

2016 No. 1

CRIMINAL LAW

**The Human Trafficking and Exploitation (Slavery and
Trafficking Prevention Orders) (Notification Requirements)
Regulations (Northern Ireland) 2016**

Made - - - - *4th January 2016*

Coming into operation in accordance with Regulation 1

The Department of Justice makes the following regulations in exercise of the powers conferred by section 11 of and paragraphs 10(2), 11(3) and (8), 12(5) and 14(1) of Schedule 3 to, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland 2015(a)).

Citation and commencement

1. These Regulations may be cited as the Human Trafficking and Exploitation (Slavery and Trafficking Prevention Orders) (Notification Requirements) Regulations (Northern Ireland) 2016 and shall come into operation on the day of the commencement for all other purposes of section 11 of, and Schedule 3 to, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2015.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“banking institution” means a bank, building society or other institution which provides banking services;

“business” includes any trade, profession or vocation;

“credit card” means a card which is a credit-token within the meaning of section 14(1)(b) of the Consumer Credit Act 1974(b);

“credit card provider” means a bank, building society or other institution which provides a credit card;

“debit card” means a card the use of which by its holder to make a payment results in a current account of the holder at a banking institution being debited with the payment;

“R” means a relevant offender subject to notification requirements;

“Schedule 3” means Schedule 3 to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

(a) 2015 c.2. (N.I.).

(b) 1974 c.39.

Notification of information about bank accounts and credit cards

3.—(1) The information set out in paragraphs (2) to (7) is prescribed for the purposes of 10(2)(h) of Schedule 3 in a case where R holds—

- (a) an account with a banking institution in R's name, or in R's name and the name of another person, and in relation to each account, the information specified in paragraph (2);
- (b) an account with a banking institution in the name of an unincorporated business which is run by R, or run by R and another person, and in relation to each such account, the information specified in paragraph (3);
- (c) a debit card in relation to any account of which notification is given in accordance with sub-paragraph (a) or (b), and in relation to each such debit card, the information specified in paragraph (4);
- (d) an account with a credit card provider in R's name, or in R's name and the name of another person, and in relation to each such account, the information specified in paragraph (5);
- (e) an account with a credit card provider in the name of an unincorporated business which is run by R, or run by R and another person, and in relation to each such account, the information specified in paragraph (6); or
- (f) a credit card in relation to any account of which notification is given in accordance with sub-paragraph (d) or (e), and in relation to each such credit card, the information specified in paragraph (7).

(2) The information specified for the purposes of paragraph (1)(a) of this regulation is—

- (a) the name of each banking institution with which R holds an account;
- (b) the address of the office at which each account is held and, if that office is outside the United Kingdom, the address of the principal office in the United Kingdom (if any) of the banking institution;
- (c) the number of each account; and
- (d) the sort code in relation to each account.

(3) The information specified for the purposes of paragraph (1)(b) of this regulation is—

- (a) the information specified in paragraph (2); and
- (b) the name of the business in whose name the account is held.
- (c) the expiry date of each debit card; and
- (d) the name of the business (if any) in whose name the card is held.

(4) The information specified for the purposes of paragraph (1)(c) is—

- (a) the card number in relation to each debit card;
- (b) the validation date of each debit card;
- (c) the expiry date of each debit card; and
- (d) the name of the business (if any) in whose name the card is held.

(5) The information specified for the purposes of paragraph (1)(d) is—

- (a) the name of each credit card provider with which R holds an account;
- (b) the address of the office at which each account is held and, if that office is outside the United Kingdom, the address of the principal officer in the United Kingdom (if any) of the credit card provider; and
- (c) the number of each account.

(6) The information specified for the purposes of paragraph (1)(e) is—

- (a) the information specified in paragraph (5); and
- (b) the name of the business in whose name the card is held.

- (7) The information specified for the purposes of paragraph (1)(f) is—
- (a) the card number in relation to each credit card;
 - (b) the validation date of each credit card; and
 - (c) the expiry date of each credit card; and
 - (d) the name of the business (if any) in whose name the card is held.

Notification of changes: Bank accounts and credit cards

4. A notification given in relation to a prescribed change of circumstances under paragraph 11(1) of Schedule 3 must include the information specified in regulation 3(2) to (7) in relation to that account, or debit or credit card.

Notification of changes: prescribed change of circumstances

5.—(1) The changes in circumstances set out in paragraph (2) are prescribed for the purposes of paragraph 11(8) of Schedule 3.

- (2) The changes of circumstances are where—
- (a) an account which R holds with a banking institution, as specified in regulation 3(1)(a) or (b), has been—
 - (i) opened, or
 - (ii) closed;
 - (b) a debit card R holds in relation to any account specified in regulation 3(1)(a) or (b)—
 - (i) has been obtained by R, or
 - (ii) is no longer held by R;
 - (c) an account R holds with a credit card provider, as specified in regulation 3(1)(d) or (e), has been—
 - (i) opened, or
 - (ii) closed;
 - (d) a credit card R holds in relation to any account specified in regulation 3(1)(d) or (e)—
 - (i) has been obtained by R, or
 - (ii) is no longer held by R;
 - (e) any information previously notified by R under regulation 3(1) has—
 - (i) altered, or
 - (ii) become inaccurate or incomplete

Periodic notification of address where there is no sole or main residence

6. For the purposes of paragraph 12(5)(a) of Schedule 3, the applicable period means the period of seven days.

Travel outside the United Kingdom: Determination of point of arrival

7.—(1) For the purposes of sub-paragraph 14(1) of Schedule 3 and of regulations 8 to 12, R's point of arrival in a country is determined to be in accordance with this regulation.

