

## **EXPLANATORY MEMORANDUM TO**

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

#### **SR 2016 No. 1**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under 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 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Regulations require offenders who are subject to a Slavery and Trafficking Prevention Order (STPO) to notify certain information to the police. This includes information about bank accounts and credit cards; information about any travel outside the United Kingdom, except to the Republic of Ireland; and information relating to travel to the Republic of Ireland, where it is for a period of three days or longer.
- 2.2. The Regulations require offenders of no fixed abode to make a periodic notification to the police on a weekly basis.

#### **3. Background**

- 3.1. Section 11 of, and Schedule 3 to, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 ("the Act") introduce a regime for Slavery and Trafficking Prevention Orders (STPOs). In line with paragraphs 1 to 3 of Schedule 3 to the Act, the courts may make STPOs upon conviction of the defendant of a slavery or human trafficking offence or following application by the Chief Constable in respect of a defendant who has been convicted of a slavery or human trafficking offence.
- 3.2. Part 2 of Schedule 3 to the Act makes provision in respect of the notification regime for offenders who are subject to STPOs. Paragraph 10 stipulates that offenders are required to make an initial notification of "required information" to the police within 3 days of the STPO being made. Information to be notified includes the offender's date of birth; national insurance number; names; home address; and the address of any other premises in the United Kingdom at which the defendant regularly stays.
- 3.3. Paragraph 11 requires the offender to inform the police of a "notifiable event" within 3 days of it occurring. Notifiable events are: the use of a name which has not been previously notified to police; a change of home address; the expiry of a 7 day qualifying period during which the offender has stayed at an address in the United Kingdom which has not been

notified to the police (whether that is for 7 consecutive days or a total of 7 days over a 12 month period); any prescribed change in circumstances; and release from custody, a custodial sentence or detention in hospital.

- 3.4. Paragraph 12 requires the offender to make a periodic notification, on an annual basis, to the police. The notification must provide the "required information" specified at paragraph 10, that is, all of the information given at initial notification. This does not apply if the offender has already made a notification of changes within the annual period.
- 3.5. Paragraph 13 stipulates that offenders must notify police of any absence from their notified residence for a period of more than 3 days. Notification must be made at least twelve hours before leaving the residence and include the date on which the offender will leave the address; any information held about travel arrangements or accommodation arrangements; and the offenders return date to the notified residence.
- 3.6. Paragraph 14 provides the Department with a discretionary power to make regulations requiring offenders to notify police of travel outside the United Kingdom, including the date on which the offender proposes to leave the United Kingdom; the country or countries to which the offender proposes to travel and the points of arrival in those countries; and any other prescribed information.
- 3.7. Paragraph 15 sets out the method by which offenders must make notifications to the police. It provides for the taking of fingerprints and photographs by the police, in order to verify the identity of the offender. It also makes arrangements for the retention and destruction of such records.
- 3.8. The Statutory Rule supplements this existing notification regime by placing additional requirements on offenders. Articles 3 to 5 require offenders to notify certain information about bank accounts and credit cards to the police upon initial notification; following any changes to that information; and at any periodic notification. This includes the account numbers, sort codes and validity dates of bank accounts, debit or credit cards, or business credit cards in the offender's name (whether held singly or jointly).
- 3.9. Under Article 6 offenders of no fixed abode are required to make a periodic notification to the police on a weekly basis. Offenders of fixed abode remain subject to the annual notification requirement.
- 3.10. Articles 7 to 12 prescribe notification requirements in respect of travel outside of the United Kingdom. Article 7 defines the point of arrival outside the United Kingdom as the station, port or airport in which the offender first disembarks. If arrival is by any other means the point of arrival is the place at which the offender first enters the country.
- 3.11. Article 8 stipulates that a notification must be made for all travel outside of the United Kingdom, except to the Republic of Ireland, where a notification must be made for travel of a period of three days or longer. Travel must be notified at least seven days before departure or, where the offender has a reasonable excuse for not complying, as soon as reasonably practicable but no less than 24 hours before travel.

- 3.12. Article 9 sets out the information to be disclosed prior to leaving the United Kingdom. Offenders must provide details of the point of arrival and the dates that they will stay in the countries to which they intend to travel; the identity of any carriers for departure from and return to the United Kingdom; and, where offenders will return to the United Kingdom, the return date and point of arrival.
- 3.13. In line with Article 10 if the information notified becomes inaccurate the offender must make a further notification at least 12 hours before intended departure. Further notifications must not be made less than 24 hours before the intended departure date, unless the offender has a reasonable excuse for not giving a notification before this time.
- 3.14. Articles 11 and 12 deal with the offender's return to the United Kingdom. If the offender's date of return and/or point of arrival change they must make a further notification to the police, within three days of their return, outlining the new details.

#### **4. Consultation**

- 4.1. In July 2015 the Department published a consultation document outlining the proposed Statutory Rule. In addition to that targeted consultation exercise, the Department consulted the Committee for Justice in the Northern Ireland Assembly.

#### **5. Equality Impact**

- 5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. An equality screening exercise was carried out and no adverse impacts on the groups listed under section 75 were identified. It has been concluded that a full Equality Impact Assessment is not required.

#### **6. Regulatory Impact**

- 6.1. The proposals would not impose any restriction on business, charities or voluntary bodies and consequently the need for a full Regulatory Impact Assessment has been screened out.

#### **7. Financial Implications**

- 7.1. There may be some minor costs to agencies in overseeing the STPO notification regime which will be absorbed within existing budgets.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department considers that the proposal is compatible with section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

- 9.1. Not applicable.

#### **10. Parity or Replicatory Measure**

- 10.1. Not applicable.

#### **11. Additional Information**

- 11.1. Not applicable.