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## SCHEDULES

### SCHEDULE 5

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 2

##### AMENDMENTS RELATING TO SLAVERY AND TRAFFICKING REPARATION ORDERS

###### *Administration of Justice Act 1970 (c. 31)*

- 11 (1) The Administration of Justice Act 1970 is amended as follows.
- (2) In section 41(8) (enforcement of orders for compensation etc) for “or 13A” substitute “, [<sup>F1</sup>12B or 12C] ”.
- (3) In Part 1 of Schedule 9 (enforcement of orders for compensation etc) after paragraph [<sup>F2</sup>12B] insert—
- [<sup>F3</sup>“12C] Where under section 8 of the Modern Slavery Act 2015 a court makes a slavery and trafficking reparation order.”

#### Textual Amendments

- F1** Words in Sch. 5 para. 11(2) substituted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), regs. 1(1), **25(a)**
- F2** Word in Sch. 5 para. 11(3) substituted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), regs. 1(1), **25(b)(i)**
- F3** Word in Sch. 5 para. 11(3) substituted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), regs. 1(1), **25(b)(ii)**

#### Commencement Information

- I1** Sch. 5 para. 11 in force at 17.3.2016 by [S.I. 2016/243](#), reg. **2(a)**

###### *Criminal Justice Act 1991 (c. 53)*

- 12 (1) Section 24 of the Criminal Justice Act 1991 (recovery of fines by deduction from certain benefits) is amended as follows.
- (2) In subsection (1), for “or unlawful profit order” substitute “, an unlawful profit order or a slavery and trafficking reparation order ”.
- (3) In subsection (3)(b), for “or unlawful profit order” substitute “, an unlawful profit order or a slavery and trafficking reparation order ”.
- (4) In subsection (4), after the definition of “prescribed” insert—

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““slavery and trafficking reparation order” means an order under section 8 of the Modern Slavery Act 2015;”.

**Commencement Information**

**I2** Sch. 5 para. 12 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

*Social Security (Recovery of Benefits) Act 1997 (c. 27)*

13 In paragraph 2 of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997 (exempted payments), for “2000 or” substitute “ 2000, section 8 of the Modern Slavery Act 2015, ”.

**Commencement Information**

**I3** Sch. 5 para. 13 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

14 In section 133(3)(c) of the Powers of Criminal Courts (Sentencing) Act 2000 (review of compensation orders), for the words from “a confiscation order” to the end substitute “any or all of the following made against him in the same proceedings

- (i) a confiscation order under Part 6 of the Criminal Justice Act 1988 or Part 2 of the Proceeds of Crime Act 2002;
- (ii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;
- (iii) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015; or”.

**Commencement Information**

**I4** Sch. 5 para. 14 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

*Proceeds of Crime Act 2002 (c. 29)*

[<sup>F4</sup>15 In section 13(3A) of the Proceeds of Crime Act 2002 (effect of confiscation order on court’s other powers), after paragraph (c) insert—

“(d) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.”]

**Textual Amendments**

**F4** Sch. 5 para. 15 substituted (17.3.2016) by The Modern Slavery Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/244), regs. 1(1), 26

**Commencement Information**

**I5** Sch. 5 para. 15 in force at 17.3.2016 by S.I. 2016/243, reg. 2(b)

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16 In section 19(8) of the Proceeds of Crime Act 2002 (no order made: reconsideration of case), at the end insert “ in relation to it ”.

**Commencement Information**

**I6** Sch. 5 para. 16 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

17 In section 20(12) of the Proceeds of Crime Act 2002 (no order made: reconsideration of benefit), at the end insert “ in relation to it ”.

**Commencement Information**

**I7** Sch. 5 para. 17 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

18 In section 32(7)(b) of the Proceeds of Crime Act 2002 (court's powers on appeal) at the end insert “ in relation to it ”.

**Commencement Information**

**I8** Sch. 5 para. 18 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

19 In section 33(9)(b) of the Proceeds of Crime Act 2002 (appeal to Supreme Court) at the end insert “ in relation to it ”.

**Commencement Information**

**I9** Sch. 5 para. 19 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

PROSPECTIVE

F<sup>5</sup>20 .....