(2) In a case in which R will arrive in a country by rail, sea or air, the point of arrival is the station, port or airport at which R will first disembark.

(3) In the case in which R will arrive in a country by any means other than those mentioned in paragraph (2), the point of arrival is the place at which R will first enter the country.

Notification to be given before leaving the United Kingdom

8.—(1) Where R intends to leave the United Kingdom, except to travel to the Republic of Ireland, R must give a notification under paragraph 14 of Schedule 3 in accordance with these Regulations.

(2) Where R intends to leave the United Kingdom to travel to the Republic of Ireland for a period of three days or longer, R must give a notification under paragraph 14 of Schedule 3 in accordance with these Regulations

(3) Where R knows the information required to be disclosed under paragraph 14(2)(a) and (b) of Schedule 3 and in accordance with regulation 9 in relation to information prescribed under paragraph 14(2)(c), R shall give a notification which sets out the paragraph 14(2)(a) and (b) information and, in respect of the prescribed regulation 9 information, so much of that regulation 9 information that is within R's knowledge—

- (a) not less than seven days before that date (“the seven day notification requirement”) or
- (b) as soon as reasonably practicable but not less than 24 hours before that date, if and only if R has a reasonable excuse for not complying with the seven day notification requirement.

(4) Where R does not know the information required to be disclosed by paragraph 14(2) of Schedule 3 more than seven days before the intended departure date R shall not give less than 12 hours before that date, a notification which sets out that information and as much of the information required by regulation 9 as R holds.

Prescribed information to be disclosed in a notification

9. In addition to the information required by paragraph 14(2)(a) and (b) of Schedule 3 R must disclose where R holds such information—

- (a) where R intends to travel to more than one country outside the United Kingdom, R's intended point of arrival in each such additional country,
- (b) the dates on which R intends to stay in any country to which R intends to travel,
- (c) details of R's accommodation arrangements in any country to which R intends to travel,
- (d) the identity of any carrier or carriers R intends to use for the purpose of R's departure from and return to the United Kingdom, and of travelling to any other point of arrival,
- (e) in a case in which R intends to return to the United Kingdom on a particular date, that date, and
- (f) in a case in which R intends to return to the United Kingdom at a particular point of arrival, that point of arrival.

10.—(1) Where—

- (a) R has given a notification under paragraph 14(2) of Schedule 3, and
- (b) at any time prior to R's intended departure from the United Kingdom, the information disclosed in that notification becomes inaccurate or incomplete as a statement of all the information required to be disclosed under paragraph 14(2) and regulation 9 which R currently holds,

R must give a further notification under paragraph 14(2).

(2) A further notification under paragraph (1) above must be given not less than 12 hours before the R's intended departure from the United Kingdom.

(3) R may not give notification under paragraph (2) less than 24 hours before the intended departure date unless R has a reasonable excuse for being unable to give such notification before that time.

Notification to be given on return to the United Kingdom

11.—(1) This regulation applies to R who—

- (a) is required to give a notification under paragraph 14(2) of Schedule 3
- (b) has left the United Kingdom, and
- (c) subsequently returns to the United Kingdom.

(2) Except as provided by paragraph (3), R must give a notification under paragraph 14(3) of Schedule 3 within three days of R's return to the United Kingdom.

(3) R need not give a notification under paragraph 14(3) of Schedule 3 in any case in which R gave a relevant notification under 14(2) of Schedule 3 which—

- (a) disclosed a date under the provisions of regulation 9(e), and
- (b) disclosed a point of arrival under the provisions of regulation 9(f), provided R's return to the United Kingdom was on that date and at that point of arrival.

Information to be disclosed in a notification under paragraph 14(3) of Schedule 3

12. A notification under paragraph 14(3) of Schedule 3 must disclose the date of R's return to the United Kingdom and the point of arrival in the United Kingdom.

Sealed with the Official Seal of the Department of Justice on 4th January 2016



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

Schedule 3 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 allows the courts to impose slavery and trafficking prevention orders on a relevant offender (R) who has been convicted of an offence of human trafficking or slavery, servitude and forced or compulsory labour. Part 2 of Schedule 3 places notification requirements on R. These Regulations supplement the notification regime and are made in accordance with powers under Part 2 of Schedule 3.

Regulations 3 to 5 require R to notify to the Police Service of Northern Ireland (PSNI) details of bank accounts and credit cards and any subsequent changes to these accounts or cards.

Regulation 6 requires R when of no fixed abode to make a notification to the PSNI on a weekly basis.

Regulations 7 to 12 deal with travel outside of the United Kingdom. Where R intends to travel outside the United Kingdom for any period of time (apart from to the Republic of Ireland) must notify the PSNI of date of departure; the country or countries to which R will travel; and the point of arrival in those countries. Details of accommodation arrangements and the carriers by which R travels and returns to the United Kingdom must also be provided. Notifications should be made at least seven days in advance of intended travel, where known, and no less than 24 hours before intended travel. Where R provides a reasonable excuse R must provide the information at least 12 hours in advance.

Similar notification requirements apply in relation to travel to the Republic of Ireland, but only in relation to travel for a period of three days or longer.

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