Changes to legislation: *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, Paragraph 23 is up to date with all changes known to be in force on or before 26 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 3

SLAVERY AND TRAFFICKING PREVENTION ORDERS

PART 3

SUPPLEMENTARY

Interpretation of this Schedule

23.—(1) In this Schedule—

"cautioned" means cautioned after the person concerned has admitted the offence;

"custodial sentence" means—

(a) a sentence of imprisonment,

(b) a sentence of detention in a young offenders centre;

(c) a sentence of detention under Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008;

(d) a sentence of detention under Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998;

(e) an order under Article 39A of that Order sending the offender to a juvenile justice centre;

(f) any other sentence under which a person is detained in custody;

"detained in a hospital" means detained in a hospital under Part 3 of the Mental Health (Northern Ireland) Order 1986;

"home address" has the meaning given by paragraph 10(4);

"interim slavery and trafficking prevention order" means an order under paragraph 7;

"slavery and trafficking prevention order" means an order under paragraph 1 or 2;

"slavery or human trafficking offence" has the meaning given by paragraph 1(4).

(2) In this Schedule "passport" means—

(a) United Kingdom passport within the meaning of the Immigration Act 1971;

(b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation;

(c) a document that can be used (in some or all circumstances) instead of a passport.

(3) In this Schedule a reference to a conviction includes a conviction for an offence in respect of which an order for conditional discharge is made, despite—

(a) Article 6(1) of the Criminal Justice (Northern Ireland) Order 1996 (conviction with conditional discharge deemed not to be a conviction), or

(b) **[**[F1]section 82 of the Sentencing Code **]** (equivalent provision for England and Wales).

(4) Sub-paragraph (3) applies only to convictions after this Schedule comes into operation.

(5) In this Schedule a reference to a conviction includes a finding of a court in summary proceedings that the accused did the act charged, where the court makes an order under—

(a) Article 44(4) of the Mental Health (Northern Ireland) Order 1986;

(b) section 37(3) of the Mental Health Act 1983, or

(c) section 58(3) of the Criminal Procedure (Scotland) Act 1995,

(hospital and guardianship orders).

(6) In relation to an offence under the law of Scotland, a reference in this Schedule to a person being found not guilty by reason of insanity is to be treated as a reference to a person being acquitted by reason of the special defence in section 51A of the Criminal Procedure (Scotland) Act 1995.

(7) References in this Schedule to an offender subject to notification requirements are to be read in accordance with paragraph 9.

(8) In this Schedule, a reference to a finding that a person is unfit to be tried and has done the act charged against the person in respect of an offence includes a finding that a person is under a disability or insane and has done the act charged against the person in respect of an offence.

(9) A person's age is to be treated for the purposes of this Schedule as being that which it appears to the court to be after considering any available evidence.

Textual Amendments

F1 Words in Sch. 3 para. 23(3)(b) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 315** (with Sch. 27); S.I. 2020/1236, reg. 2

Commencement Information

I1 Sch. 3 para. 23 in operation at 27.11.2015 for specified purposes by S.R. 2015/376, **art. 2**

I2 Sch. 3 para. 23 in operation at 1.4.2016 in so far as not already in operation by S.R. 2016/61, **art. 2**

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View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 18(10A) inserted by 2023 c. 37 s. 28(5)