STATUTORY INSTRUMENTS

2015 No. 1478 (L. 17)

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts (Modern Slavery Act 2015) Rules 2015

Made - - - -	*7th July 2015*
Laid before Parliament	*10th July 2015*
Coming into force - -	*31st July 2015*

The Lord Chief Justice, with the concurrence of the Lord Chancellor, makes the following Rules in exercise of the powers conferred by section 144 of the Magistrates' Courts Act 1980(**a**) and sections 16(6) and 32 of the Modern Slavery Act 2015(**b**).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Modern Slavery Act 2015) Rules 2015.

(2) These Rules come into force on 31st July 2015.

(3) In these Rules—

(a) "the 2015 Act" means the Modern Slavery Act 2015;

(b) a reference to a section by number alone means the section so numbered in the 2015 Act;

(c) "applicant" means the person applying or who applied for an order under section 15 or section 23 of the 2015 Act, and "defendant" means the person against whom the order is or was applied for.

Information about equivalent offence where section 16(3) is alleged to apply

2. On an application for an order under section 15, where section 16(3) is alleged to apply to the defendant—

(a) the complaint must contain details of the equivalent offence which is being relied on;

(b) the summons issued pursuant to section 51 of the Magistrates' Courts Act 1980(**c**) must contain such details; and

(c) if the complaint does not contain such details, or in the court's view contains insufficient details, the court may require the applicant to provide such details, or further details, before the summons is issued.

(**a**) 1980 c. 43. Section 144 has been amended by the Access to Justice Act 1999 (c. 22), Schedule 11, paragraphs 26 and 29; the Courts Act 2003 (c. 39), Schedule 8, paragraph 245 and Schedule 10; the Constitutional Reform Act 2005 (c. 4), Schedule 4, paragraphs 99 and 102; the Legal Services Act 2007 (c.29), Schedule 21, paragraphs 42 and 43; the Crime and Courts Act 2013 (c.22), Schedule 10, paragraphs 39,52 and 99; and by S.I. 2012/2398, article 3(2), Schedule 2, paragraph 1.

(**b**) 2015 c. 30.

(**c**) Section 51 was substituted by section 47(1) of the Courts Act 2003 (c. 39).

Time by which notice in relation to equivalent offence condition must be served

3. Where section 16(6) applies, the defendant must serve the notice described in section 16(6)(a) no later than—

(a) 21 days after service on the defendant of the summons issued pursuant to section 51 of the Magistrates' Courts Act 1980;

(b) such later time after service of the summons as the court may direct if satisfied that it is in the interests of justice to do so; or

(c) where no summons is issued, such time as the court considers it to be in the interests of justice to direct.

Application for permission for an application to a youth court for an order against a person aged 18 or over

4.—(1) A youth court may, on application, give permission for an application for an order under section 15 or section 23 against a person aged 18 or over to be made to the youth court if the conditions in section 32(1)(a) and (b) are fulfilled.

(2) The application for permission must include—

(a) in relation to the condition in section 32(1)(a), details of the application which has been made, or is to be made, for an order under section 15 or section 23 against a person aged under 18; and

(b) in relation to the condition in section 32(1)(b), a statement of the reasons why it is in the interests of justice for the applications to be heard together.

Defendant attaining age of 18 after commencement of proceedings

5.—(1) Where a defendant attains the age of 18 after proceedings against that person by virtue of Part 2 of the 2015 Act have begun, the proceedings must remain in a youth court, subject to paragraphs (2) and (3).

(2) The court in which the proceedings were continuing when the defendant attained the age of 18 may, at the request of the applicant or the defendant or of its own motion—

(a) make a direction under paragraph (3); or

(b) direct that the proceedings be transferred to a youth court for the local justice area in which the defendant currently resides, in order for that court to consider whether to make a direction under paragraph (3).

(3) The court may direct that the proceedings be transferred to an adult magistrates' court, having had regard in particular to—

(a) the stage which the proceedings have reached;

(b) the circumstances of the applicant and the defendant; and

(c) the need to ensure fairness between the applicant and the defendant.

(4) The court may not make a direction under paragraph (3) without a hearing, on notice to both the applicant and the defendant.

Thomas of Cwmgiedd, C.J.

I agree

Signed on the authority of the Lord Chancellor

Edward Faulks
Minister of State
Ministry of Justice

7th July 2015

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make provision for proceedings in youth courts in relation to applications for slavery and trafficking prevention orders and slavery and trafficking risk orders under Part 2 of the Modern Slavery Act 2015, other than where such orders are made following conviction. Under Part 2 of the 2015 Act, such proceedings are allocated to adult magistrates' courts where the defendant is aged 18 or over and to youth courts where the defendant is aged under 18, but with the possibility, for which these Rules provide, for a youth court to hear an application (or applications) involving a defendant aged 18 or over together with an application (or applications) involving a defendant aged under 18 if it is in the interests of justice for the applications to be heard together, or for proceedings to remain in a youth court where the defendant reaches the age of 18 after the proceedings were begun, if the court considers this appropriate having regard to a range of factors.

These Rules also make provision for the time by which a notice under section 16(6)(a) of the 2015 Act (arguing that the condition of the defendant having been convicted of an "equivalent offence" is not satisfied and putting the applicant to proof) must be served on the applicant; and for ensuring that information about the equivalent offence in such a case is provided to the defendant in the summons.

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