown Court (*subsection (1)(c) and (2)*).

55. A person in respect of whom an order is made may also appeal a decision under clause 16 to vary, renew or discharge an order (*subsection (3)*).

56. *Subsection (4)* sets out the powers of the Crown Court when determining an appeal. It will be open to the court to revoke the order or to amend its provision (either the duration or the prohibitions contained in it).

Clause 19: Offences

57. *Subsection (1)* makes it an offence for a person to do anything which is prohibited by a STPO or an interim STPO without reasonable excuse.

58. Where an order includes a foreign travel prohibition in respect of all countries outside the United Kingdom, *subsection (2)* makes it an offence for the person subject to the order to fail, without reasonable excuse, to surrender all his or her passports.

59. The maximum penalty for either offence is six months imprisonment or a fine of £5,000 or both on summary conviction, or five years imprisonment following conviction on indictment (*subsection (3)*). *Subsection (4)* precludes the court from making an order for a conditional discharge following a conviction for an offence in this clause.

Clause 20: Guidance

60. This clause confers a duty on the Secretary of State to issue guidance to chief officers and the Director General of the NCA in relation to their powers to apply for STPOs and interim STPOs (*subsection (1)*). The Secretary of State may issue revised guidance (*subsection (2)*). The Secretary of State is required to publish such guidance (*subsection (3)*); it is not subject to any parliamentary procedure.

Clause 21: Slavery and trafficking risk orders

61. *Subsection (1)* enables a magistrates' court to make a slavery and trafficking risk order ("STRO") on an application by a chief officer of police or the Director General of the NCA. A STRO may be made against either an adult or person under 18. Where an application is made by the Director General of the NCA, the Director General must notify the chief officer of police for the area where the offender resides or is believed to intend to reside (*subsection (4)*).

62. *Subsection (2)* sets out the test for making a STRO, namely that the court is satisfied that the person in respect of whom the order is sought has acted in a way which makes it necessary to make an order for the purposes of protecting persons generally, or particular persons, from physical or psychological harm caused by the offender committing an offence in Part 1. There is no requirement for the person in respect of whom an order is sought to have previously been convicted or cautioned in relation to a criminal offence.

63. *Subsection (5)* provides that an application for a STRO is made by complaint.

64. *Subsection (6)* provides that an application for a STRO may be made in relation to conduct that took place before the commencement of this clause.

Clause 22: Effect of slavery and trafficking risk orders

65. *Subsection (1)* provides that a STRO may prohibit the person in respect of whom the order is made from doing anything described in it. The nature of any prohibition is a matter for the court to determine. A prohibition may include preventing a person from participating in a particular type of business, operating as a gangmaster, visiting a particular place, working with children or travelling to a specified country. The court may only include in an order prohibitions which it is satisfied are necessary for the purpose of protecting persons generally, or particular persons, from physical or psychological harm caused by the offender committing an offence under Part 1 (*subsection (2)*).

66. *Subsections (3) and (4)* provide for the duration of a STRO and the prohibitions in it. A STRO may last for a fixed period of at least two years or until further order. The prohibitions specified in it may each have different duration.

Clause 23: Prohibitions on foreign travel

67. A STRO may prohibit a person from travelling to any specified country outside the United Kingdom, from travelling to any country other than a country specified in the order or from travelling to any country outside the United Kingdom (*subsection (2)*). Such a prohibition may be for a fixed period not exceeding five years, but may be renewed at the end of that period (*subsections (1) and (3)*). A person prohibited from travelling to any country must surrender all his or her passports to the police (*subsection (4)*). The police must return any such passports, unless they have been returned to the relevant national or international issuing authorities, once the all-country prohibition ceases to have effect (*subsections (5) and (6)*).

Clause 24: Variation, renewal and discharge

68. This clause makes provision to enable the person who is subject to a STRO or the police to apply to a magistrates' court to vary, renew or discharge the order (*subsections (1) and (2)*). This provision ensures that the order can be modified to reflect changing circumstances, both to ensure that it remains effective to manage the risk posed by activities related to slavery or trafficking and that the order remains necessary for that purpose.

