

Modern Slavery Bill

Factsheet: Confiscation of Assets (Clause 7)

Minister for Modern Slavery and Organised Crime, Karen Bradley:

“Modern slavery is a heinous crime in which vulnerable people are treated like commodities. Very often the perpetrators are organised criminals motivated by financial gain.

Too often these criminals are able to keep their profits. We are determined to attack the profits of traffickers and slave drivers through toughening and making greater use of asset recovery powers, to send the strongest possible signal that modern slavery does not pay.”

Background

At the moment, human trafficking offences are considered to be ‘criminal lifestyle’ offences for the purposes of the Proceeds of Crime Act 2002 (POCA).

This permits the court to assume that all the assets that the defendant has (or has had in the last 6 years) are the proceeds of crime. This means that the court can potentially confiscate all of the defendant’s assets, rather than just those acquired through the crime in question.

Under the criminal lifestyle confiscation regime, the court still has discretion not to make these assumptions if they are shown to be wrong or there would be a serious risk of injustice if they were made.

The offence of slavery, servitude and forced labour is not currently a ‘lifestyle offence’ however, so these assumptions cannot generally be made in relation to defendants convicted of that offence.

What we are going to do

We are going to use the Modern Slavery Bill to amend POCA, so that the offence of slavery, servitude and forced labour, as well as the revised offence of human trafficking, will both be ‘criminal lifestyle’ offences.

This will mean that if someone is convicted of a clause 1 (slavery, servitude and forced or compulsory labour) or clause 2 (human trafficking) offence under the Modern Slavery Bill, the court will be able to assume that the assets held by the criminal over the last six years are the proceeds of crime, unless the criminal can show that they are not.

We are also strengthening the wider asset recovery regime through the Serious Crime Bill.

Benefits

- We will tackle the profit incentive that motivates slave drivers and traffickers to operate in the UK.
- The UK will be seen as a high-risk, hostile destination for traffickers and slave drivers.
- Improving asset recovery will help ensure that victims of modern slavery are compensated through the Reparation Orders being introduced in the Modern Slavery Bill.

Q&A

What will happen to the money collected?

The first priority is victims and ensuring that the victims of the crime are provided with compensation from the defendant's assets.

Any remaining money is split between the Home Office and front-line criminal justice agencies such as the police and or prosecutors, under the terms of the Asset Recovery Incentivisation Scheme. Money distributed under this scheme is not ring-fenced, but is intended to be used to drive further asset recovery performance.

What else are you doing to improve asset recovery?

We are also amending POCA through the Serious Crime Bill. This will enable law enforcement agencies to seize criminal assets more quickly, close loopholes that criminals use to get round confiscation and crack down on those who try to avoid paying them.

POCA already provides a robust set of tools for the recovery of criminal assets, and the improvements that are being proposed will strengthen those tools even further.

Home Office
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