**EXPLANATORY MEMORANDUM TO**

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

**[Insert SR no.- delete if not required i.e. draft affirmative]**

## 1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 11 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 ("the Act") and is subject to the draft affirmative resolution procedure.

## 2. Purpose

2.1. The Statutory Rule allows the courts in Northern Ireland to make slavery and trafficking prevention orders (STPOs) in respect of individuals who have been convicted of slavery or human trafficking offences in other jurisdictions within the United Kingdom.

2.2. The Statutory Rule also gives the courts in Northern Ireland the power to enforce breaches, in this jurisdiction, of equivalent or similar orders which have been made by the courts in other jurisdictions within the United Kingdom.

## 3. Background

3.1. Schedule 3 to the Act provides the courts in Northern Ireland with powers to make STPOs in respect of offenders who have been convicted of a slavery or human trafficking offence. Paragraph 1(4) of Schedule 3 to the Act lists the slavery and human trafficking offences for which a STPO may be made.

3.2. Under paragraph 1(5) of Schedule 3 to the Act, the Department of Justice may amend the list of slavery and human trafficking offences at paragraph 1(4) for which a STPO may be made. Using the power at paragraph 1(5), the Statutory Rule adds offences in England and Wales under sections 1, 2 and 4 of the Modern Slavery Act 2015 and offences in Scotland under sections 1 and 4 of the Human Trafficking and Exploitation (Scotland) Act 2015 to the list of offences at paragraph 1(4).

3.3. Paragraph 16(1) of Schedule 3 to the Act states that a person commits an offence if, without reasonable excuse, they fail to comply with a slavery and trafficking prevention order or an interim slavery or trafficking prevention order. Paragraph 17(1) provides the Department of Justice with a power to add orders under the law of Scotland, or England and Wales, which are equivalent or similar to STPOs or interim STPOs, to the list of orders at paragraph 16(1). Such orders would then be enforceable by the courts in Northern Ireland, where they are breached in this jurisdiction.

3.4. The Statutory Rule amends the list of orders at paragraph 16(1) of Schedule 3 to the Act to include: slavery and trafficking prevention orders and slavery and trafficking risk orders made under Part 2 of the Modern Slavery Act 2015; and trafficking and explotiation prevention and risk orders under Part 4 of the Human Trafficking and Exploitation (Scotland) Act 2015. Interim prevention and risk orders are also listed and so can be enforced in Northern Ireland, where they are breached in this jurisdiction.

## 4. Consultation

4.1. In July 2015 the Department published a consultation document outlining the proposed Statutory Rule. In addition to that targeted consultation exercise, the Department consulted the Committee for Justice in the Northern Ireland Assembly.

## 5. Equality Impact

5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. An equality screening exercise was carried out and no adverse impacts on the groups listed under section 75 were identified. It has been concluded that a full Equality Impact Assessment is not required.

## 6. Regulatory Impact

6.1. The proposals would not impose any restriction on business, charities or voluntary bodies and consequently the need for a full Regulatory Impact Assessment has been screened out.

## 7. Financial Implications

7.1. There may be some minor costs to the justice system for making and enforcing STPOs. It is anticipated that this will be absorbedwithin existing budgets.

## 8. Section 24 of the Northern Ireland Act 1998

8.1. The Department of Justice considers that the proposal is compatible with section 24 of the Northern Ireland Act 1998.

## 9. EU Implications

9.1. Not applicable.

## 10. Parity or Replicatory Measure

10.1. Under section 30 of the Modern Slavery Act 2015, an offender who breaches a Northern Ireland STPO in England and Wales commits an offence and is liable for prosecution.

10.2. Section 33 of the Human Trafficking and Exploitation (Scotland) Act 2015 allows Scottish Ministers to make regulations adding to the list of UK orders which may be enforced in Scotland.

## 11. Additional Information

11.1. Not applicable.