69. The person in respect of whom the order was made and the police have the right to be heard by the court (*subsection (3)*). In relation to the imposition of any additional prohibitions, the court must apply the same test as that which applied when making the order (*subsection (4)*). An order may not be discharged within two years of it being made without the consent of the relevant chief officer of police (*subsection (6)*).

Clause 25: Interim slavery and trafficking risk orders

70. *Subsections (1) and (2)* provide for an interim STRO to be made where an application has been made for an STRO and the court considers that it is just to do so (*subsection (3)*). For example, the court may make an interim order in a case where it is satisfied that this is necessary for the purpose of protecting a person from immediate harm pending the full determination of the application for the order.

71. An interim order must be made for a specified period and ceases to have effect once the main application has been determined (*subsection (4)*). An interim order may be varied, renewed or discharged (*subsection (5)*).

Clause 26: Appeals

72. A person may appeal against the making of a STRO or an interim STRO, or the decision under clause 24 to vary, renew or discharge an order to the Crown Court (*subsection (1)*).

73. *Subsection (2)* sets out the powers of the Crown Court when determining an appeal. It will be open to the court to revoke the order or to amend its provision (either the duration or the prohibitions contained in it).

74. The effect of *subsection (3)* is that any application to vary, renew or discharge an interim STRO made by the Crown Court on appeal must be made to the magistrates' court.

Clause 27: Offences

75. *Subsection (1)* makes it an offence for a person to do anything which is prohibited by a STRO or interim STRO without reasonable excuse.

76. Where an order includes a foreign travel prohibition in respect of all countries outside the United Kingdom, *subsection (2)* makes it an offence for the person subject to the order to fail, without reasonable excuse, to surrender all his or her passports.

77. The maximum penalty for either offence is six months imprisonment or a fine of £5,000 or both on summary conviction, or five years imprisonment following conviction on indictment (*subsection (3)*). *Subsection (4)* precludes the court from making an order for a conditional discharge following a conviction for an offence in this clause.

Clause 28: Guidance

78. This clause confers a duty on the Secretary of State to issue guidance to chief officers and the Director General of the NCA in relation to their powers to apply for STROs and interim STPOs (*subsection (1)*). The Secretary of State may issue revised guidance (*subsection (2)*). The Secretary of State is required to publish such guidance (*subsection (3)*); it is not subject to any parliamentary procedure.

Clause 29: interpretation of Part 2

79. This clause defines terms used in Part 2 of the Bill.

80. *Subsection (8)* disapplies the usual six month time limit for hearing an application made by complaint to the magistrates' court.

Part 3: The Anti-slavery Commissioner

Clause 30: The Anti-slavery Commissioner

81. *Subsection (1)* provides for the establishment of an Anti-slavery Commissioner (“the Commissioner”) who will be an independent office holder appointed by the Secretary of State (in practice, the Home Secretary)). The duration of an appointment and provision for resignation and removal from office will be provided for in the terms of appointment (*subsection (2)*). *Subsection (3)* makes provision for the payment of expenses, remuneration or allowances. The Commissioner will not be a corporation sole able to employ staff or enter into contracts and, as such, staffing and accommodation will be provided by the Secretary of State after consultation with the Commissioner (*subsection (4)*). *Subsection (5)* has the effect of disqualifying the Commissioner from also being a Member of Parliament and *subsection (6)* makes the Commissioner subject to the provisions of the Freedom of Information Act 2000.

Clause 31: General functions of Commissioner

82. *Subsection (1)* states that the Commissioner must encourage good practice in the prevention, detection, investigation and prosecution of offences set out in Part 1. In practice the Commissioner will therefore focus on the effectiveness of the law enforcement response in England and Wales to encourage effective investigations leading to successful convictions of modern slavery cases.

83. *Subsection (2)* sets out a non-exhaustive list of things the Commissioner may do in exercise of his/ her general functions in subsection (1). In carrying out his general function the Commissioner may make reports to the Secretary of State on any matter which the Secretary of State has authorised the Commissioner to report on or which the current annual plan states is a matter the Commissioner will report on (see *subsections (2)(a) and (3)*). The Commissioner will report on an annual basis based on the annual plan they agree with the Secretary of State. The Commissioner could also report at other times, for example if they are undertaking a specific programme of work on a particular topic. The Commissioner may make recommendations to public authorities about the exercise of their functions in England and Wales. The Commissioner may undertake research and may support others to do so. This could be administrative support or financial support, where funds are available. The Commissioner may also provide information, education or training to any person, for example to law enforcement agencies on good practice in investigating modern slavery offences. The Commissioner may also consult any person they feel is appropriate in carrying out their functions.

