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## SCHEDULES

### SCHEDULE 1

Section 9.

#### DETENTION AND FORFEITURE OF CERTAIN VEHICLES, SHIPS AND AIRCRAFT

##### *Forfeiture on conviction of offence under section 1 or 2*

1.—(1) This paragraph applies if a person is convicted of an offence under section 1 or 2.

(2) The court may order the forfeiture of a land vehicle used or intended to be used in connection with the offence if the convicted person—

- (a) owned the vehicle at the time the offence was committed,
- (b) was at that time a director, secretary or manager of a company which owned the vehicle,
- (c) was at that time in possession of the vehicle under a hire-purchase agreement,
- (d) was at that time a director, secretary or manager of a company which was in possession of the vehicle under a hire-purchase agreement, or
- (e) was driving the vehicle in the course of the commission of the offence.

(3) The court may order the forfeiture of a ship or aircraft used or intended to be used in connection with the offence if the convicted person—

- (a) owned the ship or aircraft at the time the offence was committed,
- (b) was at that time a director, secretary or manager of a company which owned the ship or aircraft,
- (c) was at that time in possession of the ship or aircraft under a hire purchase agreement,
- (d) was at that time a director, secretary or manager of a company which was in possession of the ship or aircraft under a hire-purchase agreement,
- (e) was at that time a charterer of the ship or aircraft, or
- (f) committed the offence while acting as captain of the ship or aircraft.

(4) But where sub-paragraph (3)(a) or (b) does not apply to the convicted person, forfeiture of a ship or aircraft may be ordered only if sub-paragraph (5) applies or—

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- (a) in the case of a ship (other than a hovercraft), its gross tonnage is less than 500 tons;
- (b) in the case of an aircraft, the maximum weight at which it may take off in accordance with its certificate of airworthiness is less than 5,700 kilogrammes.

(5) This sub-paragraph applies where a person who, at the time the offence was committed—

- (a) owned the ship or aircraft, or
- (b) was a director, secretary or manager of a company which owned it,

knew or ought to have known of the intention to use it in the course of the commission of an offence under section 1 or 2.

(6) Where a person who claims to have an interest in a land vehicle, ship or aircraft applies to a court to make representations about its forfeiture, the court may not order its forfeiture without giving the person an opportunity to make representations.

#### *Detention of certain vehicles, ships and aircraft*

2.—(1) If a person (“P”) has been arrested for an offence under section 1 or 2, a constable may detain a relevant land vehicle, ship or aircraft.

(2) A land vehicle, ship or aircraft is relevant if the constable has reasonable grounds to believe that an order for its forfeiture could be made under paragraph 1 if P were convicted of the offence.

(3) The land vehicle, ship or aircraft may be detained—

- (a) until a decision is taken as to whether or not to charge P with the offence,
- (b) if P has been charged, until P is acquitted, the charge against P is dismissed or the proceedings are discontinued, or
- (c) if P has been charged and convicted, until the court decides whether or not to order forfeiture of the vehicle, ship or aircraft.

(4) A person (other than P) may apply to the court for the release of the land vehicle, ship or aircraft on the grounds that the person—

- (a) owns the vehicle, ship or aircraft,
- (b) was, immediately before the detention of the vehicle, ship or aircraft, in possession of it under a hire-purchase agreement, or
- (c) is a charterer of the ship or aircraft.

(5) The court to which an application is made under sub-paragraph (4) may, if satisfactory security or surety is tendered, release the land vehicle, ship or aircraft on condition that it is made available to the court if—

- (a) P is convicted, and

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- (b) an order for its forfeiture is made under paragraph 1.
- (6) In this paragraph “the court” means—
  - (a) if P has not been charged, or P has been charged but proceedings for the offence have not begun to be heard, a magistrates' court;
  - (b) if P has been charged and proceedings for the offence have begun to be heard, the court hearing the proceedings.

### *Interpretation*

- 3.—(1) In this Schedule—
- “captain” means master (of a ship) or commander (of an aircraft);
  - “land vehicle” means any vehicle other than a ship or aircraft;
  - “ship” includes every description of vessel (including a hovercraft) used in navigation.
- (2) In this Schedule a reference to being an owner of a vehicle, ship or aircraft includes a reference to being any of a number of persons who jointly own it.

## SCHEDULE 2

Section 10.

### SLAVERY AND TRAFFICKING REPARATION ORDERS

#### *Power to make slavery and trafficking reparation order*

- 1.—(1) The Crown Court may make a slavery and trafficking reparation order against a person if—
- (a) the person has been convicted of an offence under section 1, 2 or 4, and
  - (b) the Crown Court makes a confiscation order against the person in respect of the offence.
- (2) The Crown Court may also make a slavery and trafficking reparation order against a person if—
- (a) by virtue of section 178 of the Proceeds of Crime Act 2002 (defendants who abscond during proceedings) it has made a confiscation order against a person in respect of an offence under section 1, 2 or 4, and
  - (b) the person is later convicted of the offence.
- (3) The court may make a slavery and trafficking reparation order against the person in addition to dealing with the person in any other way (subject to paragraph 3(1)).

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(4) In a case within sub-paragraph (1) the court may make a slavery and trafficking reparation order against the person even if the person has been sentenced for the offence before the confiscation order is made.

(5) In determining whether to make a slavery and trafficking reparation order against the person the court must have regard to the person's means.

(6) If the court considers that—

- (a) it would be appropriate both to impose a fine and to make a slavery and trafficking reparation order, but
- (b) the person has insufficient means to pay both an appropriate fine and appropriate compensation under such an order,

the court must give preference to compensation (although it may impose a fine as well).

(7) In any case in which the court has power to make a slavery and trafficking reparation order it must—

- (a) consider whether to make such an order (whether or not an application for such an order is made), and
- (b) if it does not make an order, give reasons.

(8) In this paragraph—

- (a) “confiscation order” means a confiscation order under section 156 of the Proceeds of Crime Act 2002;
- (b) a confiscation order is made in respect of an offence if the offence is the offence (or one of the offences) concerned for the purposes of Part 4 of that Act.

#### *Effect of slavery and trafficking reparation order*

2.—(1) A slavery and trafficking reparation order is an order requiring the person against whom it is made to pay compensation to the victim of a relevant offence for any harm resulting from that offence.

(2) “Relevant offence” means—

- (a) the offence under section 1, 2 or 4 of which the person is convicted;
- (b) any other offence under section 1, 2 or 4 which is taken into consideration in determining the person's sentence.

(3) The amount of the compensation is to be such amount as the court considers appropriate having regard to any evidence and to any representations made by or on behalf of the person or the prosecutor, but subject to sub-paragraph (4).

(4) The amount of the compensation payable under the slavery and trafficking reparation order (or if more than one order is made in the same proceedings, the

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total amount of the compensation payable under those orders) must not exceed the amount the person is required to pay under the confiscation order.

(5) In determining the amount to be paid by the person under a slavery and trafficking reparation order the court must have regard to the person's means.

(6) A slavery and trafficking reparation order is enforceable in the same manner as any fine which has been, or might have been, imposed in respect of the offence for which the person has been convicted by the court making the order.

(7) In sub-paragraph (4) “the confiscation order” means the confiscation order within paragraph 1(1)(b) or (2)(a) (as the case may be).

### *Supplementary*

3.—(1) A slavery and trafficking reparation order and a compensation order under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 may not both be made in respect of the same offence.

