

## **MODERN SLAVERY ACT 2015**

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### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS**

##### **Part 1: Offences**

##### ***Section 9: Effect of slavery and trafficking reparation orders***

57. *Subsection (1)* provides that a slavery and trafficking reparation order is an order that requires the defendant to pay compensation to their victim, for the harm that the victim has suffered from a relevant offence. *Subsection (2)* defines relevant offence as a slavery or trafficking offence as set out in section 1, 2 or 4 that the defendant is convicted of or has taken into account for sentencing.
58. *Subsection (3)* provides for the court to determine the amount of compensation to be awarded to the victim taking into account any evidence and representations made by the defendant or the prosecutor.
59. *Subsection (4)* sets out that the total amount of compensation payable under one or more slavery and trafficking reparation orders made in proceedings for an offence must not exceed the amount the defendant is required to pay under the confiscation order made in relation to that offence.
60. *Subsection (5)* requires the court to consider the defendant's means, so far as they appear to be, or are known by the court, in determining the amount that the defendant must pay under the slavery and trafficking reparation order. These provisions ensure that reparation orders will be made for amounts that the defendant is capable of paying, so that the victim will not be the recipient of an order that is not likely to be paid in full.