EXPLANATORY MEMORANDUM TO

THE MODERN SLAVERY ACT 2015 (DUTY TO NOTIFY) REGULATIONS 2015

2015 No. 1743

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These regulations set out the information that is to be included as part of a notification by a specified public authority when discharging their duty under section 52 of the Modern Slavery Act 2015 ("the Act") - to notify the Secretary of State where they have reasonable grounds to believe that a person may be a victim of slavery or human trafficking.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 These Regulations implement section 52 of the Act by setting out what information a notification to the Secretary of State must contain.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure, and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The Act seeks to improve the UK's response to modern slavery, including the identification and support of victims. Section 52 of the Act will improve identification by creating a statutory duty for specified public authorities to notify the Secretary of State where they have reasonable grounds to believe that a person may be a victim of slavery or human trafficking. It is estimated that there were 10-13,000 victims of modern slavery in the UK in 2013, with only 1746 potential victims referred to the National Referral

Mechanism (the system through which victims are identified and supported) in the same period. Section 52 of the Act is intended to improve the identification of victims and help the Government build a more comprehensive picture of the nature and scale of modern slavery, to inform the law enforcement response.

7.2 These Regulations will set out what information specified public authorities should provide when discharging the duty set out in section 52 of the Act.

- Consolidation

7.3 As this is the first instrument made under the relevant enabling power in the Act, consolidation is not applicable.

8. Consultation outcome

8.1 There has been no public consultation on the Regulations. The Act was subject to pre-legislative scrutiny.

9. Guidance

9.1 This change will be reflected in guidance and forms on the gov.uk website.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil as the duty does not apply to them.

10.2 The impact on the public sector is small – the Impact Assessment produced when the Draft Modern Slavery Bill was published estimated total costs of £36,000 per annum for all public authorities (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/371057/MSB_IA.pdf).

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Home Office has published a Modern Slavery Strategy and will review the effectiveness of the duty to notify and these regulations alongside the strategy. In addition, the provisions of the Act, and by extension these Regulations, will be subject to the normal post-legislative scrutiny three to five years after Royal Assent.

13. Contact

Suzanne Farrell at the Home Office Tel 020 7035 3445 or email: Suzanne.farrell7@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.