(2) Where the court makes a slavery and trafficking reparation order as mentioned in paragraph 1(4), for the purposes of the following provisions the person's sentence is to be regarded as imposed or made on the day on which the order is made—

- (a) section 16(1) of the Criminal Appeal (Northern Ireland) Act 1980 (time limit for notice of appeal or application for leave to appeal);
- (b) paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (time limit for notice of application for leave to refer a case under section 36 of that Act).

(3) Articles 15 to 17 of the Criminal Justice (Northern Ireland) Order 1994 (appeals, review etc. of compensation orders) apply to slavery and trafficking reparation orders as if—

- (a) references to a compensation order were references to a slavery and trafficking reparation order;
- (b) references to injury, loss or damage were references to harm;
- (c) in Article 16(a) (as amended by Schedule 4) for sub-paragraph (ii) there were substituted—
  - “(ii) a compensation order under Article 14 of this Order; or”;
- (d) in Article 17 the references to service compensation orders or awards were omitted.

(4) If under section 171 or 172 of the Proceeds of Crime Act 2002 the court varies a confiscation order so as to increase the amount required to be paid under that order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order so as to increase the amount required to be paid under the slavery and trafficking reparation order.

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(5) If under section 173 or 179 of that Act the court varies a confiscation order so as to reduce the amount required to be paid under that order, it may also—

- (a) vary any relevant slavery and trafficking reparation order so as to reduce the amount which remains to be paid under that order;
- (b) discharge any relevant slavery and trafficking reparation order.

(6) If under section 174 of that Act the court discharges a confiscation order, it may also discharge any relevant slavery and trafficking reparation order.

(7) For the purposes of sub-paragraphs (5) and (6) a slavery and trafficking reparation order is relevant if it is made by virtue of the confiscation order and some or all of the amount required to be paid under it has not been paid.

(8) If on an appeal under section 181 of the Proceeds of Crime Act 2002 the Court of Appeal—

- (a) quashes a confiscation order, it must also quash any slavery and trafficking reparation order made by virtue of the confiscation order;
- (b) varies a confiscation order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order;
- (c) makes a confiscation order, it may make any slavery and trafficking reparation order the Crown Court could have made if it had made the confiscation order.

(9) If on an appeal under section 183 of that Act the Supreme Court—

- (a) quashes a confiscation order, it must also quash any slavery and trafficking reparation order made by virtue of the confiscation order;
- (b) varies a confiscation order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order.

(10) For the purposes of this paragraph—

- (a) a slavery and trafficking reparation order made under paragraph 1(1) is made by virtue of the confiscation order within paragraph 1(1)(b);
- (b) a slavery and trafficking reparation order made under paragraph 1(2) is made by virtue of the confiscation order within paragraph 1(2)(a).

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## SCHEDULE 3

Section 11.

## SLAVERY AND TRAFFICKING PREVENTION ORDERS

**PART 1**MAKING AND EFFECT OF SLAVERY AND  
TRAFFICKING PREVENTION ORDERS*Slavery and trafficking prevention orders on dealing with defendant*

**1.**—(1) A court may make a slavery and trafficking prevention order against a person aged 18 or over (“the defendant”) where it deals with the defendant in respect of—

- (a) a conviction for a slavery or human trafficking offence,
- (b) a finding that the defendant is not guilty of a slavery or human trafficking offence by reason of insanity, or
- (c) a finding that the defendant is unfit to plead and has done the act charged against the defendant in respect of a slavery or human trafficking offence.

(2) The court may make the order only if it is satisfied that—

- (a) there is a risk that the defendant may commit a slavery or human trafficking offence; and
- (b) it is necessary to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence.

(3) For the purposes of sub-paragraph (1), convictions and findings include those taking place before this Schedule comes into operation.

(4) In this Schedule a “slavery or human trafficking offence” means any of the following offences—

- (a) an offence under section 145 of the Nationality, Immigration and Asylum Act 2002 (trafficking for prostitution);
- (b) an offence under section 57, 58, 58A, 59 or 59A of the Sexual Offences Act 2003 (trafficking for sexual exploitation);
- (c) an offence under section 62 of that Act (committing offence with intent to commit relevant sexual offence), where the relevant sexual offence the person in question intended to commit was an offence under section 57, 58, 58A, 59 or 59A of that Act;
- (d) an offence under section 22 of the Criminal Justice (Scotland) Act 2003 (trafficking for prostitution);

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- (e) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking for exploitation);
  - (f) an offence under section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour);
  - (g) an offence under section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (slavery, servitude and forced or compulsory labour);
  - (h) an offence under section 1, 2 or 4 of this Act;
  - [<sup>F1</sup>(ha) an offence under section 1 (slavery, servitude and forced or compulsory labour), 2 (human trafficking) or 4 (committing offence with intent to commit offence under section 2) of the Modern Slavery Act 2015;
  - (hb) an offence under section 1 (offence of human trafficking) or 4 (slavery, servitude and forced or compulsory labour) of the Human Trafficking and Exploitation (Scotland) Act 2015;]
  - (i) an offence of attempting or conspiring to commit an offence listed above;
  - (j) an offence committed by aiding, abetting, counselling, procuring or inciting the commission of an offence so listed;
  - (k) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence so listed.
- (5) The Department may by order amend sub-paragraph (4).

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#### Textual Amendments

- F1** Sch. 3 para. 1(4)(ha)(hb) inserted (1.4.2016) by [The Human Trafficking and Exploitation \(Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders\) Order \(Northern Ireland\) 2016 \(S.R. 2016/102\)](#), arts. 1(2), **3(2)**
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#### Commencement Information

- I1** Sch. 3 para. 1 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), **art. 2**
- I2** Sch. 3 para. 1 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61](#), **art. 2**

### *Slavery and trafficking prevention orders on application*

**2.—(1)** A court of summary jurisdiction may make a slavery and trafficking prevention order against a person aged 18 or over (“the defendant”) on an application by the Chief Constable.

**(2)** The court may make the order only if it is satisfied that—

- (a) the defendant is a relevant offender (see paragraph 3), and

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- (b) since the defendant first became a relevant offender, the defendant has acted in a way which means that the condition in sub-paragraph (3) is met.
- (3) The condition is that—
  - (a) there is a risk that the defendant may commit a slavery or human trafficking offence; and
  - (b) it is necessary to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence.
- (4) The Chief Constable may make an application under this paragraph only in respect of a person—
  - (a) who lives in Northern Ireland, or
  - (b) who the Chief Constable believes is in, or is intending to come to, Northern Ireland.
- (5) An application under this paragraph is to be made by complaint.
- (6) The acts of the defendant which may be relied on for the purposes of sub-paragraph (2)(b) include acts taking place before this Schedule comes into operation.
- (7) The Department may by order provide that an application under this paragraph may be made by a person or body specified in the order (as well as by the Chief Constable); and such an order may make such consequential amendments to this Schedule as the Department thinks necessary or expedient.

