

Modern Slavery Act 2015

2015 CHAPTER 30

An Act to make provision about slavery, servitude and forced or compulsory labour and about human trafficking, including provision for the protection of victims; to make provision for an Independent Anti-slavery Commissioner; and for connected purposes. [26th March 2015]

BE 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 commits an offence if—

(a) the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or

(b) the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other 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.

(3) In determining whether a person is being held in slavery or servitude or required to perform forced or compulsory labour, regard may be had to all the circumstances.

(4) For example, regard may be had—

(a) to any of the person's personal circumstances (such as the person being a child, the person's family relationships, and any mental or physical illness) which may make the person more

vulnerable than other persons;

(b) to any work or services provided by the person, including work or services provided in circumstances which constitute exploitation within section 3(3) to (6).

(5) The consent of a person (whether an adult or a child) to any of the acts alleged to constitute holding the person in slavery or servitude, or requiring the person to perform forced or compulsory labour, does not preclude a determination that the person is being held in slavery or servitude, or required to perform forced or compulsory labour.

2 Human trafficking

(1) A person commits an offence if the person arranges or facilitates the travel of another person (“V”) with a view to V being exploited.

(2) It is irrelevant whether V consents to the travel (whether V is an adult or a child).

(3) A person may in particular arrange or facilitate V’s travel by recruiting V, transporting or transferring V, harbouring or receiving V, or transferring or exchanging control over V.

(4) A person arranges or facilitates V’s travel with a view to V being exploited only if—

(a) the person intends to exploit V (in any part of the world) during or after the travel, or

(b) the person knows or ought to know that another person is likely to exploit V (in any part of the world) during or after the travel.

(5) “Travel” means—

(a) arriving in, or entering, any country,

(b) departing from any country,

(c) travelling within any country.

(6) 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) where the travel takes place.

(7) 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 travel consists of arrival in or entry into, departure from, or travel within, the United Kingdom.

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. Modern Slavery Act 2015 (c. 30)

(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 a child, is mentally or physically ill or disabled, or has a family relationship with a particular person, and

(b) an adult, or a person without the illness, disability, 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 an offence under section 2 (including an offence committed by aiding, abetting, counselling or procuring an offence under that section).Modern Slavery Act 2015 (c. 30)

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 liable (unless subsection (3) applies)—

(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 fals 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 - violent offences), after paragraph 63F insert— 63G An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour). 63H An offence under section 2 of that Act (human trafficking) which is not within Part 2 of this Schedule.”

(3) In Part 2 of Schedule 15 (specified offences for purposes of Chapter 5 of Part 12 - sexual offences), after paragraph 152 insert—“ 152A An offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).”

(4) In Part 1 of Schedule 15B (offences listed for purposes of sections 224A, 226A and 246A), after paragraph 43 insert— 43A An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour). 43B An offence under section 2 of that Act (human trafficking).”

7 Confiscation of assets

(1) Schedule 2 to the Proceeds of Crime Act 2002 (criminal lifestyle offences in England and Wales) is amended as follows.

(2) After paragraph 3 insert—“ Slavery etc 3A An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour).”

(3) In paragraph 4 (people trafficking)—

(a) omit sub-paragraphs (2) and (3);

(b) at the end insert— “(4) An offence under section 2 of the Modern Slavery Act 2015 (human trafficking).”

8 Power to make slavery and trafficking reparation orders

(1) The court may make a slavery and trafficking reparation order against a person if—

(a) the person has been convicted of an offence under section 1, 2 or 4, and

(b) a confiscation order is made against the person in respect of the offence.

(2) The court may also make a slavery and trafficking reparation order against a person if—

(a) by virtue of section 28 of the Proceeds of Crime Act 2002 (defendants who abscond during proceedings) a confiscation order has been made against a person in respect of an offence under section 1, 2 or 4, and

(b) the person is later convicted of the offence.

(3) The court may make a slavery and trafficking reparation order against the person in addition to dealing with the person in any other way (subject to section 10(1)).

(4) In a case within subsection (1) the court may make a slavery and trafficking reparation order against the person even if the person has been sentenced for the offence before the confiscation order is made.