84. *Subsection (5)* sets out a power for the Secretary of State to remove from any report information that they think should not be included on the grounds of national security, individual safety or prejudice a criminal investigation or prosecution.

85. *Subsection (6)* defines the term “public authority” for the purposes of this clause. One effect of the definition is that an authority will be a “public authority” for the purposes of the clause only if, amongst other things, it exercises functions in England and Wales.

Clause 32: Annual plans and annual reports

86. *Subsection (1)* requires the Commissioner to prepare an annual plan of their programme of work and priorities for the coming year, for approval by the Secretary of State.

87. *Subsection (2)* states that the Commissioner must set out in the annual plan what their objectives and priorities are for the year. In the plan they will also need to include information about any other activities they proposed to undertake in the course of their duties including the matters on which they intend to report under clause 31(2)(a).

88. *Subsection (3)* allows the Secretary of State to approve the annual plan, either without modifications or with modifications agreed with the Commissioner. In practice the Commissioner will work collaboratively with the Secretary of State to produce a mutually agreed plan which focuses on priority areas.

89. *Subsection (4)* requires the Commissioner to provide a report on the activities they have undertaken to fulfil their functions as soon as is reasonably practicable after the end of each calendar year.

90. *Subsection (5)* provides that in producing an annual report the Commissioner must include an assessment of the extent to which they have met the objectives and priorities they set out in their annual plan. The Commissioner must also include a statement of the matters on which the Commissioner has reported under clause 31(2)(a) and a statement of the other activities they have undertaken in the year in carrying out their functions.

91. *Subsection (6)* requires the Secretary of State to lay any annual plan they approve and any annual report they receive from the Commissioner before Parliament.

92. *Subsection (7)* gives the Secretary of State the power to remove information from the annual report before it is laid before Parliament. The removal of information will be where the Secretary of State thinks that there may be issues of national security, including the information might jeopardise an individual's safety or might prejudice a criminal investigation or prosecution.

Clause 33: Duty to co-operate with the Commissioner

93. *Subsection (1)* provides that the Commissioner may request co-operation from a specified public authority where the Commissioner considers that the co-operation is necessary for the purposes of the Commissioner's functions.

94. *Subsection (2)* provides that a specified public authority, where it is reasonably practicable to do so, must comply with any request for co-operation made to it by the Commissioner.

95. *Subsection (3)* and *subsection (4)* clarifies that information disclosed by an authority to the Commissioner pursuant to subsection (2) will not breach any obligation of confidence owed by the public authority making the disclosure, or any other restriction on the disclosure of information, other than the restrictions found in the Data Protection Act 1998, or Part 1 of the Regulation of Investigatory Powers Act 2000.

96. *Subsection (5)* confirms that "public authority" has the same meaning as in clause 31; and that a "specified public authority" means a public authority which is specified in an order made by the Secretary of State for the purposes of this clause.

Clause 34: Restriction on exercise of functions

97. This clause restricts the Commissioner from exercising their functions in relation to particular individuals or cases.

Part 4: Miscellaneous

Clause 35: Duty to notify NCA about suspected victims of human trafficking

98. *Subsection (1)* places a duty on public authorities specified in an order (subject to the negative resolution procedure) made by the Secretary of State to notify the NCA where they have reasonable grounds to suspect that a person may be a victim of human trafficking (as defined in *subsection (5)*). It is envisaged that the specified public authorities will include police forces and local authorities. This duty will be different from the existing non-statutory National Referral Mechanism (“NRM”).

