



Modern Slavery Act 2015

2015 CHAPTER 30

PART 1

OFFENCES

Penalties and sentencing

5 Penalties

- (1) A person guilty of an offence under section 1 or 2 is liable—
 - (a) on conviction on indictment, to imprisonment for life;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both.
- (2) A person guilty of an offence under section 4 is liable (unless subsection (3) applies)—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both.
- (3) Where the offence under section 4 is committed by kidnapping or false imprisonment, a person guilty of that offence is liable, on conviction on indictment, to imprisonment for life.
- (4) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the references in subsections (1)(b) and (2)(b) to 12 months are to be read as references to 6 months.

6 Sentencing

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In Part 1 of Schedule 15 (specified offences for purposes of Chapter 5 of Part 12 - violent offences), after paragraph 63F insert—

Status: This is the original version (as it was originally enacted).

“63G An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour).

63H An offence under section 2 of that Act (human trafficking) which is not within Part 2 of this Schedule.”

(3) In Part 2 of Schedule 15 (specified offences for purposes of Chapter 5 of Part 12 - sexual offences), after paragraph 152 insert—

“152A An offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).”

(4) In Part 1 of Schedule 15B (offences listed for purposes of sections 224A, 226A and 246A), after paragraph 43 insert—

“43A An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour).

43B An offence under section 2 of that Act (human trafficking).”

7 Confiscation of assets

(1) Schedule 2 to the Proceeds of Crime Act 2002 (criminal lifestyle offences in England and Wales) is amended as follows.

(2) After paragraph 3 insert—

“Slavery etc

3A An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour).”

(3) In paragraph 4 (people trafficking)—

- (a) omit sub-paragraphs (2) and (3);
- (b) at the end insert—

“(4) An offence under section 2 of the Modern Slavery Act 2015 (human trafficking).”

8 Power to make slavery and trafficking reparation orders

(1) The 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) a confiscation order is made against the person in respect of the offence.

(2) The court may also make a slavery and trafficking reparation order against a person if—

- (a) by virtue of section 28 of the Proceeds of Crime Act 2002 (defendants who abscond during proceedings) a confiscation order has been made 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 section 10(1)).

- (4) In a case within subsection (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 section—
 - (a) “the court” means—
 - (i) the Crown Court, or
 - (ii) any magistrates' court that has power to make a confiscation order by virtue of an order under section 97 of the Serious Organised Crime and Police Act 2005 (confiscation orders by magistrates' courts);
 - (b) “confiscation order” means a confiscation order under section 6 of the Proceeds of Crime Act 2002;
 - (c) 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 2 of that Act.

9 Effect of slavery and trafficking reparation orders

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

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- (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) In subsection (4) "the confiscation order" means the confiscation order within section 8(1)(b) or (2)(a) (as the case may be).

10 Slavery and trafficking reparation orders: supplementary provision

- (1) A slavery and trafficking reparation order and a compensation order under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 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 section 8(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 18(2) of the Criminal Appeal Act 1968 (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) Sections 132 to 134 of the Powers of Criminal Courts (Sentencing) Act 2000 (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 the court of trial were references to the court (within the meaning of section 8 above);
 - (c) references to injury, loss or damage were references to harm;
 - (d) the reference in section 133(3)(c)(iii) to a slavery and trafficking reparation order under section 8 above were to a compensation order under section 130 of that Act;
 - (e) in section 134 the references to service compensation orders were omitted.
- (4) If under section 21 or 22 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.
- (5) If under section 23 or 29 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 24 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 subsections (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 31 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 that could have been made under section 8 above by virtue of the confiscation order.
- (9) If on an appeal under section 33 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 section—
- (a) a slavery and trafficking reparation order made under section 8(1) is made by virtue of the confiscation order within section 8(1)(b);
 - (b) a slavery and trafficking reparation order made under section 8(2) is made by virtue of the confiscation order within section 8(2)(a).

11 Forfeiture of land vehicle, ship or aircraft

- (1) This section applies if a person is convicted on indictment of an offence under section 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 subsection (3)(a) or (b) does not apply to the convicted person, forfeiture of a ship or aircraft may be ordered only if subsection (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 subsection 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 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.