

## **EXPLANATORY MEMORANDUM TO**

### **The Modern Slavery Act 2015 (Duty to co-operate with Commissioner) (Northern Irish public authority) Regulations (Northern Ireland) 2016**

**2016 SR No. 48**

#### **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 sections 43(8) and 58(6) and (7) of the Modern Slavery Act 2015 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. This statutory rule specifies public authorities in Northern Ireland which are subject to a statutory duty to co-operate with the Anti Slavery Commissioner for the purposes of the Commissioner's functions.
- 2.2. Those bodies specified are: the Chief Constable of the Police Service of Northern Ireland; the Probation Board for Northern Ireland; the Department of Justice for Northern Ireland; the Regional Health and Social Care Board; the Belfast Health and Social Care Trust; the Northern Health and Social Care Trust; the South Eastern Health and Social Care Trust; the Southern Health and Social Care Trust; and the Western Health and Social Care Trust.

#### **3. Background**

- 3.1. Section 43(1) of the Modern Slavery Act 2015 ("the Act") empowers the Independent Anti-Slavery Commissioner to request a "specified public authority" to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner's functions. In accordance with section 43(2) a specified public authority must so far as reasonably practicable comply with a request made to it. Specified public authorities are listed in Schedule 3 to the Act.
- 3.2. Section 43(8) of the Act provides that the Department of Justice may make regulations to amend Schedule 3, to add to or remove from the list a public authority which has functions that are only exercisable in or as regards Northern Ireland. These Regulations specify the Northern Irish public authorities for the purposes of section 43, adding these to Schedule 3 to the Act.

#### **4. Consultation**

- 4.1. The Department of Justice carried out a targeted 12-week consultation on these Regulations. This followed a period of pre-consultation with statutory partners, which helped form the Department's thinking on these Regulations.

## **5. Equality Impact**

5.1. Compliant with section 75 of the Northern Ireland Act 1998.

## **6. Regulatory Impact**

6.1. No additional equality, regulatory and financial implications which may be relevant to the implementation of the Regulations have been identified.

## **7. Financial Implications**

7.1. There are no financial implications.

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

8.1. Compliant with section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

9.1. There are no EU implications.

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

10.1. Relevant public authorities with functions exercisable across the whole of the United Kingdom are specified by the Home Secretary in Schedule 3 to the Act.

10.2. Public authorities in England and Wales subject to the duty to co-operate are specified by the Home Secretary in Schedule 3 to the Act.

10.3. Scottish Ministers may also amend Schedule 3 to add, remove or amend Scottish public authorities.

## **11. Additional Information**

11.1. Not applicable.