#### Commencement Information

- I3** Sch. 3 para. 2 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376, art. 2](#)
- I4** Sch. 3 para. 2 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61, art. 2](#)

#### *Meaning of “relevant offender”*

- 3.—(1)** A person is a “relevant offender” for the purposes of paragraph 2 if sub-paragraph (2) or (3) applies to the person.
- (2) This sub-paragraph applies to a person if—
  - (a) the person has been convicted of a slavery or human trafficking offence,
  - (b) a court has made a finding that the person is not guilty of a slavery or human trafficking offence by reason of insanity,
  - (c) a court has made a finding that the person is unfit to be tried and has done the act charged against the person in respect of a slavery or human trafficking offence, or

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- (d) the person has been cautioned in respect of a slavery or human trafficking offence.
- (3) This sub-paragraph applies to a person if, under the law of a country outside the United Kingdom—
- (a) the person has been convicted of an equivalent offence (whether or not the person has been punished for it),
- (b) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is not guilty by reason of insanity,
- (c) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is unfit to be tried and has done the act charged against the person, or
- (d) the person has been cautioned in respect of an equivalent offence.
- (4) An “equivalent offence” means an act which—
- (a) constituted an offence under the law of the country concerned, and
- (b) would have constituted a slavery or human trafficking offence under the law of Northern Ireland if it had been done in Northern Ireland, or by a UK national, or as regards the United Kingdom.
- (5) For the purposes of sub-paragraph (4) an act punishable under the law of a country outside the United Kingdom constitutes an offence under that law, however it is described in that law.
- (6) On an application under paragraph 2 where sub-paragraph (3) is alleged to apply to the defendant, the condition in sub-paragraph (4)(b) is to be taken as met unless—
- (a) not later than provided by magistrates' court rules, the defendant serves on the Chief Constable a notice which states that in the defendant's opinion the condition is not met, shows the grounds for that opinion, and requires the Chief Constable to prove that the condition is met, or
- (b) the court permits the defendant to require the Chief Constable to prove that the condition is met without service of such a notice.
- (7) References in this paragraph to convictions, findings and cautions include those taking place before this paragraph comes into operation.

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**Commencement Information**

- I5** Sch. 3 para. 3 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)
- I6** Sch. 3 para. 3 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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### *Effect of slavery and trafficking prevention orders*

4.—(1) A slavery and trafficking prevention order is an order prohibiting the defendant from doing anything described in the order or requiring the defendant to do anything described in the order (or both).

(2) The only prohibitions or requirements that may be included in the order are those which the court is satisfied are necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed a slavery or human trafficking offence.

(3) Subject to paragraph 5(1), a prohibition or requirement contained in a slavery and trafficking prevention order has effect—

- (a) for a fixed period, specified in the order, of at least 5 years, or
- (b) until further order.

(4) A slavery and trafficking prevention order—

- (a) may specify that some of its prohibitions or requirements have effect until further order and some for a fixed period;
- (b) may specify different periods for different prohibitions or requirements.

(5) If a court makes a slavery and trafficking prevention order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

#### **Commencement Information**

- I7** Sch. 3 para. 4 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376, art. 2](#)
- I8** Sch. 3 para. 4 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61, art. 2](#)

### *Prohibitions on foreign travel*

5.—(1) A prohibition on foreign travel contained in a slavery and trafficking prevention order must be for a fixed period of not more than 5 years.

(2) A “prohibition on foreign travel” means—

- (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
- (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
- (c) a prohibition on travelling to any country outside the United Kingdom.

(3) Sub-paragraph (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under paragraph 6.

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(4) A slavery and trafficking prevention order that contains a prohibition within sub-paragraph (2)(c) must require the defendant to surrender all of the defendant's passports at a police station specified in the order—

- (a) on or before the date when the prohibition takes effect, or
- (b) within a period specified in the order.

(5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a slavery and trafficking prevention order containing a prohibition within sub-paragraph (2)(c).

(6) Sub-paragraph (5) does not apply in relation to—

- (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
- (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.

#### Commencement Information

- I9** Sch. 3 para. 5 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)
- I10** Sch. 3 para. 5 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61](#), [art. 2](#)

#### *Variation, renewal and discharge*

**6.—**(1) A person within sub-paragraph (2) may apply to the appropriate court for an order varying, renewing or discharging a slavery and trafficking prevention order.

(2) The persons are—

- (a) the defendant;
- (b) the Chief Constable.

(3) On the application the court, after hearing—

- (a) the person making the application, and
- (b) the other person mentioned in sub-paragraph (2) (if that person wishes to be heard),

may make any order varying, renewing or discharging the slavery and trafficking prevention order that the court considers appropriate.

(4) An order may be renewed, or varied so as to impose additional prohibitions or requirements on the defendant, only if the court is satisfied that—

- (a) there is a risk that the defendant may commit a slavery or human trafficking offence; and

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- (b) it is necessary to renew or vary the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence.
- (5) Any renewed or varied order may contain only those prohibitions or requirements which the court is satisfied are necessary for that purpose.
- (6) The court must not discharge an order before the end of 5 years beginning with the day on which the order was made, without the consent of the defendant and the Chief Constable.
- (7) Sub-paragraph (6) does not apply to an order containing a prohibition on foreign travel and no other prohibitions.
- (8) In this paragraph “the appropriate court” means—
  - (a) where the Crown Court or the Court of Appeal made the slavery and trafficking prevention order, the Crown Court;
  - (b) in any other case, a court of summary jurisdiction.
- (9) An application under sub-paragraph (1) may be made—
  - (a) where the appropriate court is the Crown Court, in accordance with Crown Court rules;
  - (b) in any other case, by complaint.

#### Commencement Information

- I11** Sch. 3 para. 6 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)
- I12** Sch. 3 para. 6 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61](#), [art. 2](#)

#### *Interim slavery and trafficking prevention orders*

- 7.—(1) This paragraph applies where an application under paragraph 2 (“the main application”) has not been determined.
- (2) An application for an interim slavery and trafficking prevention order—
  - (a) may be made by the complaint by which the main application is made, or
  - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The court may, if it considers it just to do so, make an interim slavery and trafficking prevention order.

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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*

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(4) An interim slavery and trafficking prevention order is an order prohibiting the defendant from doing anything described in the order or requiring the defendant to do anything described in the order (or both).

(5) The order—

- (a) has effect only for a fixed period, specified in the order;
- (b) ceases to have effect, if it has not already done so, on the determination of the main application.

(6) The applicant or the defendant may by complaint apply to the court that made the interim slavery and trafficking prevention order for the order to be varied, renewed or discharged.

#### Commencement Information

**I13** Sch. 3 para. 7 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376, art. 2](#)

**I14** Sch. 3 para. 7 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61, art. 2](#)

### *Appeals*

**8.—(1)** A defendant may appeal against the making of a slavery and trafficking prevention order—

- (a) where the order was made under paragraph 1(1)(a), as if the order were a sentence passed on the defendant for the offence;
- (b) where the order was made under paragraph 1(1)(b) or (c), as if the defendant had been convicted of the offence and the order were a sentence passed on the defendant for that offence;
- (c) where the order was made on an application under paragraph 2, to the county court.

(2) A defendant may appeal to the county court against the making of an interim slavery and trafficking prevention order.

(3) A defendant may appeal against the making of an order under paragraph 6, or the refusal to make such an order—

- (a) where the application for such an order was made to the Crown Court, to the Court of Appeal;
- (b) in any other case, to the county court.

(4) On an appeal under sub-paragraph (1)(c), (2) or (3)(b), the county court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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*

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(5) Any order made by the county court on an appeal under sub-paragraph (1) (c) or (2) is for the purposes of paragraph 6(8) or 7(6) (respectively) to be treated as if it were an order of the court from which the appeal was brought.

