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Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

CHAPTER 2

HUMAN TRAFFICKING AND EXPLOITATION (CRIMINAL JUSTICE AND SUPPORT FOR VICTIMS) ACT (NORTHERN IRELAND) 2015

PART 1

SLAVERY AND HUMAN TRAFFICKING OFFENCES

The offences

1. Slavery, servitude and forced or compulsory labour
2. Human trafficking
3. Meaning of exploitation for purposes of section 2
4. Committing offence with intent to commit offence under section 1 or 2

Sentencing for offences under section 1 or 2

5. Offences to be serious offences for purposes of sentencing
6. Aggravating factors
7. Minimum sentence for offence under section 1 or 2

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Orders that may be made on conviction of offence under section 1 or 2

8. Confiscation of assets
9. Detention and forfeiture of certain vehicles, ships and aircraft
10. Slavery and trafficking reparation orders

Prevention, enforcement, etc.

11. Slavery and trafficking prevention orders
12. Strategy on offences under sections 1 and 2
13. Duty to notify National Crime Agency about suspected victims of offences under section 1 or 2
14. Investigation and prosecution of offences under section 1 or 2

PART 2

OTHER EXPLOITATION OFFENCES

Paying for sexual services of a person

15. Paying for sexual services of a person

Offence of forced marriage

16. Offence of forced marriage

PART 3

ASSISTANCE AND SUPPORT

17. Interpretation of this Part
18. Assistance and support pending determination by competent authority
19. Assistance and support for exiting prostitution
20. Guidance as to compensation for victims
21. Independent guardian

PART 4

PROTECTION OF SLAVERY AND TRAFFICKING VICTIMS
IN CRIMINAL INVESTIGATIONS AND PROCEEDINGS

22. Defence for slavery and trafficking victims in relation to certain offences
23. Protection of slavery and trafficking victims in criminal investigations
24. Special measures: amendments to the Criminal Evidence (Northern Ireland) Order 1999

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PART 5 SUPPLEMENTARY

25. Interpretation of this Act
26. Amendments, repeals and consequential provision
27. Orders and regulations
28. Short title and commencement

SCHEDULES

SCHEDULE 1 — 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...

Detention of certain vehicles, ships and aircraft

2. (1) If a person (“P”) has been arrested for an...

Interpretation

3. (1) In this Schedule— “captain” means master (of a ship)...

SCHEDULE 2 — SLAVERY AND TRAFFICKING REPARATION ORDERS

Power to make slavery and trafficking reparation order

1. (1) The Crown Court may make a slavery and trafficking...

Effect of slavery and trafficking reparation order

2. (1) A slavery and trafficking reparation order is an order...

Supplementary

3. (1) A slavery and trafficking reparation order and a compensation...

SCHEDULE 3 — SLAVERY AND TRAFFICKING PREVENTION ORDERS

PART 1 — MAKING AND EFFECT OF SLAVERY AND TRAFFICKING PREVENTION ORDERS

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Slavery and trafficking prevention orders on dealing with defendant

1. (1) A court may make a slavery and trafficking prevention...

Slavery and trafficking prevention orders on application

2. (1) A court of summary jurisdiction may make a slavery...

Meaning of “relevant offender”

3. (1) A person is a “relevant offender” for the purposes...

Effect of slavery and trafficking prevention orders

4. (1) A slavery and trafficking prevention order is an order...

Prohibitions on foreign travel

5. (1) A prohibition on foreign travel contained in a slavery...

Variation, renewal and discharge

6. (1) A person within sub-paragraph (2) may apply to the...

Interim slavery and trafficking prevention orders

7. (1) This paragraph applies where an application under paragraph 2...

Appeals

8. (1) A defendant may appeal against the making of a...

PART 2 — NOTIFICATION REQUIREMENTS

Offender subject to notification requirements

9. (1) References in the following provisions of this Schedule to...

Initial notification

10. (1) An offender subject to notification requirements must notify the...

Notification of changes

11. (1) An offender subject to notification requirements must, within the...

Periodic notification

12. (1) An offender subject to notification requirements must, within the...

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Absence from notified residence

13. (1) This paragraph applies to an offender subject to notification...

Travel outside the United Kingdom

14. (1) The Department may by regulations make provision with respect...

Method of notification and related matters

15. (1) An offender gives a notification to the police under...
PART 3 — SUPPLEMENTARY

Offences

16. (1) A person who, without reasonable excuse, fails to comply...

Cross-border enforcement within UK

17. (1) The Department may by order amend paragraph 16(1) so...

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

18. (1) This paragraph applies to information notified to the police...

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

19. (1) A report compiled under paragraph 18 may be supplied...

Information about release or transfer of offender

20. (1) This paragraph applies to an offender subject to notification...

Power of entry and search of offender's home address

21. (1) If, on an application made by a police officer...

Guidance

22. (1) The Department must issue guidance to the Chief Constable...

Interpretation of this Schedule

23. (1) In this Schedule— “cautioned” means cautioned after the person...

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SCHEDULE 4 — 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...

The Immigration Act 1971 (c. 77)

2. In section 25C (forfeiture of vehicle, ship or aircraft) in...

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

3. In Article 53A(2) (questioning and treatment of persons by police:...

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

4. In section 2(3) (offences under law of Northern Ireland to...

The Sexual Offences Act 2003 (c. 42)

5. In Schedule 5 (relevant offences for purposes of notification and...

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

6. In section 14(2) (immigration officers' power of arrest) after paragraph...

The Serious Crime Act 2007 (c. 27)

7. In paragraph 18 of Part 2 of Schedule 1 (serious...

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

8. (1) In Article 22(2)(b) (meeting child following sexual grooming, etc.)...

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...

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

10. In paragraph 2 of Schedule 1 (exempted payments) for “1994...

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

11. In Article 4(5) (absolute and conditional discharge) at the end...
12. In Article 13(11) (community service order) at the end insert...

The Proceeds of Crime Act 2002 (c. 29)

13. (1) Section 163 (effect of confiscation order on court's other...
14. In section 182(7)(b) (court's powers on appeal) at the end...
15. In section 183(9)(b) (appeal to Supreme Court) at the end...
16. In section 205(5) (application of sums received under confiscation order...
17. In section 308 (general exceptions to concept of recoverable property)...

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

18. In paragraph 1 of Schedule 1 (recovery of health care...

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

19. In section 1(5) (offender levy) after “1994 (NI 15)” insert...

SCHEDULE 5 — REPEALS

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