

Protection of Freedoms Bill

Fact Sheet – Part 7, Miscellaneous and General

Part 7 amends the criminal law in relation to human trafficking and contains a number of miscellaneous repeals of unnecessary laws and criminal offences. In particular it introduces new provisions relating to the trafficking of people for sexual and labour exploitation (human trafficking), repeals section 43 of the Criminal Justice Act 2003 (“the 2003 Act”), which makes provision for certain serious and complex fraud trials to be conducted without a jury, and removes the restrictions on the times when a marriage or civil partnership can take place.

Human trafficking

Last year, the Government opted in to the EU Directive on preventing and combating trafficking in human beings and protecting its victims (Directive 2011/36/EU). Member States are required to implement the Directive by April 2013. We are already compliant with most of the requirements of the Directive. However, there are two aspects of the Directive where primary legislation is needed in order to comply, and the Protection of Freedoms Bill will make these necessary legislative amendments in respect of England and Wales.

The first change will criminalise trafficking by UK nationals, where this takes place anywhere in the world.

The second legislative change is to broaden the existing offences of trafficking a person into, within or out of the UK for the purpose of labour and other exploitation (as provided for in section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004), so that it is an offence where the trafficking takes place wholly within the UK, and the victim has not previously been trafficked into the UK.

Retention of jury trials in fraud cases

The Coalition’s Programme for Government states that the Government “*will protect historic freedoms through the defence of trial by jury*”.

Section 43 of the 2003 Act (which has not been brought into force) makes provision for the prosecution to apply for a serious or complex fraud trial to proceed in the absence of a jury. The judge may order the case to be conducted without a jury if he or she is satisfied that the length or complexity (or both) of the case is likely to make the trial so burdensome upon the jury that the interests of justice require serious consideration to be given to conducting the trial without a jury. This Chapter repeals section 43 of the 2003 Act, to ensure that serious fraud cases will continue to be tried by a jury.

Removal of restrictions on times for marriage or civil partnerships

During summer 2010 Government launched the ‘Your Freedom’ website. This site provided the public with a forum where they could suggest ideas on restoring civil liberties, repealing unnecessary laws and stripping away

excessive regulation on business¹. The forum attracted a large number of ideas, with Government committing to consider each idea that was posted – this process is ongoing. Amongst the ideas suggested was the removal of the restrictions on the times of marriages.

Under the Marriage Act 1949 (“the 1949 Act”) a marriage may only be solemnized between the hours of 8 a.m. and 6 p.m. Similar restrictions apply to civil partnership ceremonies under the Civil Partnerships Act of 2004 (“the 2004 Act”). The provisions in this chapter amend both the 1949 Act and the 2004 Act, to remove the restrictions on the timings of both marriages and civil partnerships.

These are permissive amendments, simply removing the legal restrictions on the timings of such ceremonies. This provision does not oblige those responsible for officiating at such ceremonies to do so at all hours of the day, this will instead now be a decision for the individuals concerned.

Ministry of Justice and Home Office
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¹ <http://www.cabinetoffice.gov.uk/news/clegg-launches-your-freedom-website>