

STATUTORY INSTRUMENTS

2013 No. 554

The Trafficking People for Exploitation Regulations 2013

Citation, commencement and extent

1. These Regulations—
 - (a) may be cited as the Trafficking People for Exploitation Regulations 2013;
 - (b) come into force on 6th April 2013;
 - (c) extend to England and Wales.

Interpretation

- 2.—(1) In these Regulations, except in the Schedule,—
 - “the accused” means a person who is alleged to have committed, or has committed, a human trafficking offence;
 - “complainant” means a person against or in relation to whom a human trafficking offence is alleged to have been committed, or has been committed;
 - “human trafficking offence” means—
 - (a) an offence under any of sections 57 to 59A of the Sexual Offences Act 2003 ^{M1};
 - (b) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 ^{M2}; and
 - (c) [^{F1}an offence under section 2 of the Modern Slavery Act 2015.]
 - “relevant chief officer of police” means the chief officer of police for the police area in which an investigation of a human trafficking offence takes place.
- (2) In these Regulations, except in the Schedule, any reference to a human trafficking offence is to be taken to include a reference to an offence which consists of—
 - (a) attempting or conspiring to commit a human trafficking offence;
 - (b) aiding, abetting, counselling or procuring the commission of a human trafficking offence;
 - (c) an offence under Part 2 of the Serious Crime Act 2007 ^{M3} (assisting or encouraging crime) in relation to a human trafficking offence.

F1 Words in [reg. 2\(1\)](#) inserted (31.7.2015) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2015 \(S.I. 2015/1472\)](#), [regs. 1, 14](#)

Marginal Citations

- M1** [2003 c.42](#). The following amendments are relevant in relation to England and Wales: section 57 of the Sexual Offences Act 2003 was amended by section 31 of the [UK Borders Act 2007 \(c. 30\)](#); and sections 57 to 59 of the Sexual Offences Act 2003 are substituted in relation to England and Wales by section 109 of the [Protection of Freedoms Act 2012 \(c. 9\)](#).
- M2** [2004 c. 19](#). In relation to England and Wales: section 4 was amended by section 31 of the UK Borders Act 2007, by paragraph 7 of Schedule 6 to the [Human Tissue Act 2004 \(c. 30\)](#) and by section 54

of the [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#) and is amended by section 110 of the Protection of Freedoms Act 2012.

M3 [2007 c. 27.](#)

Protection of complainants in criminal investigations

3. Without prejudice to the rights of the accused, and in accordance with an individualised assessment of the personal circumstances of the complainant, the relevant chief officer of police shall ensure that the complainant receives specific treatment aimed at preventing secondary victimisation by avoiding, as far as possible, during an investigation of a human trafficking offence—

- (a) unnecessary repetition of interviews;
- (b) visual contact between the complainant and the accused, using appropriate means including communication technologies;
- (c) unnecessary questioning concerning the complainant's private life.

Protection of child complainants in criminal investigations

4.—(1) This regulation applies where the complainant is under the age of 18 and without prejudice to regulation 3.

(2) Without prejudice to the rights of the accused, during an investigation of a human trafficking offence, the relevant chief officer of police shall ensure that—

- (a) interviews with the complainant take place without unjustified delay after the facts have been reported;
- (b) interviews with the complainant take place, where necessary, in premises designed or adapted for the purpose;
- (c) interviews with the complainant are carried out, where necessary, by or through professionals trained for the purpose;
- (d) if possible and where appropriate, the same persons conduct all the interviews with the complainant;
- (e) the number of interviews with the complainant is as limited as possible and interviews are carried out only where strictly necessary for the purposes of the investigation;
- (f) the complainant may be accompanied by an adult of the complainant's choice, unless a reasoned decision has been made to the contrary in respect of that adult.

Amendments to the Youth Justice and Criminal Evidence Act 1999

5. The Schedule (which amends the Youth Justice and Criminal Evidence Act 1999^{M4}) has effect.

Marginal Citations

M4 [1999 c. 23.](#)

Review

6.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review, the Secretary of State must, so far as is reasonable, have regard to how Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA^{M5} is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Marginal Citations

M5 OJ L 101, 15.4.2011, p.1.

Home Office

Mark Harper
Minister of State

Changes to legislation:

There are currently no known outstanding effects for the The Trafficking People for Exploitation Regulations 2013.