Draft Regulations laid before Parliament under section 58(3) and (4)(k) of the Modern Slavery Act 2015, section 93(5) of the Criminal Justice and Courts Act 2015 and section 85(5) of the Serious Crime Act 2015 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No.

MODERN SLAVERY

The Modern Slavery Act 2015 (Consequential Amendments) (No. 2) Regulations 2015

Made - - - - ***

Coming into force in accordance with regulation 1(1)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 57(2) and (3) of the Modern Slavery Act 2015(**a**), section 93(1) and (2) of the Criminal Justice and Courts Act 2015(**b**) and section 85(2) and (3)(c) of the Serious Crime Act 2015(**c**).

In accordance with section 58(3) and (4)(k) of the Modern Slavery Act 2015, section 93(5) of the Criminal Justice and Courts Act 2015 and section 85(5) of the Serious Crime Act 2015 a draft of these Regulations has been laid before and approved by resolution of each House of Parliament.

PART 1

GENERAL PROVISIONS

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Modern Slavery Act 2015 (Consequential Amendments) (No. 2) Regulations 2015 and come into force on the twenty first day after the day on which they are made.

(2) Regulations 6 and 7 apply to England only.

(3) In these Regulations, "the 2015 Act" means the Modern Slavery Act 2015.

(**a**) 2015 c. 30.
(**b**) 2015 c. 2.
(**c**) 2015 c. 9.

PART 2

AMENDMENTS CONSEQUENTIAL ON THE 2015 ACT

Amendment to the Visiting Forces Act 1952

2. The Visiting Forces Act 1952(**a**) is amended as follows.

3. In paragraph 1 of the Schedule (offences referred to in section 3) in sub-paragraph (b) insert at the end—

"(xv) sections 1 and 2 of the Modern Slavery Act 2015;".

Amendment to the Police and Criminal Evidence Act 1984

4. The Police and Criminal Evidence Act 1984(**b**) is amended as follows.

5. In section 80(7) (compellability of accused's spouse or civil partner), at the end insert—

", or 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).".

Amendment to the Housing Act 1985

6. The Housing Act 1985(**c**) is amended as follows.

7. In Schedule 2A (absolute grounds for possession for anti-social behaviour: serious offences) after paragraph 29 insert—

"**Modern slavery**

29A. An offence under either of the following sections of the Modern Slavery Act 2015—

(a) section 1 (slavery, servitude and forced or compulsory labour),

(b) section 2 (human trafficking).".

Amendments to the Crime and Disorder Act 1998

8. The Crime and Disorder Act 1998(**d**) is amended as follows.

9. In section 51C(3) (notices in certain cases involving children)—

(a) after paragraph (d) insert—

"(da) under section 1 or 2 of the Modern Slavery Act 2015;";

(b) in paragraph (e) for "or (d)" substitute ", (d) or (da)".

(**a**) 1952 c. 67.

(**b**) 1984 c. 60. Section 80(7) was amended by sections 139 of, and paragraph 28 of Schedule 6 to, the Sexual Offences Act 2003 (c. 42).

(**c**) 1985 c. 68. Schedule 2A was inserted by section 94(2) of, and Schedule 3 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(**d**) 1998 c. 37. Section 51C was inserted by section 41 of, and paragraphs 15 and 18 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44).

Amendments to the Youth Justice and Criminal Evidence Act 1999

10. The Youth Justice and Criminal Evidence Act 1999(**a**) is amended as follows.

11. In section 35(3)(a) (child complainants and other child witnesses)—

(a) omit the "or" at the end of sub-paragraph (v);

(b) at the end of sub-paragraph (vi) insert "or";

(c) after sub-paragraph (vi) insert—

"(vii) sections 1 and 2 of the Modern Slavery Act 2015;".

12. In section 62 (meaning of "sexual offence" and other references to offences) for subsection (1) substitute—

"(1) In this Part "sexual offence" means any offence under—

(a) Part 1 of the Sexual Offences Act 2003 or any relevant superseded offence; or

(b) 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).".

Amendment to the Sexual Offences Act 2003

13. The Sexual Offences Act 2003(**b**) is amended as follows.

14. After section 136A(3A)(c) (meaning of specified child sex offences) insert—

"(d) an offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed against a person under 18 with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).".

Amendment to the Armed Forces Act 2006

15. The Armed Forces Act 2006(**c**) is amended as follows.

16. In paragraph 12 of Schedule 2 (Schedule 2 offences) after sub-paragraph (ax) insert—

"(ay) an offence under section 1 or 2 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour and human trafficking).".

Amendment to the Criminal Justice and Immigration Act 2008

17. The Criminal Justice and Immigration Act 2008(**d**) is amended as follows.

18. After section 80(5)(b) (requests to other member states) insert—

"(ba) any sum payable under a slavery and trafficking reparation order (within the meaning of section 8 of the Modern Slavery Act 2015);".

