EXPLANATORY MEMORANDUM TO

THE PROTECTION OF FREEDOMS ACT 2012 (CONSEQUENTIAL AMENDMENTS) ORDER 2013

2013 No. 862

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 This instrument is being made to include references to the newly created trafficking offence in section 59A of the Sexual Offences Act 2003 in the Criminal Justice Act 1988 (Review of Sentencing) Order 2006, the Armed Forces (Review of Court Martial Sentence) Order 2009 and the Criminal Legal Aid (Remuneration) Regulations 2013.

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

3.1 None

4. Legislative Context

4.1 The Protection of Freedoms Act 2012 (Consequential Amendments) Order 2013 makes consequential amendments to secondary legislation, to include references to section 59A of the Sexual Offences Act 2003. This section was inserted into the Sexual Offences Act 2003 by the Protection of Freedoms Act 2012.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 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 Protection of Freedoms Act 2012 replaced the previous offences at sections 57 to 59 of the Sexual Offences Act 2003 (trafficking for the purposes of sexual exploitation) with a new offence which is set out in section 59A of the Sexual Offences Act 2003 (trafficking for the purposes of sexual exploitation). The Protection of Freedoms Act 2012 made these changes as part of the

implementation in England and Wales of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

7.2 The Criminal Justice Act 1988 (Review of Sentencing) Order 2006 and the Armed Forces (Review of Court Martial Sentence) Order 2009 each specify the previous offences at sections 57 to 59 to enable the Attorney General to refer such cases to the relevant Court of Appeal if following conviction, it is considered that an unduly lenient sentence has been imposed. The Criminal Legal Aid (Remuneration) Regulations 2013 specifies the offences for the purpose of setting out the fees payable for advocates representing defendants in the Crown Court. This instrument inserts the new offence into each of these Orders and Regulations to ensure consistency following the commencement of the new offence.

8. Consultation outcome

8.1 No consultation has been considered necessary in respect of this Order.

9. Guidance

9.1 No guidance is necessary in respect of this order.

10. Impact

10.1 This Order has no impact on the business or voluntary sector.

10.2 The impact on the public sector is low. This order updates references in legislation to amended offences.

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 There are no plans to review this Order.

13. Contact

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