

SCHEDULE

Article 3

Consequential modifications

Immigration Act 1971

1. In section 25C(9)(b), (10)(b) and (11) of the Immigration Act 1971 (forfeiture of vehicle, ship or aircraft), for the words from “a passenger” to the end substitute “the victim of conduct which constitutes an offence of human trafficking (see section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015).”.

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

2. Section 14(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(1) is amended as follows—

- (a) omit paragraph (n);
- (b) omit paragraph (o);
- (c) omit paragraph (p); and
- (d) after paragraph (q), insert—
 - “(r) an offence of human trafficking (see section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015).”.

Modern Slavery Act 2015

3.—(1) The Modern Slavery Act 2015(2) is amended as follows.

(2) In section 30(1) (offences)—

- (a) at the end of paragraph (e) omit the word “or”;
- (b) after paragraph (f) insert—
 - “(g) a trafficking and exploitation prevention order under section 17 or 18 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12);
 - (h) an interim trafficking and exploitation prevention order under section 24 of that Act;
 - (i) a trafficking and exploitation risk order under section 26 of that Act; or
 - (j) an interim trafficking and exploitation risk order under section 30 of that Act;”.

(3) In section 36(8) (enforcement powers in relation to ships: Scotland), for paragraphs (a) to (c) substitute—

- “(a) section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) (offence of human trafficking);
- (b) section 4 of that Act (slavery, servitude and forced or compulsory labour).”.

(4) In section 41(2) (general functions of Commissioner), for paragraphs (c) to (e) substitute—

(1) 2004 c.19; section 14 has been amended the Fraud Act 2006 (c.35), Schedule 1, paragraph 35 and Schedule 3; the Identity Documents Act 2010 (c.40), Schedule, paragraph 18; the Protection of Freedoms Act 2012 (c.9), Schedule 9, paragraph 141 (in relation to England and Wales only); the Modern Slavery Act 2015 (c.30), Schedule 5, paragraph 6 (in relation to England and Wales only); the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c.2 (N.I.)), Schedule 4, paragraph 6 (in relation to Northern Ireland only); and by S.I. 2014/3229, Schedule 5, paragraph 16.

(2) 2015 c.30.

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“(c) section 1 or 4 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) (equivalent offences in Scotland).”.

(5) In section 54(12) (transparency in supply chains etc.), for sub-paragraphs (iii) to (v) of paragraph (a) of the definition of “slavery and human trafficking” substitute—

“(iii) section 1 or 4 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) (equivalent offences in Scotland), or”.

(6) In Schedule 1, after paragraph 8 insert—

“Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12)

8A.—(1) An offence under section 1 or 4 of the Human Trafficking and Exploitation (Scotland) Act 2015 (human trafficking; slavery, servitude and forced or compulsory labour).

(2) An offence aggravated by a connection with human trafficking activity in accordance with section 5 of that Act (general aggravation of offence).”.