(6) Sub-paragraph (5) does not apply to an order directing that an application be reheard by a court of summary jurisdiction.

**Commencement Information**

- I15** Sch. 3 para. 8 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376, art. 2](#)
- I16** Sch. 3 para. 8 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61, art. 2](#)

## PART 2

### NOTIFICATION REQUIREMENTS

#### *Offender subject to notification requirements*

**9.—(1)** References in the following provisions of this Schedule to an offender subject to notification requirements are references to an offender who is for the time being subject to a slavery and trafficking prevention order or an interim slavery and trafficking prevention order which is in effect under this Schedule.

(2) Sub-paragraph (1) has effect subject to paragraph 12(7) (which excludes from paragraph 12 an offender subject to an interim slavery and trafficking prevention order).

**Commencement Information**

- I17** Sch. 3 para. 9 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376, art. 2](#)
- I18** Sch. 3 para. 9 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61, art. 2](#)

#### *Initial notification*

**10.—(1)** An offender subject to notification requirements must notify the required information to the police within the period of 3 days beginning with the date on which the slavery and trafficking prevention order or the interim slavery and trafficking prevention order comes into force in relation to the offender (“the relevant date”).

- (2) The “required information” is the following information about the offender—
- (a) date of birth;

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- (b) national insurance number;
  - (c) name on the relevant date or, if the offender used two or more names on that date, each of those names;
  - (d) home address on the relevant date;
  - (e) name on the date on which the notification is given or, if the offender used two or more names on that date, each of those names;
  - (f) home address on the date on which the notification is given;
  - (g) the address of any other premises in the United Kingdom at which on that date the offender regularly resides or stays;
  - (h) any information prescribed by regulations made by the Department.
- (3) When determining the period of 3 days mentioned in sub-paragraph (1), there is to be disregarded any time when the offender is—
- (a) remanded in or committed to custody by an order of a court;
  - (b) serving a custodial sentence;
  - (c) detained in a hospital; or
  - (d) outside the United Kingdom.
- (4) In this Part “home address” means in relation to the offender—
- (a) the address of the offender's sole or main residence in the United Kingdom, or
  - (b) if the offender has no such residence, the address or location of a place in the United Kingdom where the offender can regularly be found or, if there is more than one such place, such one of them as the offender selects.

**Commencement Information**

- I19** Sch. 3 para. 10 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)
- I20** Sch. 3 para. 10 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61](#), [art. 2](#)

*Notification of changes*

- 11.—(1)** An offender subject to notification requirements must, within the period of 3 days beginning with the date on which any notifiable event occurs, notify to the police—
- (a) the required new information, and
  - (b) the information mentioned in paragraph 10(2).
- (2) A “notifiable event” means—

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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*

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- (a) the use by the offender of a name which has not been notified to the police under paragraph 10 or this paragraph;
  - (b) any change of the offender's home address;
  - (c) the expiry of any qualifying period during which the offender has resided or stayed at any premises in the United Kingdom the address of which has not been notified to the police under paragraph 10 or this paragraph;
  - (d) any prescribed change of circumstances; or
  - (e) the release of the offender from custody pursuant to an order of a court or from a custodial sentence or detention in a hospital.
- (3) The “required new information” is—
- (a) the name referred to in sub-paragraph (2)(a),
  - (b) the new home address (see sub-paragraph (2)(b)),
  - (c) the address of the premises referred to in sub-paragraph (2)(c),
  - (d) the prescribed details, or
  - (e) the fact that the offender has been released as mentioned in sub-paragraph (2)(e),
- as the case may be.
- (4) A notification under sub-paragraph (1) may be given before the notifiable event occurs, but in that case the offender must also specify the date when the event is expected to occur.
- (5) If a notification is given in accordance with sub-paragraph (4) and the event to which it relates occurs more than 2 days before the date specified, the notification does not affect the duty imposed by sub-paragraph (1).
- (6) If a notification is given in accordance with sub-paragraph (4) and the event to which it relates has not occurred by the end of the period of 3 days beginning with the date specified—
- (a) the notification does not affect the duty imposed by sub-paragraph (1), and
  - (b) the offender must, within the period of 6 days beginning with the date specified, notify to the police the fact that the event did not occur within the period of 3 days beginning with the date specified.
- (7) Paragraph 10(3) applies to the determination of—
- (a) any period of 3 days for the purposes of sub-paragraph (1), or
  - (b) any period of 6 days for the purposes of sub-paragraph (6),
- as it applies to the determination of the period of 3 days mentioned in paragraph 10(1).
- (8) In this paragraph—
- (a) “prescribed change of circumstances” means any change—

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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*

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- (i) occurring in relation to any matter in respect of which information is required to be notified by virtue of paragraph 10(2)(h), and
- (ii) of a description prescribed by regulations made by the Department;
- (b) “the prescribed details”, in relation to a prescribed change of circumstances, means such details of the change as may be so prescribed.
- (9) In this paragraph “qualifying period” means—
  - (a) a period of 7 days, or
  - (b) two or more periods, in any period of 12 months, which taken together amount to 7 days.

#### Commencement Information

- I21** Sch. 3 para. 11 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)
- I22** Sch. 3 para. 11 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61](#), [art. 2](#)

#### *Periodic notification*

**12.—(1)** An offender subject to notification requirements must, within the applicable period after each notification date, notify to the police the information mentioned in paragraph 10(2), unless the offender has already given a notification under paragraph 11(1) within that period.

(2) A “notification date” means, in relation to the offender, the date of any notification given by the offender under paragraph 10(1) or 11(1) or sub-paragraph (1).

(3) Where the applicable period would (apart from this paragraph) end while sub-paragraph (4) applies, that period is to be treated as continuing until the end of the period of 3 days beginning with the date on which sub-paragraph (4) first ceases to apply.

- (4) This sub-paragraph applies if the offender is—
  - (a) remanded in or committed to custody by an order of a court,
  - (b) serving a custodial sentence,
  - (c) detained in a hospital, or
  - (d) outside the United Kingdom.
- (5) In this paragraph “the applicable period” means—
  - (a) in any case where sub-paragraph (6) applies, such period as may be prescribed by regulations made by the Department, and
  - (b) in any other case, the period of one year.

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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(6) This sub-paragraph applies if the last home address notified by the offender under paragraph 10(1) or 11(1) or sub-paragraph (1) was the address or location of such a place as is mentioned in paragraph 10(4)(b).

(7) Nothing in this paragraph applies to an offender who is subject to an interim slavery and trafficking prevention order.

**Commencement Information**

- I23** Sch. 3 para. 12 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)
- I24** Sch. 3 para. 12 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61](#), [art. 2](#)

*Absence from notified residence*

**13.—(1)** This paragraph applies to an offender subject to notification requirements at any time if the last home address notified by the offender under paragraph 10(1), 11(1) or 12(1) was an address in Northern Ireland such as is mentioned in paragraph 10(4)(a) (sole or main residence).

(2) If the offender intends to be absent from that home address for a period of more than 3 days (“the relevant period”), the offender must, not less than 12 hours before leaving that home address, notify to the police the information set out in sub-paragraph (3).

(3) The information is—

- (a) the date on which the offender will leave that home address;
- (b) such details as the offender holds about—
  - (i) the offender's travel arrangements during the relevant period;
  - (ii) the offender's accommodation arrangements during that period;
  - (iii) the offender's date of return to that address.