(5) In determining whether to make a slavery and trafficking reparation order against the person the court must have regard to the person's means.

(6) If the court considers that—

(a) it would be appropriate both to impose a fine and to make a slavery and trafficking reparation order, but

(b) the person has insufficient means to pay both an appropriate fine and appropriate compensation under such an order, the court must give preference to compensation (although it may impose a fine as well).

(7) In any case in which the court has power to make a slavery and trafficking reparation order it must—

(a) consider whether to make such an order (whether or not an application for such an order is made), and

(b) if it does not make an order, give reasons.

(8) In this section—

(a) “the court” means—

- (i) the Crown Court, or any magistrates' court that has power to make a confiscation order by virtue of an order under section 97 of the Serious Organised Crime and Police Act 2005 (confiscation orders by magistrates' courts);
- (b) "confiscation order" means a confiscation order under section 6 of the Proceeds of Crime Act 2002;
- (c) a confiscation order is made in respect of an offence if the offence is the offence (or one of the offences) concerned for the purposes of Part 2 of that Act.

9 Effect of slavery and trafficking reparation orders

- (1) A slavery and trafficking reparation order is an order requiring the person against whom it is made to pay compensation to the victim of a relevant offence for any harm resulting from that offence.
- (2) "Relevant offence" means—
 - (a) the offence under section 1, 2 or 4 of which the person is convicted;
 - (b) any other offence under section 1, 2 or 4 which is taken into consideration in determining the person's sentence.
- (3) The amount of the compensation is to be such amount as the court considers appropriate having regard to any evidence and to any representations made by or on behalf of the person or the prosecutor, but subject to subsection (4).
- (4) The amount of the compensation payable under the slavery and trafficking reparation order (or if more than one order is made in the same proceedings, the total amount of the compensation payable under those orders) must not exceed the amount the person is required to pay under the confiscation order.
- (5) In determining the amount to be paid by the person under a slavery and trafficking reparation order the court must have regard to the person's means.
- (6) In subsection (4) "the confiscation order" means the confiscation order within section 8(1)(b) or (2)(a) (as the case may be).

10 Slavery and trafficking reparation orders: supplementary provision

(1) A slavery and trafficking reparation order and a compensation order under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 may not both be made in respect of the same offence.

(2) Where the court makes a slavery and trafficking reparation order as mentioned in section 8(4), for the purposes of the following provisions the person's sentence is to be regarded as imposed or made on the day on which the order is made—

(a) section 18(2) of the Criminal Appeal Act 1968 (time limit for notice of appeal or application for leave to appeal);

(b) paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (time limit for notice of application for leave to refer a case under section 36 of that Act).

(3) Sections 132 to 134 of the Powers of Criminal Courts (Sentencing) Act 2000 (appeals, review etc of compensation orders) apply to slavery and trafficking reparation orders as if

(a) references to a compensation order were references to a slavery and trafficking reparation order;

(b) references to the court of trial were references to the court (within the meaning of section 8 above);

(c) references to injury, loss or damage were references to harm;

(d) the reference in section 133(3)(c)(iii) to a slavery and trafficking reparation order under section 8 above were to a compensation order under section 130 of that Act;

(e) in section 134 the references to service compensation orders were omitted.

(4) If under section 21 or 22 of the Proceeds of Crime Act 2002 the court varies a confiscation order so as to increase the amount required to be paid under that order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order so as to increase the amount required to be paid under the slavery and trafficking reparation order.

(5) If under section 23 or 29 of that Act the court varies a confiscation order so as to reduce the amount required to be paid under that order, it may also—

(a) vary any relevant slavery and trafficking reparation order so as to reduce the amount which remains to be paid under that order;

(b) discharge any relevant slavery and trafficking reparation order.

(6) If under section 24 of that Act the court discharges a confiscation order, it may also discharge any relevant slavery and trafficking reparation order.

(7) For the purposes of subsections (5) and (6) a slavery and trafficking reparation order is relevant if it is made by virtue of the confiscation order and some or all of the amount required to be paid under it has not been paid.

