



# Modern Slavery Act 2015

## 2015 CHAPTER 30

### PART 1

#### OFFENCES

##### *Penalties and sentencing*

#### **10 Slavery and trafficking reparation orders: supplementary provision**

- (1) A slavery and trafficking reparation order and a compensation order under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 may not both be made in respect of the same offence.
- (2) Where the court makes a slavery and trafficking reparation order as mentioned in section 8(4), for the purposes of the following provisions the person's sentence is to be regarded as imposed or made on the day on which the order is made—
  - (a) section 18(2) of the Criminal Appeal Act 1968 (time limit for notice of appeal or application for leave to appeal);
  - (b) paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (time limit for notice of application for leave to refer a case under section 36 of that Act).
- (3) Sections 132 to 134 of the Powers of Criminal Courts (Sentencing) Act 2000 (appeals, review etc of compensation orders) apply to slavery and trafficking reparation orders as if—
  - (a) references to a compensation order were references to a slavery and trafficking reparation order;
  - (b) references to the court of trial were references to the court (within the meaning of section 8 above);
  - (c) references to injury, loss or damage were references to harm;
  - (d) the reference in section 133(3)(c)(iii) to a slavery and trafficking reparation order under section 8 above were to a compensation order under section 130 of that Act;
  - (e) in section 134 the references to service compensation orders were omitted.

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*Status: This is the original version (as it was originally enacted).*

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- (4) If under section 21 or 22 of the Proceeds of Crime Act 2002 the court varies a confiscation order so as to increase the amount required to be paid under that order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order so as to increase the amount required to be paid under the slavery and trafficking reparation order.
- (5) If under section 23 or 29 of that Act the court varies a confiscation order so as to reduce the amount required to be paid under that order, it may also—
  - (a) vary any relevant slavery and trafficking reparation order so as to reduce the amount which remains to be paid under that order;
  - (b) discharge any relevant slavery and trafficking reparation order.
- (6) If under section 24 of that Act the court discharges a confiscation order, it may also discharge any relevant slavery and trafficking reparation order.
- (7) For the purposes of subsections (5) and (6) a slavery and trafficking reparation order is relevant if it is made by virtue of the confiscation order and some or all of the amount required to be paid under it has not been paid.
- (8) If on an appeal under section 31 of the Proceeds of Crime Act 2002 the Court of Appeal—
  - (a) quashes a confiscation order, it must also quash any slavery and trafficking reparation order made by virtue of the confiscation order;
  - (b) varies a confiscation order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order;
  - (c) makes a confiscation order, it may make any slavery and trafficking reparation order that could have been made under section 8 above by virtue of the confiscation order.
- (9) If on an appeal under section 33 of that Act the Supreme Court—
  - (a) quashes a confiscation order, it must also quash any slavery and trafficking reparation order made by virtue of the confiscation order;
  - (b) varies a confiscation order, it may also vary any slavery and trafficking reparation order made by virtue of the confiscation order.
- (10) For the purposes of this section—
  - (a) a slavery and trafficking reparation order made under section 8(1) is made by virtue of the confiscation order within section 8(1)(b);
  - (b) a slavery and trafficking reparation order made under section 8(2) is made by virtue of the confiscation order within section 8(2)(a).