

Status: Point in time view as at 26/04/2013.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act (Northern Ireland) 2013, Cross Heading: Trafficking people for exploitation. (See end of Document for details)



2013 CHAPTER 7

Trafficking people for exploitation

Trafficking people for sexual exploitation

6.—(1) After section 58 of the Sexual Offences Act 2003 insert—

“58A Trafficking outside the UK for sexual exploitation

- (1) A person to whom this section applies commits an offence if—
 - (a) the person intentionally arranges or facilitates—
 - (i) the arrival in, or entry into, a country other than the United Kingdom of another person (B),
 - (ii) the departure of B from a country other than the United Kingdom, or
 - (iii) the travel of B within a country other than the United Kingdom, and
 - (b) that person either—
 - (i) intends to do anything to or in respect of B, after B's arrival, entry or departure or (as the case may be) during or after the journey but in any part of the world, which if done will involve the commission of a relevant offence, or
 - (ii) believes that another person is likely to do something to or in respect of B, after B's arrival, entry or departure or (as the case may be) during or after the journey but in any part of the world, which if done will involve the commission of a relevant offence.
- (2) This section applies to—

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- (a) a British citizen,
 - (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom,
 - (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar,
 - (d) a person who at the time of the offence was habitually resident in Northern Ireland, and
 - (e) a body incorporated under the law of a part of the United Kingdom.
- (3) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 14 years.”
- (2) In section 60(1) of that Act (“relevant offence”) omit paragraph (c).
- (3) In the Criminal Justice (Northern Ireland) Order 2008—
- (a) in Schedule 1 (serious offences) in paragraph 28 after the entry relating to section 58 insert— “ section 58A (trafficking outside the UK for sexual exploitation), or ”;
 - (b) in Part 2 of Schedule 2 (sentencing of dangerous offenders: specified sexual offences), in paragraph 13 after the entry relating to section 58 insert — “ section 58A (trafficking outside the UK for sexual exploitation), ”.

Trafficking people for other exploitation

7.—(1) Section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation) is amended as follows.

(2) In subsection (2) omit the words “in respect of whom he believes that an offence under subsection (1) may have been committed”.

(3) After subsection (3) insert—

“(3A) A person to whom this subsection applies commits an offence if—

(a) in relation to an individual (“the passenger”), that person arranges or facilitates—

(i) the arrival in, or entry into, a country other than the United Kingdom of the passenger,

(ii) travel by the passenger within a country other than the United Kingdom, or

(iii) the departure of the passenger from a country other than the United Kingdom, and

(b) that person—

(i) intends to exploit the passenger, or

(ii) believes that another person is likely to exploit the passenger,

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wherever the exploitation is to occur.”.

(4) In subsection (4) for paragraph (b) substitute—

“(b) he is encouraged, required or expected to do anything—

(i) as a result of which he or another person would commit an offence under section 32 or 33 of the Human Tissue Act 2004 as it extends to Northern Ireland; or

(ii) which, were it done in Northern Ireland, would constitute an offence within sub-paragraph (i),”.

(5) After subsection (4) insert—

“(4A) Subsections (1) to (3A) apply to anything done whether inside or outside the United Kingdom.

(4B) Subsection (3A) applies to—

(a) a British citizen,

(b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom,

(c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar,

(d) a person who at the time of the offence was habitually resident in Northern Ireland, and

(e) a body incorporated under the law of a part of the United Kingdom.”.

Trafficking offences to be triable only on indictment

8.—(1) In section 57(2) of the Sexual Offences Act 2003 (trafficking into the UK for sexual exploitation) omit paragraph (a).

(2) In section 58(2) of that Act (trafficking within the UK for sexual exploitation) omit paragraph (a).

(3) In section 59(2) of that Act (trafficking out of the UK for sexual exploitation) omit paragraph (a).

(4) In section 4(5) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation) omit paragraph (b).

(5) This section does not apply in relation to an offence committed before this section comes into operation.

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