



Home Office

# **Home Office Circular**

## **Modern Slavery Act 2015 – Maritime Enforcement Powers**



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### Modern Slavery Act 2015 – Maritime Enforcement Powers

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**Broad subject:** Modern Slavery, Criminal Law

**Sub-categories:** Human Trafficking, Enforcement Powers in Relation to Ships

**This circular is addressed to:** Chief Officers of Police in England and Wales, Police and Crime Commissioners in England and Wales, National Policing Lead for Modern Slavery, National Policing Lead for Maritime, National Policing Lead for Custody, HM Chief Inspector of Constabulary, Mayor's Office for Policing and Crime, College of Policing, Association of Police & Crime Commissioners, Police Superintendents' Association, Police Federation, National Police Chiefs Council, Port Police, British Transport Police, Border Force, Ministry of Justice, Ministry of Defence, Department for Transport, Foreign and Commonwealth Office, Scottish Government, Northern Ireland Executive, Welsh Government, National Crime Agency, Independent Anti-Slavery Commissioner

**Copies of this circular go to:** Lord Chief Justice, Justices of the Supreme Court, President of the Queen's Bench Division, Master of the Rolls, Senior Presiding Judge, Lords Justices of Appeal, Chairman of the Judicial College, High Court Judges, Presiding Judges, Resident Judges, Crown Court Judges, District Judges (Magistrates' Courts), Chairmen of the Justices, Council of Circuit Judges, Magistrates' Association, Association of District Judges, Justices' Clerks' Society, Registrar of Criminal Appeals, The Law Society, the Sentencing Council, the Bar Council, the Criminal Bar Association, Director of Public Prosecutions, Chief Crown Prosecutors, Attorney General's Office, Citizens Advice Bureau, Chief Probation Officers, Local Government Association, The Independent Chief Inspector of Borders and Immigration

## Dear Colleague

1. The Modern Slavery Act 2015 (“the 2015 Act”) received Royal Assent on 26 March. The 2015 Act ensures that law enforcement agencies have the powers they need to tackle modern slavery and enhances the protection of victims.
2. The majority of the provisions in the 2015 Act have now been brought into force. However, Part 3 which relates to maritime enforcement powers has not yet been commenced.
3. This circular is to inform you that most of the sections in part 3 will be commenced on 8 August 2016. Specifically, sections 35, 36, 37, 39 and Schedule 2 will be commenced.
4. Section 38 in Part 3 of the 2015 Act, which relates to the hot pursuit of ships in United Kingdom waters, is not being commenced at this stage and will be commenced at a later date. The Home Office will provide a further circular in respect of this provision once the commencement date has been determined.
5. For full details on the new powers please refer to the relevant sections of the Modern Slavery Act 2015 and the associated explanatory notes which are available online: [www.legislation.gov.uk/ukpga/2015/30/contents/enacted](http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted)

### **Sections 35, 36, 37, 39 and Schedule 2: Enforcement Powers in Relation to Ships**

**Commencement Date: 8 August 2016**

### **Sections 35, 36, 37: Enforcement Powers in Relation to Ships**

**Commencement Date: 8 August 2016**

6. Sections 35, 36 and 37 relate to maritime enforcement powers in England and Wales, Scotland and Northern Ireland respectively. They give specified officers in each jurisdiction new powers to investigate modern slavery offences at sea.
7. Sections 35, 36 and 37 set out which ships these powers may be exercised in relation to and what authorisations are required to use these powers.

### **Section 39: Interpretation of Part 3**

**Commencement Date: 8 August 2016**

8. Section 39 defines the terms used in Part 3. It defines ‘enforcement officer’, ‘English and Welsh constable’, ‘Northern Ireland constable’ and ‘Scottish constable’ and thereby sets out who may use these new powers.
9. An ‘enforcement officer’ is a designated customs official, a commissioned officer of any of Her Majesty’s ships, or a person in command of an aircraft or hovercraft of the Royal Navy, the Army or the Royal Air Force.

10. An 'English and Welsh constable' is a member of a police force in England and Wales, a member of the British Transport Police, a port constable or a National Crime Agency officer having powers and privileges of a constable in England and Wales.
11. A 'Northern Ireland constable' is a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve.
12. A 'Scottish constable' is a police constable in Scotland within the meaning of section 99 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) or a National Crime Agency officer with the powers and privileges of a constable in Scotland.

## **Schedule 2: Enforcement Powers in Relation to Ships**

### **Commencement Date: 8 August 2016**

13. The powers provided in England and Wales, Scotland and Northern Ireland are very similar in each jurisdiction and are set out in schedule 2, in parts 1, 2 and 3 respectively.
14. In summary these powers are: the power to stop, board, divert and detain a vessel, the power to search a vessel and obtain information, the power to arrest a person suspected of committing a relevant offence and to seize any relevant evidence.
15. Schedule 2, paragraph 5 requires the Secretary of State to issue a code of practice for English and Welsh constables and enforcement officers to follow when exercising the new power of arrest. In particular, this code of practice must provide guidance as to the information to be given to a person when they are arrested.
16. This code of practice has now been produced and approved by both houses of Parliament. It will be brought into operation on 8 August and is available on the gov.uk website here: [www.gov.uk/government/publications/modern-slavery-act-2015-maritime-enforcement-powers-england-and-wales-code-of-practice](http://www.gov.uk/government/publications/modern-slavery-act-2015-maritime-enforcement-powers-england-and-wales-code-of-practice).
17. Schedule 2, paragraph 23 requires the Department of Justice Northern Ireland to issue a similar code of practice for Northern Ireland constables and enforcement officers to follow when arresting a person.
18. This code of practice has now also been produced and been laid before the Northern Ireland Assembly. It will come into force on 8 August and is available online here: [www.octf.gov.uk/Publications/Human-Trafficking/Code-of-practice-on-the-exercise-of-maritime-power](http://www.octf.gov.uk/Publications/Human-Trafficking/Code-of-practice-on-the-exercise-of-maritime-power).
19. The Scottish Government is not required to produce a code of practice.