(4) In this paragraph—

“travel arrangements” include, in particular, the means of transport to be used and the dates of travel,

“accommodation arrangements” include, in particular, the address of any accommodation at which the relevant offender will spend the night during the relevant period and the nature of that accommodation.

(5) Where—

- (a) an offender has given a notification under sub-paragraph (2), and
- (b) at any time before that mentioned in that sub-paragraph, the information notified becomes inaccurate or incomplete,

the offender must give a further notification under sub-paragraph (2).

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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(6) Where an offender—

- (a) has notified a date of return to the offender's home address, but
- (b) returns to that home address on a date other than that notified,

the offender must notify the date of the offender's actual return to the police within 3 days of the actual return.

(7) Nothing in this paragraph requires an offender to notify any information which falls to be notified in accordance with a requirement imposed by regulations under paragraph 14.

(8) In calculating the relevant period for the purposes of this paragraph there is to be disregarded—

- (a) any period or periods which the offender intends to spend at, or travelling directly to or from, an address of the kind mentioned in paragraph 10(2)(g) notified to the police under paragraph 10(1), 11(1) or 12(1);
- (b) any period or periods which the offender intends to spend at, or travelling directly to or from, any premises, if his stay at those premises would give rise to a requirement to notify the address of those premises under paragraph 11(2)(c).

#### Commencement Information

- I25** Sch. 3 para. 13 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)
- I26** Sch. 3 para. 13 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61](#), [art. 2](#)

#### *Travel outside the United Kingdom*

**14.—(1)** The Department may by regulations make provision with respect to offenders subject to notification requirements, or any description of such offenders—

- (a) requiring such persons, before they leave the United Kingdom, to give in accordance with the regulations a notification under sub-paragraph (2);
- (b) requiring such persons, if they subsequently return to the United Kingdom, to give in accordance with the regulations a notification under sub-paragraph (3).

(2) A notification under this paragraph must disclose—

- (a) the date on which the offender proposes to leave the United Kingdom;
- (b) the country (or, if there is more than one, the first country) to which the offender proposes to travel and the proposed point of arrival (determined in accordance with the regulations) in that country;

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(c) any other information prescribed by the regulations which the offender holds about the offender's departure from or return to the United Kingdom, or about the offender's movements while outside the United Kingdom.

(3) A notification under this sub-paragraph must disclose any information prescribed by the regulations about the offender's return to the United Kingdom.

**Commencement Information**

**I27** Sch. 3 para. 14 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)

**I28** Sch. 3 para. 14 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61](#), [art. 2](#)

*Method of notification and related matters*

**15.**—(1) An offender gives a notification to the police under paragraph 10(1), 11(1), 12(1) or 13(2) or (6) by—

- (a) attending at any police station in Northern Ireland prescribed by regulations under section 87(1)(a) of the Sexual Offences Act 2003, and
- (b) giving an oral notification to any police officer, or to any person authorised for the purpose by the officer in charge of the station.

(2) Any notification given in accordance with this paragraph must be acknowledged; and the acknowledgement must be—

- (a) in writing, and
- (b) in such form as the Department may direct.

(3) Where a notification is given under paragraph 10(1), 11(1), 12(1) or 13(2) or (6), the offender must, if requested to do so by the police officer or other person mentioned in sub-paragraph (1)(b), allow that officer or person to—

- (a) take the offender's fingerprints,
- (b) photograph any part of the offender, or
- (c) do both of those things,

in order to verify the offender's identity.

(4) Fingerprints taken from a person under this paragraph (and any copies of those fingerprints) must be destroyed no later than the date on which the offender ceases to be subject to notification requirements.

(5) Photographs taken of any part of the offender under this paragraph (and any copies of such photographs) must be destroyed no later than the date on which the offender ceases to be subject to notification requirements.

(6) In this paragraph “photograph” includes any process by means of which an image may be produced.

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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#### Commencement Information

- I29** Sch. 3 para. 15 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376, art. 2](#)
- I30** Sch. 3 para. 15 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61, art. 2](#)

## PART 3

### SUPPLEMENTARY

#### *Offences*

**16.—(1)** A person who, without reasonable excuse, fails to comply with any prohibition or requirement contained in—

- (a) a slavery and trafficking prevention order, <sup>F2</sup>...
- (b) an interim slavery and trafficking prevention order,
- [<sup>F3</sup>(c) a slavery and trafficking prevention order within the meaning of sections 14 and 15 of the Modern Slavery Act 2015,
- (d) an interim slavery and trafficking prevention order within the meaning of section 21 of the Modern Slavery Act 2015,
- (e) a slavery and trafficking risk order within the meaning of section 23 of the Modern Slavery Act 2015,
- (f) an interim slavery and trafficking risk order within the meaning of section 28 of the Modern Slavery Act 2015,
- (g) a trafficking and exploitation prevention order within the meaning of sections 17 and 18 of the Human Trafficking and Exploitation (Scotland) Act 2015,
- (h) an interim trafficking and exploitation prevention order within the meaning of section 24 of the Human Trafficking and Exploitation (Scotland) Act 2015,
- (i) a trafficking and exploitation risk order within the meaning of section 26 of the Human Trafficking and Exploitation (Scotland) Act 2015, or
- (j) an interim trafficking and exploitation risk order within the meaning of section 30 of the Human Trafficking and Exploitation (Scotland) Act 2015.]

commits an offence.

- (2) A person who, without reasonable excuse, fails to comply with—
- (a) paragraph 10(1), 11(1) or (6)(b), 12(1), 13(2) or (6) or 15(3), or

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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*

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- (b) any requirement imposed by regulations made under paragraph 14(1), commits an offence.
- (3) A person who notifies to the police, in purported compliance with—
- (a) paragraph 10(1), 11(1), 12(1) or 13(2) or (6), or
  - (b) any requirement imposed by regulations made under paragraph 14(1),
- any information which the person knows to be false, commits an offence.
- (4) As regards an offence under sub-paragraph (2), so far as it relates to non-compliance with—
- (a) paragraph 10(1), 11(1), 12(1) or 13(2) or (6), or
  - (b) any requirement imposed by regulations made under paragraph 14(1),
- a person commits such an offence on the first day on which the person first fails, without reasonable excuse, to comply with the provision mentioned in paragraph (a) or (as the case may be) the requirement mentioned in paragraph (b), and continues to commit it throughout any period during which the failure continues.
- (5) But a person must not be prosecuted under sub-paragraph (2) more than once in respect of the same failure.
- (6) A person guilty of an offence under this paragraph is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years;
  - (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.
- (7) Where a person is convicted of an offence under this paragraph, it is not open to the court by or before which the person is convicted to make an order for conditional discharge in respect of the offence.

#### Textual Amendments

- F2** Word in Sch. 3 para. 16(1)(a) deleted (1.4.2016) by [The Human Trafficking and Exploitation \(Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders\) Order \(Northern Ireland\) 2016 \(S.R. 2016/102\)](#), arts. 1(2), **4(2)**
- F3** Sch. 3 para. 16(1)(c)-(j) inserted (1.4.2016) by [The Human Trafficking and Exploitation \(Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders\) Order \(Northern Ireland\) 2016 \(S.R. 2016/102\)](#), arts. 1(2), **4(3)**

#### Commencement Information

- I31** Sch. 3 para. 16 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), **art. 2**
- I32** Sch. 3 para. 16 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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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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### *Cross-border enforcement within UK*

17.—(1) The Department may by order amend paragraph 16(1) so as to add to or remove from the list of orders in that paragraph any relevant UK order.