(8) If on an appeal under section 31 of the Proceeds of Crime Act 2002 the Court of Appeal—

(a) quashes a confiscation order, it must also quash any slavery and trafficking reparation order made by virtue of the confiscation order;

(b) varies a confiscation order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order;

(c) makes a confiscation order, it may make any slavery and trafficking reparation order that could have been made under section 8 above by virtue of the confiscation order.

(9) If on an appeal under section 33 of that Act the Supreme Court—

(a) quashes a confiscation order, it must also quash any slavery and trafficking reparation order made by virtue of the confiscation order;

(b) varies a confiscation order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order.

(10) For the purposes of this section—

(a) a slavery and trafficking reparation order made under section 8(1) is made by virtue of the confiscation order within section 8(1)(b);

(b) a slavery and trafficking reparation order made under section 8(2) is made by virtue of the confiscation order within section 8(2)(a).

11 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—

(a) owned the vehicle at the time the offence was committed,

(b) was at that time a director, secretary or manager of a company which owned the vehicle,

- (c) was at that time in possession of the vehicle under a hire-purchase agreement,
 - (d) 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
 - (e) 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—
- (a) owned the ship or aircraft at the time the offence was committed,
 - (b) was at that time a director, secretary or manager of a company which owned the ship or aircraft,
 - (c) was at that time in possession of the ship or aircraft under a hirepurchase agreement,
 - (d) 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,
 - (e) was at that time a charterer of the ship or aircraft, or
 - (f) 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—
- (a) in the case of a ship other than a hovercraft, its gross tonnage is less than 500 tons;
 - (b) in the case of an aircraft, 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.

Supplementary

12 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 11 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 11.
- (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 not below the rank of chief immigration officer.

13 Interpretation of Part 1

(1) In this Part—

“captain” means master (of a ship) or commander (of an aircraft); “confiscation order” has the meaning given by section 8(8); “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 (including a hovercraft) used in navigation; “slavery and trafficking reparation order” means an order made under section 8;

“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 8 and 10, references to provisions of the Proceeds of Crime Act 2002 include references to those provisions as amended or otherwise modified by virtue of an order (whenever made) under section 97 of the Serious Organised Crime and Police Act 2005 (confiscation orders by magistrates’ courts).

(3) In sections 11 and 12, 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.

PART 2

PREVENTION ORDERS

Slavery and trafficking prevention orders

14 Slavery and trafficking prevention orders on sentencing

(1) A court may make a slavery and trafficking prevention order 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—

- (a) there is a risk that the defendant may commit a slavery or human trafficking offence, and
- (b) it is necessary to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence.

(3) A “slavery or human trafficking offence” means an offence listed in Schedule 1.

(4) The Secretary of State may by regulations amend Schedule 1.

(5) For the purposes of this section, convictions and findings include those taking place before this section comes into force.

15 Slavery and trafficking prevention orders on application

(1) A magistrates’ court may make a slavery and trafficking prevention order against a person (“the defendant”) on an application by—

- (a) a chief officer of police,
- (b) an immigration officer, or
- (c) 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 16), and

(b) since the defendant first became a relevant offender, the defendant has acted in a way which means that the condition in subsection (3) is met.

(3) The condition is that—

(a) there is a risk that the defendant may commit a slavery or human trafficking offence, and

(b) it is necessary to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence.

(4) 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.

(5) An application under this section is to be made by complaint, and may be made to any magistrates' court acting for a local justice area that includes—

(a) any part of a relevant police area, or

(b) any place where it is alleged that the defendant acted in a way mentioned in subsection (2)(b).

(6) Where the defendant is under 18, a reference in this section to a magistrates' court is to be taken as referring to a youth court (subject to any rules of court made under section 32).

(7) Where an immigration officer or the Director General makes an application under this section, the officer or the Director General must give notice of the application to the chief officer of police for a relevant police area.

(8) In this section "relevant police area" means—

(a) where the applicant is a chief officer of police, the officer's police area;

(b) where the applicant is an immigration officer or the Director General, the police area where the defendant lives or a police area which the officer or the Director General believes the defendant is in or is intending to come to.

(9) 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.

16 Meaning of “relevant offender”

- (1) A person is a “relevant offender” for the purposes of section 15 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—