

SCHEDULES

SCHEDULE 3

Section 11.

SLAVERY AND TRAFFICKING PREVENTION ORDERS

PART 1

MAKING AND EFFECT OF SLAVERY AND TRAFFICKING PREVENTION ORDERS

Slavery and trafficking prevention orders on dealing with defendant

1.—(1) A court may make a slavery and trafficking prevention order against a person aged 18 or over (“the defendant”) where it deals with the defendant in respect of—

- (a) a conviction for a slavery or human trafficking offence,
- (b) a finding that the defendant is not guilty of a slavery or human trafficking offence by reason of insanity, or
- (c) a finding that the defendant is unfit to plead and has done the act charged against the defendant in respect of a slavery or human trafficking offence.

(2) The court may make the order only if it is satisfied that—

- (a) there is a risk that the defendant may commit a slavery or human trafficking offence; and
- (b) it is necessary to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence.

(3) For the purposes of sub-paragraph (1), convictions and findings include those taking place before this Schedule comes into operation.

(4) In this Schedule a “slavery or human trafficking offence” means any of the following offences—

- (a) an offence under section 145 of the Nationality, Immigration and Asylum Act 2002 (trafficking for prostitution);
- (b) an offence under section 57, 58, 58A, 59 or 59A of the Sexual Offences Act 2003 (trafficking for sexual exploitation);

- (c) an offence under section 62 of that Act (committing offence with intent to commit relevant sexual offence), where the relevant sexual offence the person in question intended to commit was an offence under section 57, 58, 58A, 59 or 59A of that Act;
 - (d) an offence under section 22 of the Criminal Justice (Scotland) Act 2003 (trafficking for prostitution);
 - (e) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking for exploitation);
 - (f) an offence under section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour);
 - (g) an offence under section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (slavery, servitude and forced or compulsory labour);
 - (h) an offence under section 1, 2 or 4 of this Act;
 - (i) an offence of attempting or conspiring to commit an offence listed above;
 - (j) an offence committed by aiding, abetting, counselling, procuring or inciting the commission of an offence so listed;
 - (k) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence so listed.
- (5) The Department may by order amend sub-paragraph (4).

Slavery and trafficking prevention orders on application

2.—(1) A court of summary jurisdiction may make a slavery and trafficking prevention order against a person aged 18 or over (“the defendant”) on an application by the Chief Constable.

- (2) The court may make the order only if it is satisfied that—
 - (a) the defendant is a relevant offender (see paragraph 3), and
 - (b) since the defendant first became a relevant offender, the defendant has acted in a way which means that the condition in sub-paragraph (3) is met.
- (3) The condition is that—
 - (a) there is a risk that the defendant may commit a slavery or human trafficking offence; and
 - (b) it is necessary to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence.
- (4) The Chief Constable may make an application under this paragraph only in respect of a person—
 - (a) who lives in Northern Ireland, or

(b) who the Chief Constable believes is in, or is intending to come to, Northern Ireland.

(5) An application under this paragraph is to be made by complaint.

(6) The acts of the defendant which may be relied on for the purposes of sub-paragraph (2)(b) include acts taking place before this Schedule comes into operation.

(7) The Department may by order provide that an application under this paragraph may be made by a person or body specified in the order (as well as by the Chief Constable); and such an order may make such consequential amendments to this Schedule as the Department thinks necessary or expedient.

Meaning of “relevant offender”

3.—(1) A person is a “relevant offender” for the purposes of paragraph 2 if sub-paragraph (2) or (3) applies to the person.

(2) This sub-paragraph applies to a person if—

- (a) the person has been convicted of a slavery or human trafficking offence,
- (b) a court has made a finding that the person is not guilty of a slavery or human trafficking offence by reason of insanity,
- (c) a court has made a finding that the person is unfit to be tried and has done the act charged against the person in respect of a slavery or human trafficking offence, or
- (d) the person has been cautioned in respect of a slavery or human trafficking offence.

(3) This sub-paragraph applies to a person if, under the law of a country outside the United Kingdom—

- (a) the person has been convicted of an equivalent offence (whether or not the person has been punished for it),
- (b) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is not guilty by reason of insanity,
- (c) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is unfit to be tried and has done the act charged against the person, or
- (d) the person has been cautioned in respect of an equivalent offence.

(4) An “equivalent offence” means an act which—

- (a) constituted an offence under the law of the country concerned, and
- (b) would have constituted a slavery or human trafficking offence under the law of Northern Ireland if it had been done in Northern Ireland, or by a UK national, or as regards the United Kingdom.

(5) For the purposes of sub-paragraph (4) an act punishable under the law of a country outside the United Kingdom constitutes an offence under that law, however it is described in that law.

(6) On an application under paragraph 2 where sub-paragraph (3) is alleged to apply to the defendant, the condition in sub-paragraph (4)(b) is to be taken as met unless—

- (a) not later than provided by magistrates' court rules, the defendant serves on the Chief Constable a notice which states that in the defendant's opinion the condition is not met, shows the grounds for that opinion, and requires the Chief Constable to prove that the condition is met, or
- (b) the court permits the defendant to require the Chief Constable to prove that the condition is met without service of such a notice.

(7) References in this paragraph to convictions, findings and cautions include those taking place before this paragraph comes into operation.

Effect of slavery and trafficking prevention orders

4.—(1) A slavery and trafficking prevention order is an order prohibiting the defendant from doing anything described in the order or requiring the defendant to do anything described in the order (or both).