(2) “Relevant UK order” means an order under the law of Scotland or England and Wales which appears to the Department to be equivalent or similar to—

- (a) a slavery and trafficking prevention order,
- (b) an interim slavery and trafficking prevention order.

#### **Commencement Information**

**I33** Sch. 3 para. 17 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)

**I34** Sch. 3 para. 17 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61](#), [art. 2](#)

### *Supply of information to relevant Northern Ireland departments, Secretary of State, etc.*

18.—(1) This paragraph applies to information notified to the police under paragraph 10(1), 11(1) or 12(1).

(2) The Chief Constable may, for the purposes of the prevention, detection, investigation or prosecution of offences under this Schedule, supply information to which this paragraph applies to—

- (a) a relevant Northern Ireland department,
- (b) the Secretary of State,
- (c) a person providing services to a relevant Northern Ireland department or the Secretary of State in connection with a relevant function,

for use for the purpose of verifying the information.

(3) In relation to information supplied to any person under sub-paragraph (2), the reference to verifying the information is a reference to—

- (a) checking its accuracy by comparing it with information held—
  - (i) in the case of a relevant Northern Ireland department or the Secretary of State by that department or the Secretary of State in connection with the exercise of a relevant function, or
  - (ii) in the case of a person within sub-paragraph (2)(c), by that person in connection with the provision of services as mentioned there, and
- (b) compiling a report of that comparison.

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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*

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(4) Subject to sub-paragraph (5), the supply of information under this paragraph is to be taken not to breach any restriction on the disclosure of information (however arising).

(5) This paragraph does not authorise the doing of anything that contravenes [<sup>F4</sup>the data protection legislation] .

(6) This paragraph does not affect any power to supply information that exists apart from this paragraph.

(7) In this paragraph—

“relevant Northern Ireland department” means the Department for Employment and Learning, the Department of the Environment, the Department of Health, Social Services and Public Safety or the Department for Social Development;

“relevant function” means—

- (a) in relation to the Department for Employment and Learning, a function relating to employment or training,
- (b) in relation to the Department of the Environment, a function under Part 2 of the Road Traffic (Northern Ireland) Order 1981;
- (c) in relation to the Department of Health, Social Services and Public Safety, a function relating to health or social care;
- (d) in relation to the Department for Social Development, a function relating to social security or child support;
- (e) in relation to the Secretary of State, a function relating to passports or the [<sup>F5</sup>Gangmasters and Labour Abuse Authority] .

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#### Textual Amendments

**F4** Words in Sch. 3 para. 18(5) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 195](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

**F5** Words in Sch. 3 para. 18(7) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 36](#); S.I. 2016/603, reg. 3(u)

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#### Commencement Information

**I35** Sch. 3 para. 18 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)

**I36** Sch. 3 para. 18 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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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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*Supply of information by relevant Northern Ireland departments, Secretary of State, etc.*

**19.—(1)** A report compiled under paragraph 18 may be supplied to the Chief Constable by—

- (a) the relevant Northern Ireland department,
- (b) the Secretary of State, or
- (c) a person within paragraph 18(2)(c).

(2) Such a report may contain any information held—

- (a) by the relevant Northern Ireland department or the Secretary of State in connection with the exercise of a relevant function, or
- (b) by a person within paragraph 18(2)(c) in connection with the provision of services as mentioned there.

(3) Where such a report contains information within sub-paragraph (2), the Chief Constable—

- (a) may, subject to sub-paragraph (4), retain the information, whether or not used for the purposes of the prevention, detection, investigation or prosecution of offences under this Part, and
- (b) may use the information for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.

(4) The information must be destroyed no later than the date on which the offender ceases to be subject to notification requirements.

(5) Sub-paragraphs (4) to (7) of paragraph 18 apply in relation to this paragraph as they apply in relation to paragraph 18.

**Commencement Information**

**I37** Sch. 3 para. 19 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)

**I38** Sch. 3 para. 19 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61](#), [art. 2](#)

*Information about release or transfer of offender*

**20.—(1)** This paragraph applies to an offender subject to notification requirements who is—

- (a) serving a custodial sentence; or
- (b) detained in a hospital.

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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(2) The Department may by regulations make provision requiring the person who is responsible for such an offender to give notice to specified persons—

- (a) of the fact that that person has become responsible for the offender; and
- (b) of any occasion when—
  - (i) the offender is released, or
  - (ii) a different person is to become responsible for the offender.

(3) In sub-paragraph (2) “specified persons” means persons specified, or of a description specified, in the regulations.

(4) The regulations may make provision for determining who is to be taken for the purposes of this paragraph as being responsible for an offender.

#### Commencement Information

**I39** Sch. 3 para. 20 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376, art. 2](#)

**I40** Sch. 3 para. 20 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61, art. 2](#)

#### *Power of entry and search of offender's home address*

**21.—(1)** If, on an application made by a police officer of the rank of superintendent or above, a lay magistrate is satisfied that the requirements in sub-paragraph (2) are met in relation to any premises, the lay magistrate may issue a warrant authorising a constable—

- (a) to enter the premises for the purpose of assessing the risks posed by the offender subject to notification requirements to whom the warrant relates; and
- (b) to search the premises for that purpose.

(2) The requirements are—

- (a) that the address of each set of premises specified in the application is an address falling within sub-paragraph (3);
- (b) that the offender is not one to whom sub-paragraph (4) applies;
- (c) that it is necessary for a constable to enter and search the premises for the purpose mentioned in sub-paragraph (1)(a); and
- (d) that on at least two occasions a constable has sought entry to the premises in order to search them for that purpose and has been unable to obtain entry for that purpose.

(3) An address falls within this sub-paragraph if—

- (a) it is the address which was last notified in accordance with this Schedule by the offender to the police as the offender's home address; or

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- (b) there are reasonable grounds to believe that the offender resides there or may regularly be found there.
- (4) This sub-paragraph applies to an offender if the offender is—
  - (a) remanded in or committed to custody by order of a court;
  - (b) serving a custodial sentence;
  - (c) detained in a hospital; or
  - (d) outside the United Kingdom.
- (5) A warrant issued under this paragraph must specify the one or more sets of premises to which it relates.
- (6) The warrant may authorise the constable executing it to use reasonable force if necessary to enter and search the premises.
- (7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the lay magistrate is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose mentioned in sub-paragraph (1)(a).
- (8) Where a warrant issued under this paragraph authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.
- (9) In this paragraph a reference to the offender subject to notification requirements to whom the warrant relates is a reference to the offender—
  - (a) who has in accordance with this Schedule notified the police that the premises specified in the warrant are the offender's home address; or
  - (b) in respect of whom there are reasonable grounds to believe that the offender resides there or may regularly be found there.

#### Commencement Information

- I41** Sch. 3 para. 21 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)
- I42** Sch. 3 para. 21 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61](#), [art. 2](#)

#### Guidance

- 22.**—(1) The Department must issue guidance to the Chief Constable in relation to the exercise of the powers of the Chief Constable under this Schedule.
- (2) The Department may, from time to time, revise the guidance issued under sub-paragraph (1).
- (3) The Department must arrange for any guidance issued or revised under this paragraph to be published in a way the Department considers appropriate.