(**a**) 1999 c. 23. Section 35(3)(a)(vi) and the word 'or' immediately preceding it was inserted by section 139 of, and paragraph 41(2) of Schedule 6 to, the Sexual Offences Act 2003. Section 35(3)(a)(vi) was amended by sections 148 and 153 of, and schedule 26 to, the Criminal Justice and Immigration Act 2008 (c. 4). Section 62(1) was amended by section 139 of, and paragraph 41(1) of Schedule 6 to, the Sexual Offences Act 2003.

(**b**) 2003 c. 42. Section 136A was inserted by section 21 of, and paragraph 1 of Schedule 2 to, the Policing and Crime Act 2009 (c. 26). Section 136(3A) was inserted by section 115 of, and paragraph 2(4) of Schedule 6 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(**c**) 2006 c. 52. Sub-paragraph (ax) to paragraph 12 of the Schedule 2 was inserted by section 85 of, and paragraph 75(b) of Schedule 4 to, the Serious Crime Act 2015 (c. 9).

(**d**) 2008 c. 4.

Amendments to the Legal Aid, Sentencing and Punishment of Offenders Act 2012

19. The Legal Aid, Sentencing and Punishment of Offenders Act 2012(**a**) is amended as follows.

20. In paragraph 39(3) of Part 1 of Schedule 1 (sexual offences), in the definition of "sexual offence"—

(a) in paragraph (a), after the comma omit "and";

(b) at the end of paragraph (b) insert—

", and

(c) 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).".

Amendments to the Anti-social Behaviour, Crime and Policing Act 2014

21. The Anti-social Behaviour, Crime and Policing Act 2014(**b**) is amended as follows.

22. In section 116 (information about guests at hotels believed to be used for child sexual exploitation)—

(a) in subsection (7) in the definition of "child sexual exploitation" after "an offence listed in subsection (8)(c)" insert "or (d)";

(b) in subsection (8) after paragraph (c) insert—

"(d) 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).".

Amendments to the Serious Crime Act 2015

23. The Serious Crime Act 2015(**c**) is amended as follows.

24. In section 69(8) (possession of paedophile manual), in the definition of "abusing children sexually"—

(a) in paragraph (a), omit "or" at the end;

(b) in paragraph (b), insert "or" at the end;

(c) after paragraph (b) insert—

"(c) 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),".

PART 3

AMENDMENTS TO THE 2015 ACT CONSEQUENTIAL ON OTHER ACTS

Amendments in consequence of section 54 of the Criminal Justice and Courts Act 2015

25. In paragraph 11 of Schedule 5 to the 2015 Act (minor and consequential amendments relating to slavery and trafficking reparation orders)—

(a) in sub-paragraph (2), for "13A or 13B" substitute "12B or 12C"; and

(b) in sub-paragraph (3)—

(**a**) 2012 c. 10.
(**b**) 2014 c. 12.
(**c**) 2015 c. 9.

(i) for "13A" substitute "12B"; and

(ii) for "13B" substitute "12C".

Amendments in consequence of section 6 of the Serious Crime Act 2015

26. For paragraph 15 of Schedule 5 to the 2015 Act substitute—

"**15.** In section 13(3A)(**a**) of the Proceeds of Crime Act 2002 (effect of confiscation order on court's other powers), after paragraph (c) insert—

"(d) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015."".

27. Omit paragraph 20 of Schedule 5 to the 2015 Act.

Amendment in consequence of section 8 of the Serious Crime Act 2015

28. In section 10(6) of the 2015 Act after "section 24" insert or "25A".

Home Office
Date

Name
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are consequential on the commencement of sections 1 to 3 and 8 to 10 of the Modern Slavery Act 2015 (c. 30) (the Act), which make provision for offences of slavery, servitude and forced or compulsory labour, human trafficking and slavery and trafficking reparation orders.

Regulations 2 to 24 make amendments to primary legislation in consequence of the offences of slavery, servitude and forced or compulsory labour and human trafficking in sections 1 and 2 of the Act; and section 8 which provides the power to make slavery and trafficking reparation orders.

The amendments to Schedule 5 to the Act made by regulation 25 are necessary in light of subsequent amendments to Part 1 of Schedule 9 to the Administration of Justice Act 1970 (c. 31) made by the Criminal Justice and Courts Act 2015 (c. 2) and section 13 of the Proceeds of Crime Act 2002 (c. 29) by the Serious Crime Act 2015 (c. 9). Those amendments have made the consequential amendments in paragraphs 11 and 15 of Schedule 5 to the Act ineffective or unclear. Regulation 27 omits paragraph 20 of Schedule 5 to the 2015 Act, which is no longer needed in light of the amendments made by regulation 25.

Regulation 26 amends section 13 of the Proceeds of Crime Act 2002 to provide that a slavery and trafficking reparation order under section 8 of the Act is a priority order under section 13 of the Proceeds of Crime Act 2002.

The amendment to section 10(6) of the Act made by regulation 28 is necessary in light of the amendment made to the Proceeds of Crime Act 2002 (c. 29) by section 8 of the Serious Crime Act 2015 (c. 9).

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

(**a**) Subsection (3A) was inserted by section 6 of the Serious Crime Act 2015 (c. 9).

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