**Textual Amendments**

**F5** Sch. 5 para. 20 omitted (17.3.2016) by virtue of The Modern Slavery Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/244), regs. 1(1), 27

21 In section 308 of the Proceeds of Crime Act 2002 (general exceptions to concept of recoverable property) after subsection (4) insert—

“(4A) If—

- (a) a payment is made to a person in pursuance of a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015, and
- (b) apart from this subsection, the sum received would be recoverable property,

the property ceases to be recoverable.”

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**Commencement Information**

**I10** Sch. 5 para. 21 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

- 22 In Schedule 11 to the Proceeds of Crime Act 2002 (amendments), omit paragraph 37(3).

**Commencement Information**

**I11** Sch. 5 para. 22 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

*Courts Act 2003 (c. 39)*

- 23 (1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums imposed on conviction) is amended as follows.
- (2) In paragraph 2(2)—
- (a) omit the “and” at the end of the definition of “a sum required to be paid by a compensation order”;
  - (b) after the definition of “a sum required to be paid by an unlawful profit order” insert—
 

““a sum required to be paid by a slavery and trafficking reparation order” means any sum required to be paid by an order made under section 8 of the Modern Slavery Act 2015.”
- (3) In paragraph 7A(1) for “or an unlawful profit order” substitute “, an unlawful profit order or a slavery and trafficking reparation order ”.
- (4) In paragraph 13(1)(aa)—
- (a) for “or a sum” substitute “, a sum ”;
  - (b) after “unlawful profit order” insert “ or a sum required to be paid by a slavery and trafficking reparation order ”;
  - (c) in sub-paragraph (i) for “or the” substitute “, the ”;
  - (d) in that sub-paragraph after “unlawful profit order” insert “ or the amount required to be paid by the slavery and trafficking reparation order ”.

**Commencement Information**

**I12** Sch. 5 para. 23 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

*Criminal Justice Act 2003 (c. 44)*

- 24 In section 151(5) of the Criminal Justice Act 2003 (orders for persistent offenders previously fined) after “2013” insert “ or a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015 ”.

**Commencement Information**

**I13** Sch. 5 para. 24 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

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- 25 (1) Section 161A of the Criminal Justice Act 2003 (court's duty to order payment of surcharge) is amended as follows.
- (2) In subsection (3)—
- (a) in paragraph (a) for the words from “a” to “both” substitute “one or more of a compensation order, an unlawful profit order and a slavery and trafficking reparation order”;
  - (b) in paragraph (b) for the words from “and appropriate compensation” to the end substitute “and appropriate amounts under such of those orders as it would be appropriate to make,”.
- (3) In subsection (5) for “this section” substitute “this section —
- slavery and trafficking reparation order” means an order under section 8 of the Modern Slavery Act 2015, and”.

**Commencement Information**

**I14** Sch. 5 para. 25 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

*Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

- 26 In paragraph 1 of Schedule 10 to the Health and Social Care (Community Health and Standards) Act 2003 (recovery of NHS charges: exempted payments)—
- (a) omit “or” at the end of sub-paragraph (b);
  - (b) at the end of sub-paragraph (c) insert “or
  - (d) section 8 of the Modern Slavery Act 2015 (slavery and trafficking reparation orders).”

**Commencement Information**

**I15** Sch. 5 para. 26 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

*Prevention of Social Housing Fraud Act 2013 (c. 3)*

- 27 (1) The Prevention of Social Housing Fraud Act 2013 is amended as follows.
- (2) In section 4(12)(d) (application of Powers of Criminal Courts (Sentencing) Act 2000 to unlawful profit orders)—
- (a) for the words from “133(3)(c)” to “confiscation order or” substitute “133(3)(c)(ii) to an unlawful profit order under section 4 were to”;
  - (b) omit the second “(or both)”.
- (3) In the Schedule (amendments), omit paragraphs 2, 5(2)(a) and (3), 9, 26 and 30(2).

**Commencement Information**

**I16** Sch. 5 para. 27(1)(2) in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

**I17** Sch. 5 para. 27(3) in force at 17.3.2016 by S.I. 2016/243, reg. 2(c)

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