

*These notes refer to the Human Trafficking and Exploitation
(Criminal Justice and Support for Victims) Act (Northern Ireland)
2015 (c.2) which received Royal Assent on 13 January 2015*

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 13: Duty to notify National Crime Agency about suspected victims of offences under section 1 or 2

Section 13 places a duty on specified public authorities in Northern Ireland to notify the United Kingdom Human Trafficking Centre (UKHTC) which is part of the National Crime Agency (NCA) where there is reason to believe that a person may be a victim of a human trafficking or slavery-like offence under section 1 or 2.

Subsection (2) requires the Department of Justice to issue guidance about the signs and indicators that a person may be a victim of an offence under section 1 or 2. Subsection (3) provides a power for the Department of Justice to make regulations prescribing the information that must be included in a notification to the UKHTC under subsection (1).

Subsection (4) specifies that any regulations made by the Department must provide that where the suspected victim is 18 or over, any information included in a notification to UKHTC must be anonymised, unless the person has consented to the inclusion of information that may identify them. In the case of child potential victims, this information can be provided without their consent. Subsection (5) sets out that regulations made under this section cannot require the disclosure of information in contravention of the Data Protection Act 1998.

Subsection (6) provides an Order-making power for the Department of Justice to substitute the reference to the National Crime Agency with a reference to another body or person (to be specified in the Order). This provision is intended to future-proof the Act against any possible changes to the national reporting structures. Subsection (7) provides a power for the Department of Justice to specify in regulations the public authorities to whom the duty applies.