

SCHEDULES

SCHEDULE 2

SLAVERY AND TRAFFICKING REPARATION ORDERS

Supplementary

3.—(1) A slavery and trafficking reparation order and a compensation order under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 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 paragraph 1(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 16(1) of the Criminal Appeal (Northern Ireland) Act 1980 (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) Articles 15 to 17 of the Criminal Justice (Northern Ireland) Order 1994 (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 injury, loss or damage were references to harm;
- (c) in Article 16(a) (as amended by Schedule 4) for sub-paragraph (ii) there were substituted—

“(ii) a compensation order under Article 14 of this Order; or”;

- (d) in Article 17 the references to service compensation orders or awards were omitted.

(4) If under section 171 or 172 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 173 or 179 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 174 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 sub-paragraphs (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 181 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 the Crown Court could have made if it had made the confiscation order.
- (9) If on an appeal under section 183 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 paragraph—
- (a) a slavery and trafficking reparation order made under paragraph 1(1) is made by virtue of the confiscation order within paragraph 1(1)(b);
 - (b) a slavery and trafficking reparation order made under paragraph 1(2) is made by virtue of the confiscation order within paragraph 1(2)(a).