99. The NRM is a system for children and consenting adults to have their cases assessed by two Competent Authorities within the UK (within the NCA and the Home Office). Individuals can also gain access to support and accommodation once they have received a positive ‘reasonable grounds’ assessment from a Competent Authority. Further advice regarding the NRM process is available on the NCA website¹³. Currently this is the key source of data on trafficking victims in the UK, but many cases are not reported. In 2012, 1,186 individuals were referred to the NRM, but a further 1,477 were identified through the UK Human Trafficking Centre’s 2012 Strategic Assessment. This new duty to report will mean that adult potential victims of trafficking, who do not wish to be referred, assessed and supported through the NRM process will still be referred through for data purposes by specified public authorities.

100. *Subsection (2)* enables the Secretary of State by order (subject to the negative resolution procedure) to prescribe the information that must be included in a notification under *subsection (1)*. It is envisaged that such information will include the nationality of the victim, type of exploitation experienced and the location and dates it took place. Any such order cannot require the disclosure of information in contravention of the Data Protection Act 1998.

101. The Secretary of State may also issue guidance to specified public authorities as to the factors that indicate that a person may be the victim of human trafficking (*subsection (4)*). There is a range of guidance already available to specified public authorities and wider front-line workers who may encounter potential victims of trafficking¹⁴.

Clauses 36 to 40: Final provisions

102. *Clauses 36 to 40* contain general provisions. Clause 36 allows the Secretary of State by order to make saving, transitional or transitory provision, as well as consequential

¹³ <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

¹⁴ <https://www.gov.uk/government/policies/reducing-and-preventing-crime--2/supporting-pages/human-trafficking>

amendments. The draft Bill does not include a Schedule of consequential amendments. However, it is recognised that, in particular, Part 1 requires many consequential amendments that will be worked up in the coming months. Clause 37 concerns the parliamentary procedure to be adopted for the order making powers under the Bill. Clause 38 limits the extent of the Bill to England and Wales. As indicated, discussions continue on whether that should be extended to cover all the UK. Clause 39 deals with commencement.

COMMENCEMENT

103. *Clause 39* provides that Clauses 36 to 40 of the draft Bill come into force on Royal Assent. All other provisions of the Bill will be brought into force by means of commencement orders made by the Secretary of State.

FINANCIAL EFFECTS OF THE BILLThe main financial implications of the draft Bill for the public sector lie in the following areas. The figures set out in the paragraphs below are based on a number of assumptions about implementation which are subject to change. Further details of the costs and benefits of the provisions in the draft Bill are set out in the impact assessment published alongside the draft Bill.

104. There are implications for specified public authorities who will be required to report potential victims of trafficking, and the NCA who receive the information. The low volume of reports anticipated (c. 1500 additional per year) is estimated to create an annual cost of around £37,000 per annum.

105. *There will also be costs linked to increased sentences and the management and breach of the new Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders. We anticipate that these measures will be used against a targeted, relatively small group of defendants and offenders. Each additional year served by an offender will cost the Criminal Justice System around £28,000. If an offender who breaches either the slavery and trafficking prevention order or slavery and trafficking risk order is sentenced in the Crown Court to the maximum custodial penalty, each case could cost up to around £86,000 across the Criminal Justice System¹⁵.*

106. We also estimate the annual cost of the Commissioner, their support staff and activities would be around £300,000-£500,000 per annum.

107. The other provisions in the draft Bill are not expected to have a material financial impact on public sector bodies.

EFFECTS OF THE BILL ON PUBLIC SECTOR MANPOWER

108. Part 3 of the draft Bill provides for the appointment of an Anti-slavery Commissioner. The Commissioner is expected to be supported by 3 staff from within the Home Office. The other provisions in the draft Bill are not expected to have an impact on public sector manpower.

SUMMARY OF IMPACT ASSESSMENTS

¹⁵ *This is an initial estimate and is subject to change as cost estimates are refined.*

109. The draft Bill is accompanied by an impact assessment which has been published alongside this draft Bill. The provisions in the draft Bill impact mainly on criminal justice agencies, in particular the police and National Crime Agency. In addition, clause 35 introduces a duty on specified public authorities to notify the NCA about suspected victims of human trafficking; it is envisaged that the list of specified authorities will include the police, local authorities, border force officers and immigration officers. The Impact Assessment focuses on this measure given its broader impact. Further Impact Assessments will be completed as required prior to introduction of the Bill.



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