

*These notes refer to the Human Trafficking and Exploitation
(Criminal Justice and Support for Victims) Act (Northern Ireland)
2015 (c.2) which received Royal Assent on 13 January 2015*

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 8: Confiscation of assets

Section 8 amends Schedule 5 to the Proceeds of Crime Act 2002 (POCA) to specify offences of slavery, servitude and forced or compulsory labour and of human trafficking under sections 1 and 2 as criminal “lifestyle offences”.

POCA sets out a strict chronology for making confiscation orders and the question of whether a person has a criminal lifestyle is central to this legal process. If an individual is convicted of a lifestyle offence specified under POCA then the courts can find that they have obtained the benefit of “general criminal conduct” which then allows the court to undertake an enquiry beyond the normal statutory six year limitation period into all prior criminal activities. By specifying these offences as “lifestyle offences” section 8 will improve the courts’ ability to confiscate criminal assets and so help to undermine the economic motivation that fuels the exploitation of people.