

## MODERN SLAVERY BILL

### SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

#### PREPARED BY THE HOME OFFICE

#### Introduction

1. This supplementary memorandum has been prepared in relation to Government amendments tabled for consideration at Lords Committee Stage of the Modern Slavery Bill. The memorandum identifies the provisions within those amendments which introduce new powers to make delegated legislation, and explains why the power has been taken and the nature of, and reason for, the procedure selected.

#### PART 5: PROTECTION OF VICTIMS

##### *Clause 50(1): Duty to notify NCA about suspected victims of slavery or human trafficking*

*Power conferred on:* Secretary of State

*Power exercisable by:* Regulations made by statutory instrument

*Parliamentary procedure:* Negative resolution

3. The recent National Referral Mechanism ('NRM') review has recommended changing the arrangements for assessing whether individuals are victims of trafficking. At present, the National Crime Agency ('NCA') receives all NRM referrals and assesses cases in relation to European Economic Area (EEA) nationals; non-EEA referrals are assessed by UK Visas and Immigration within the Home Office. The NRM review recommends moving to a system where claims will be assessed by multi-agency teams, supported administratively by a central Home Office case-working function. If the Government accepts this recommendation, the NCA is no longer likely to be a suitable central point for the collation of information relating to victims of modern slavery, as this is likely to sit best with the body managing NRM referrals. The Government has therefore tabled amendments to remove the NCA's role as the recipient of notifications under clause 50. The amendments propose that such notifications should instead be received by the Secretary of State.

4. In addition to the duty to notify the Secretary of State, which is introduced by way of amendment to primary legislation, the Government has also tabled amendments to provide the Secretary of State with a delegated power to change the recipient of the notifications. This is to 'future-proof' the provisions in order to ensure that the duty to notify can be moved to reflect any future decisions which might be taken with the operation of the NRM.

5. It is considered that the negative resolution procedure is appropriate for these regulations as the principle that there should be a duty to notify is provided for on the face of the Bill. Furthermore, the Government amendments to the Bill itself make clear that the duty to notify will be to the Secretary of State. Since the Secretary of State is to be the recipient of the notifications, it is appropriate that the Secretary of State should be able to redirect the notifications without the need to act as an unnecessary conduit for the data. Since, as a result

of the Government amendments to primary legislation referred to above, the Secretary of State will be in possession of the data in any event and could pass this to another public authority under common law powers without regulations, it is considered that the negative resolution procedure provides sufficient scrutiny of the exercise of this power.

**Home Office**  
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