

MODERN SLAVERY ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Prevention Orders

Section 15: Slavery and trafficking prevention orders on application

76. This section provides for a STPO in cases other than on conviction etc. An application for a STPO may be made to a magistrates' court by a chief officer of police, an immigration officer or the Director General of the National Crime Agency ("NCA") (*subsection (1)*). The NCA, established under section 1 of the Crime and Courts Act 2013, holds the national lead for tackling slavery and human trafficking. Where an application is made by an immigration officer or the Director General of the NCA, the immigration officer or Director General must notify the chief officer of police for the area where the offender resides or is believed to intend to reside (*subsection (7)*).
77. The court in accordance with *subsection (2)* must be satisfied that the defendant is a relevant offender (defined in section 16) and that, since the defendant became a relevant offender, he has acted in a way which demonstrates that there is a risk that the defendant may commit a slavery or human trafficking offence and that it is necessary to make a STPO for the purpose of protecting persons generally, or particular persons, from physical or psychological harm which would be likely to occur if the defendant committed such an offence.
78. *Subsection (9)* provides that acts of an offender committed before the section comes into force may also be considered for the purposes of determining whether an STPO may be made.