Draft Order laid before the Assembly under section 27(3) and (4) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No. 0000

CRIMINAL LAW

The Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016

Made - - - - xx xxxx 2016

Coming into operation in accordance with Article 1(2)

The Department of Justice makes the following Order, in exercise of the powers conferred by section 11 and of, and paragraphs 1(5) and 17(1) of Schedule 3 to, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015(**a**).

In accordance with section 27(3) and (4)(d) and (f) of that Act, a draft of this Order was laid before, and approved by a resolution of, the Assembly.

Citation and commencement

1.—(1) This Order may be cited as the Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016.

(2) This Order shall come into operation on the day of the commencement for all other purposes of section 11 of, and Schedule 3 to, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

Interpretation

2. In this Order "the 2015 Act" means the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders

3.—(1) Paragraph 1(4) of Schedule 3 to the 2015 Act is amended as follows.

(2) In paragraph 1(4) after head (h) insert—

"(ha) an offence under section 1 (slavery, servitude and forced or compulsory labour), 2 (human trafficking) or 4 (committing offence with intent to commit offence under section 2) of the Modern Slavery Act 2015;

(**a**) 2015 c.2 (N.I.).

(hb) an offence under section 1 (offence of human trafficking) or 4 (slavery, servitude and forced or compulsory labour) of the Human Trafficking and Exploitation (Scotland) Act 2015;".

4.—(1) Paragraph 16(1) of Schedule 3 to the 2015 Act is amended as follows.

(2) In sub-paragraph (1)(a), after "a slavery and trafficking prevention order," delete "or".

(3) After sub-paragraph (1)(b), and before the words "commits an offence", insert—

"(c) a slavery and trafficking prevention order within the meaning of sections 14 and 15 of the Modern Slavery Act 2015,

(d) an interim slavery and trafficking prevention order within the meaning of section 21 of the Modern Slavery Act 2015,

(e) a slavery and trafficking risk order within the meaning of section 23 of the Modern Slavery Act 2015,

(f) an interim slavery and trafficking risk order within the meaning of section 28 of the Modern Slavery Act 2015,

(g) a trafficking and exploitation prevention order within the meaning of sections 17 and 18 of the Human Trafficking and Exploitation (Scotland) Act 2015,

(h) an interim trafficking and exploitation prevention order within the meaning of section 24 of the Human Trafficking and Exploitation (Scotland) Act 2015,

(i) a trafficking and exploitation risk order within the meaning of section 26 of the Human Trafficking and Exploitation (Scotland) Act 2015, or

(j) an interim trafficking and exploitation risk order within the meaning of section 30 of the Human Trafficking and Exploitation (Scotland) Act 2015.".

Sealed with the Official Seal of the Department of Justice on xx xxxx 2016.

David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the definition of a slavery or human trafficking offence under paragraph 1(4) of Schedule 3 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 ("the 2015 Act"), allowing the courts in Northern Ireland to make slavery and trafficking prevention orders in respect of those convicted of slavery or human trafficking offences in other jurisdictions within the United Kingdom.

This Order also amends paragraph 16(1) of Schedule 3 to the 2015 Act to allow the courts in Northern Ireland to enforce equivalent or similar civil orders which have been made by the courts in Great Britain, where they have been breached in Northern Ireland. These include: slavery and trafficking prevention orders and interim slavery and trafficking prevention orders which have been made by the courts in England and Wales, and trafficking and exploitation prevention orders and interim trafficking and exploitation prevention orders made by the courts in Scotland. The Order also provides that risk orders made in England and Wales, or Scotland (which may be imposed were an individual has not been convicted of a slavery or human trafficking offence) are enforceable in Northern Ireland, where they have been breached in this jurisdiction.

Breach of these orders constitutes a criminal offence in Northern Ireland, punishable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory minimum, or both. Conviction on indictment attracts imprisonment for a term not exceeding five years.

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