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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*

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#### Commencement Information

- I43** Sch. 3 para. 22 in operation at 27.11.2015 for specified purposes by [S.R. 2015/376, art. 2](#)
- I44** Sch. 3 para. 22 in operation at 1.4.2016 in so far as not already in operation by [S.R. 2016/61, art. 2](#)

#### *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.

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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*

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(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) [<sup>F6</sup>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.

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#### Textual Amendments

- F6** 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
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#### Commencement Information

- I45** [Sch. 3 para. 23](#) in operation at 27.11.2015 for specified purposes by [S.R. 2015/376](#), [art. 2](#)
- I46** [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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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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[<sup>F7</sup>Schedule 3A

Section 24A

## Anonymity of victims of forced marriage

**Textual Amendments**

**F7** Sch. 3A inserted (31.3.2017) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. 174(2), 183(6)(d)

*Prohibition on the identification of victims in publications*

**1.—(1)** This paragraph applies where an allegation has been made that an offence of forced marriage has been committed against a person.

(2) No matter likely to lead members of the public to identify the person, as the person against whom the offence is alleged to have been committed, may be included in any publication during the person's lifetime.

(3) In any criminal proceedings before a court, the court may direct that the restriction imposed by sub-paragraph (2) is not to apply (whether at all or to the extent specified in the direction) if the court is satisfied that either of the following conditions is met.

(4) The first condition is that the conduct of a person's defence at a trial of an offence of forced marriage would be substantially prejudiced if the direction were not given.

(5) The second condition is that—

- (a) the effect of sub-paragraph (2) is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and
- (b) it is in the public interest to remove or relax the restriction.

(6) A direction under sub-paragraph (3) does not affect the operation of sub-paragraph (2) at any time before the direction is given.

(7) In this paragraph, “the court” means a magistrates' court, a county court or the Crown Court.

*Penalty for breaching prohibition imposed by paragraph 1(2)*

**2.—(1)** If anything is included in a publication in contravention of the prohibition imposed by paragraph 1(2), each of the persons responsible for the publication is guilty of an offence.

(2) A person guilty of an offence under this paragraph is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

(3) The persons responsible for a publication are as follows—

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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

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<b><i>Type of publication</i></b>	<b><i>Persons responsible</i></b>
Newspaper or other periodical	Any person who is a proprietor, editor or publisher of the newspaper or periodical.
Relevant programme	Any person who— (a) is a body corporate engaged in providing the programme service in which the programme is included, or (b) has functions in relation to the programme corresponding to those of an editor of a newspaper.
Any other kind of publication	Any person who publishes the publication.

(4) Proceedings for an offence under this paragraph may not be instituted except by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.

#### *Offence under paragraph 2: defences*

**3.—(1)** This paragraph applies where a person (“the defendant”) is charged with an offence under paragraph 2 as a result of the inclusion of any matter in a publication.

(2) It is a defence for the defendant to prove that, at the time of the alleged offence, the defendant was not aware, and did not suspect or have reason to suspect, that—

- (a) the publication included the matter in question, or
- (b) the allegation in question had been made.

(3) It is a defence for the defendant to prove that the publication in which the matter appeared was one in respect of which the victim had given written consent to the appearance of matter of that description.

(4) The defence in sub-paragraph (3) is not available if—

- (a) the victim was under the age of 16 at the time when his or her consent was given, or
- (b) a person interfered unreasonably with the peace and comfort of the victim with a view to obtaining his or her consent.

(5) In this paragraph, “the victim” means the person against whom the offence of forced marriage in question is alleged to have been committed.

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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### *Special rules for providers of information society services*

**F8**4 .....

#### **Textual Amendments**

**F8** Sch. 3A para. 4 omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [127\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**5.—(1)** Proceedings for an offence under paragraph 2 may not be taken against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is met.

(2) The derogation condition is that taking proceedings—

- (a) is necessary for the purposes of the public interest objective,
- (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and
- (c) is proportionate to that objective.

(3) “The public interest objective” means the pursuit of public policy.

**6.—(1)** A service provider does not commit an offence under paragraph 2 by providing access to a communication network or by transmitting, in a communication network, information provided by a recipient of the service, if the service provider does not—

- (a) initiate the transmission,
- (b) select the recipient of the transmission, or
- (c) select or modify the information contained in the transmission.

(2) For the purposes of sub-paragraph (1)—

- (a) providing access to a communication network, and
- (b) transmitting information in a communication network,

include the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

(3) Sub-paragraph (2) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

**7.—(1)** A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service for transmission in a communication network if the first and second conditions are met.

(2) The first condition is that the storage of the information—

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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*

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- (a) is automatic, intermediate and temporary, and
  - (b) is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request.
- (3) The second condition is that the service provider—
- (a) does not modify the information,
  - (b) complies with any conditions attached to having access to the information, and
  - (c) if sub-paragraph (4) applies, promptly removes the information or disables access to it.
- (4) This sub-paragraph applies if the service provider obtains actual knowledge that—
- (a) the information at the initial source of the transmission has been removed from the network,
  - (b) access to it has been disabled, or
  - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.
- 8.—**(1) A service provider does not commit an offence under paragraph 2 by storing information provided by a recipient of the service if—
- (a) the service provider had no actual knowledge when the information was provided that it was, or contained, a prohibited publication, or
  - (b) on obtaining actual knowledge that the information was, or contained, a prohibited publication, the service provider promptly removed the information or disabled access to it.
- (2) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

### *Interpretation*

- 9.—**(1) In this Schedule—

**F9**  
...

“the E-Commerce Directive” means Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);

“information society services”—

- (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998 laying down a procedure

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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*

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for the provision of information in the field of technical standards and regulations), and

- (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

“non-UK service provider” means a service provider established in an EEA state <sup>F10</sup> ...;

“offence of forced marriage” means an offence under section 16;

“programme service” has the same meaning as in the Broadcasting Act 1990 (see section 201(1) of that Act);

“prohibited material” means any material the publication of which contravenes paragraph 1(2);

“publication” includes any speech, writing, relevant programme or other communication (in whatever form) which is addressed to, or is accessible by, the public at large or any section of the public;

“recipient”, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

“relevant programme” means a programme included in a programme service;

“service provider” means a person providing an information society service.

- (2) For the purposes of the definition of “publication” in sub-paragraph (1)—

- (a) an indictment or other document prepared for use in particular legal proceedings is not to be taken as coming within the definition;
- (b) every relevant programme is to be taken as addressed to the public at large or to a section of the public.

- (3) For the purposes of the [<sup>F11</sup>definition of “non-UK service provider”] in sub-paragraph (1)—

- (a) a service provider is established [<sup>F12</sup>in a particular EEA state] if the service provider—

(i) effectively pursues an economic activity using a fixed establishment in [<sup>F13</sup>that EEA state] for an indefinite period, and

(ii) is a national of an EEA state or a company or firm mentioned in Article 54 of the Treaty on the Functioning of the European Union;

- (b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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- (c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider's activities relating to that service.]

