



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 7

MISCELLANEOUS AND GENERAL

Trafficking people for exploitation

109 Trafficking people for sexual exploitation

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) For sections 57 to 59 (trafficking people for sexual exploitation) substitute—

“59A Trafficking people for sexual exploitation

- (1) A person (“A”) commits an offence if A intentionally arranges or facilitates—
 - (a) the arrival in, or entry into, the United Kingdom or another country of another person (“B”),
 - (b) the travel of B within the United Kingdom or another country, or
 - (c) the departure of B from the United Kingdom or another country,with a view to the sexual exploitation of B.
- (2) For the purposes of subsection (1)(a) and (c) A’s arranging or facilitating is with a view to the sexual exploitation of B if, and only if—
 - (a) A intends to do anything to or in respect of B, after B’s arrival, entry or (as the case may be) departure but in any part of the world, which if done will involve the commission of a relevant offence, or
 - (b) A believes that another person is likely to do something to or in respect of B, after B’s arrival, entry or (as the case may be) departure but in any part of the world, which if done will involve the commission of a relevant offence.

Status: This is the original version (as it was originally enacted).

- (3) For the purposes of subsection (1)(b) A's arranging or facilitating is with a view to the sexual exploitation of B if, and only if—
- (a) A intends to do anything to or in respect of B, during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence, or
 - (b) A believes that another person is likely to do something to or in respect of B, during or after the journey and in any part of the world, which if done will involve the commission of a relevant offence.
- (4) A person who is a UK national commits an offence under this section regardless of—
- (a) where the arranging or facilitating takes place, or
 - (b) which country is the country of arrival, entry, travel or (as the case may be) departure.
- (5) A person who is not a UK national commits an offence under this section if—
- (a) any part of the arranging or facilitating takes place in the United Kingdom, or
 - (b) the United Kingdom is the country of arrival, entry, travel or (as the case may be) departure.
- (6) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.
- (7) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003, the reference in subsection (6) (a) to 12 months is to be read as a reference to 6 months.”
- (3) For subsection (1) of section 60 (sections 57 to 59: interpretation) substitute—
- “(1) In section 59A—
- “country” includes any territory or other part of the world;
 - “relevant offence” means—
 - (a) any offence under the law of England and Wales which is an offence under this Part or under section 1(1)(a) of the Protection of Children Act 1978, or
 - (b) anything done outside England and Wales which is not an offence within paragraph (a) but would be if done in England and Wales;
 - “UK national” means—
 - (a) a British citizen,
 - (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom, or
 - (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.”
- (4) Omit section 60(2) (sections 57 to 59: jurisdiction).

(5) Accordingly, the title of section 60 becomes “Section 59A: interpretation”.

110 Trafficking people for labour and other exploitation

(1) The Asylum and Immigration (Treatment of Claimants, etc) Act 2004 is amended as follows.

(2) For subsections (1) to (3) of section 4 (trafficking people for labour and other exploitation) substitute—

“(1A) A person (“A”) commits an offence if A intentionally arranges or facilitates—

- (a) the arrival in, or entry into, the United Kingdom or another country of another person (“B”),
- (b) the travel of B within the United Kingdom or another country, or
- (c) the departure of B from the United Kingdom or another country,

with a view to the exploitation of B.

(1B) For the purposes of subsection (1A)(a) and (c) A’s arranging or facilitating is with a view to the exploitation of B if (and only if)—

- (a) A intends to exploit B, after B’s arrival, entry or (as the case may be) departure but in any part of the world, or
- (b) A believes that another person is likely to exploit B, after B’s arrival, entry or (as the case may be) departure but in any part of the world.

(1C) For the purposes of subsection (1A)(b) A’s arranging or facilitating is with a view to the exploitation of B if (and only if)—

- (a) A intends to exploit B, during or after the journey and in any part of the world, or
- (b) A believes that another person is likely to exploit B, during or after the journey and in any part of the world.”

(3) In section 4(4)—

- (a) in paragraph (b)—
 - (i) omit “under the Human Organ Transplants Act 1989 (c. 31) or”, and
 - (ii) after “2004” insert “as it has effect in the law of England and Wales”,
- (b) in that paragraph, the words from “as a result” to the end of the paragraph become sub-paragraph (i), and
- (c) after that sub-paragraph insert “or
 - (ii) which, were it done in England and Wales, would constitute an offence within sub-paragraph (i),”.

(4) After section 4(4) insert—

“(4A) A person who is a UK national commits an offence under this section regardless of—

- (a) where the arranging or facilitating takes place, or
- (b) which country is the country of arrival, entry, travel or (as the case may be) departure.

(4B) A person who is not a UK national commits an offence under this section if—

- (a) any part of the arranging or facilitating takes place in the United Kingdom, or

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- (b) the United Kingdom is the country of arrival, entry, travel or (as the case may be) departure.”
- (5) Omit section 5(1) (section 4: jurisdiction).
- (6) In section 5(3) (section 4: interpretation)—
 - (a) for “In section 4(4)(a)” substitute “In section 4—
“country” includes any territory or other part of the world,”
 - (b) the words from ““the Human Rights Convention” to the end of the subsection become the next definition in a list, and
 - (c) after that definition insert—
““UK national” means—
 - (a) a British citizen,
 - (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom, or
 - (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.”