#### Textual Amendments

- F9** Words in Sch. 3A para. 9(1) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [127\(3\)\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Sch. 3A para. 9(1) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [127\(3\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Sch. 3A para. 9(3) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [127\(3\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Sch. 3A para. 9(3)(a) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [127\(3\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Sch. 3A para. 9(3)(a)(i) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [127\(3\)\(b\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

## SCHEDULE 4

Section 26.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### AMENDMENTS RELATING TO OFFENCES UNDER SECTION 1 OR 2

##### *The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

**1** In Schedule 1 (offences against children and young persons to which special provisions of the Act apply) at the end add— “ An offence against a child or young person under section 1 or 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 or any attempt to commit such an offence. ”.

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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*The Immigration Act 1971 (c. 77)*

**2** In section 25C (forfeiture of vehicle, ship or aircraft) in subsections (9)(b), (10)(b) and (11) for the words from “a passenger” to the end substitute “ the victim of conduct which constitutes an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland 2015 ”.

*The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)*

**3** In Article 53A(2) (questioning and treatment of persons by police: meaning of “qualifying offence”) at the end add—

“(t) an offence under section 1 or 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.”.

*The Sexual Offences (Amendment) Act 1992 (c. 3)*

**4** In section 2(3) (offences under law of Northern Ireland to which the Act applies)—

(a) after paragraph (hb) insert—

“(hc) any offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;”;

(b) in paragraph (i) for “(hb)” substitute “ (hc) ”.

*The Sexual Offences Act 2003 (c. 42)*

**5** In Schedule 5 (relevant offences for purposes of notification and orders) after paragraph 171B insert—

“**171C** An offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015”

*The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)*

**6** In section 14(2) (immigration officers' power of arrest) after paragraph (q) insert—

“(r) an offence under section 1 or 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015”

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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*The Serious Crime Act 2007 (c. 27)*

7 In paragraph 18 of Part 2 of Schedule 1 (serious offences in Northern Ireland) at the end add—

“(4) An offence under section 1 or 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015”

*The Sexual Offences (Northern Ireland) Order 2008 (NI 2)*

8.—(1) In Article 22(2)(b) (meeting child following sexual grooming, etc.) for paragraph (ii) substitute—

“(ii) an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation), or”.

(2) In Article 58(7) for “Articles 59 to 60” substitute “ Article 60 ”.

## PART 2

### AMENDMENTS RELATING TO SLAVERY AND TRAFFICKING REPARATION ORDERS

*The Criminal Justice (Northern Ireland) Order 1994 (NI 15)*

9 In Article 16(a) (review of compensation orders) for the words from “a confiscation order” to the end substitute “either or both of the following made against him in the same proceedings—

- (i) a confiscation order under Part 4 of the Proceeds of Crime Act 2002;
- (ii) a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015; or”.

*The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12)*

10 In paragraph 2 of Schedule 1 (exempted payments) for “1994 or” substitute “ 1994, Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 or ”.

*The Criminal Justice (Northern Ireland) Order 1996 (NI 24)*

11 In Article 4(5) (absolute and conditional discharge) at the end insert “ or a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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

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and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. ”

**12** In Article 13(11) (community service order) at the end insert “ or a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. ”

*The Proceeds of Crime Act 2002 (c. 29)*

**13.—(1)** Section 163 (effect of confiscation order on court's other powers) is amended as follows.

(2) In subsection (3)(a) at the end add “ or an order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (slavery and trafficking reparation orders) ”.

(3) In subsection (5)—

(a) in paragraph (a) for “both a confiscation order and” substitute “ a confiscation order and one or both of ” and after “1994 (SI 1994/2795 (N.I. 15)” insert “ and a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, ”;

(b) in paragraph (b) for “both the orders” substitute “ all the orders ”.

(4) In subsection (6) (priorities of confiscation orders and other orders) for the words from “of the compensation” to “as it specifies” substitute “ as it specifies of the amount (or amounts) payable under the other order (or orders) mentioned in subsection (5)(a) ”.

**14** In section 182(7)(b) (court's powers on appeal) at the end insert “ so far as they relate to such orders ”.

**15** In section 183(9)(b) (appeal to Supreme Court) at the end insert “ so far as they relate to such orders ”.

**16** In section 205(5) (application of sums received under confiscation order to pay compensation) for the words “of compensation” substitute “ payable under any other order (or orders) ”.

**17** In section 308 (general exceptions to concept of recoverable property) after subsection (4) insert—

“(4A) If—

(a) a payment is made to a person in pursuance of a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, and

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* is up to date with all changes known to be in force on or before 04 April 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](#)

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(b) apart from this subsection, the sum received would be recoverable property,  
the property ceases to be recoverable.”.

*The Recovery of Health Service Charges (Northern Ireland) Order 2006 (NI 13)*

**18** In paragraph 1 of Schedule 1 (recovery of health care charges: exemptions)—

(a) omit “or” at the end of sub-paragraph (b);

(b) after sub-paragraph (c) insert—

“(d) Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (slavery and trafficking reparation orders).”.

*The Justice (Northern Ireland) Act 2012 (c. 24)*

**19** In section 1(5) (offender levy) after “1994 (NI 15)” insert “ or an order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 or both ” and for “appropriate compensation” substitute “ and appropriate amounts under such of those orders as it would be appropriate to make ”.

SCHEDULE 5

Section 26.

REPEALS

Short Title	Extent of Repeal
The Children and Young Persons Act (Northern Ireland) 1968 (c. 38)	In Schedule 1 the entry relating to an offence under any of sections 57 to 59 of the Sexual Offences Act 2003.
The Sexual Offences (Amendment) Act 1992 (c. 34)	In section 2(3)(ha) the words “57 to 59”.
The Criminal Evidence (Northern Ireland) Order 1999 (NI 8)	Article 3(1)(ga).
The Proceeds of Crime Act 2002 (c. 29)	In Schedule 5, paragraph 4(2) and (3).
The Sexual Offences Act 2003 (c. 42)	Sections 57 to 60C. In section 142(2) the words “57 to 60C”. In Schedule 5, paragraph 171.

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**Changes to legislation:** *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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*

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	In Schedule 6, paragraphs 42(2) and (3) (a) and 46(4).
The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)	Section 4. Section 5(3) to (5), (9) and (10). Section 14(2)(n) and (p).
The Violent Crime Reduction Act 2006 (c. 38)	Section 54. Schedule 4.
The Serious Crime Act 2007 (c. 27)	In Schedule 1, paragraph 18(2) and (3).
The UK Borders Act 2007 (c. 30)	Section 31.
The Criminal Justice (Northern Ireland) Order 2008 (NI 1)	In Schedule 1 in paragraph 28 the entries for sections 57 to 59.  In Part 2 of Schedule 2 in paragraph 13 the entries for sections 57 to 59.
The Sexual Offences (Northern Ireland) Order 2008 (NI 2)	Article 59.  In Article 66(2), sub-paragraph (b) and the word “or” immediately before it.  In Schedule 1, paragraph 12(4)(h).
The Borders, Citizenship and Immigration Act 2009 (c. 11)	Section 54.
The Coroners and Justice Act 2009 (c. 25)	Section 71.
The Policing and Crime Act 2009 (c. 26)	Section 15.
The Criminal Justice Act (Northern Ireland) 2013 (c. 7)	Sections 6 to 8.

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**Changes to legislation:**

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 04 April 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.

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**Changes and effects yet to be applied to :**

- s. 7 excluded by [2016 c. 18 \(N.I.\) s. 170\(1\)s. 170\(2\)\(d\)](#)
- s. 18 restricted by [2023 c. 37 s. 25\(2\)](#)

**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\(5\)](#)