(2) The only prohibitions or requirements that may be included in the order are those which the court is satisfied are necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed a slavery or human trafficking offence.

(3) Subject to paragraph 5(1), a prohibition or requirement contained in a slavery and trafficking prevention order has effect—

- (a) for a fixed period, specified in the order, of at least 5 years, or
- (b) until further order.

(4) A slavery and trafficking prevention order—

- (a) may specify that some of its prohibitions or requirements have effect until further order and some for a fixed period;
- (b) may specify different periods for different prohibitions or requirements.

(5) If a court makes a slavery and trafficking prevention order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

Prohibitions on foreign travel

5.—(1) A prohibition on foreign travel contained in a slavery and trafficking prevention order must be for a fixed period of not more than 5 years.

(2) A “prohibition on foreign travel” means—

- (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
- (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
- (c) a prohibition on travelling to any country outside the United Kingdom.

(3) Sub-paragraph (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under paragraph 6.

(4) A slavery and trafficking prevention order that contains a prohibition within sub-paragraph (2)(c) must require the defendant to surrender all of the defendant’s passports at a police station specified in the order—

- (a) on or before the date when the prohibition takes effect, or
- (b) within a period specified in the order.

(5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a slavery and trafficking prevention order containing a prohibition within sub-paragraph (2)(c).

(6) Sub-paragraph (5) does not apply in relation to—

- (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
- (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.

Variation, renewal and discharge

6.—(1) A person within sub-paragraph (2) may apply to the appropriate court for an order varying, renewing or discharging a slavery and trafficking prevention order.

(2) The persons are—

- (a) the defendant;
- (b) the Chief Constable.

(3) On the application the court, after hearing—

- (a) the person making the application, and
- (b) the other person mentioned in sub-paragraph (2) (if that person wishes to be heard),

may make any order varying, renewing or discharging the slavery and trafficking prevention order that the court considers appropriate.

(4) An order may be renewed, or varied so as to impose additional prohibitions or requirements on the defendant, only if the court is satisfied that—

- (a) there is a risk that the defendant may commit a slavery or human trafficking offence; and
- (b) it is necessary to renew or vary the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence.

(5) Any renewed or varied order may contain only those prohibitions or requirements which the court is satisfied are necessary for that purpose.

(6) The court must not discharge an order before the end of 5 years beginning with the day on which the order was made, without the consent of the defendant and the Chief Constable.

(7) Sub-paragraph (6) does not apply to an order containing a prohibition on foreign travel and no other prohibitions.

(8) In this paragraph “the appropriate court” means—

- (a) where the Crown Court or the Court of Appeal made the slavery and trafficking prevention order, the Crown Court;
- (b) in any other case, a court of summary jurisdiction.

(9) An application under sub-paragraph (1) may be made—

- (a) where the appropriate court is the Crown Court, in accordance with Crown Court rules;
- (b) in any other case, by complaint.

Interim slavery and trafficking prevention orders

7.—(1) This paragraph applies where an application under paragraph 2 (“the main application”) has not been determined.

(2) An application for an interim slavery and trafficking prevention order—

- (a) may be made by the complaint by which the main application is made, or
- (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.

(3) The court may, if it considers it just to do so, make an interim slavery and trafficking prevention order.

(4) An interim slavery and trafficking prevention order is an order prohibiting the defendant from doing anything described in the order or requiring the defendant to do anything described in the order (or both).

(5) The order—

- (a) has effect only for a fixed period, specified in the order;
- (b) ceases to have effect, if it has not already done so, on the determination of the main application.

(6) The applicant or the defendant may by complaint apply to the court that made the interim slavery and trafficking prevention order for the order to be varied, renewed or discharged.

Appeals

8.—(1) A defendant may appeal against the making of a slavery and trafficking prevention order—

- (a) where the order was made under paragraph 1(1)(a), as if the order were a sentence passed on the defendant for the offence;
- (b) where the order was made under paragraph 1(1)(b) or (c), as if the defendant had been convicted of the offence and the order were a sentence passed on the defendant for that offence;
- (c) where the order was made on an application under paragraph 2, to the county court.

(2) A defendant may appeal to the county court against the making of an interim slavery and trafficking prevention order.

(3) A defendant may appeal against the making of an order under paragraph 6, or the refusal to make such an order—

- (a) where the application for such an order was made to the Crown Court, to the Court of Appeal;
- (b) in any other case, to the county court.

(4) On an appeal under sub-paragraph (1)(c), (2) or (3)(b), the county court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.

(5) Any order made by the county court on an appeal under sub-paragraph (1)(c) or (2) is for the purposes of paragraph 6(8) or 7(6) (respectively) to be treated as if it were an order of the court from which the appeal was brought.

(6) Sub-paragraph (5) does not apply to an order directing that an application be reheard by a court of summary jurisdiction.

PART 2

NOTIFICATION REQUIREMENTS

Offender subject to notification requirements

9.—(1) References in the following provisions of this Schedule to an offender subject to notification requirements are references to an offender who is for the time being subject to a slavery and trafficking prevention order or an interim slavery and trafficking prevention order which is in effect under this Schedule.

(2) Sub-paragraph (1) has effect subject to paragraph 12(7) (which excludes from paragraph 12 an offender subject to an interim slavery and trafficking prevention order).

Initial notification

10.—(1) An offender subject to notification requirements must notify the required information to the police within the period of 3 days beginning with the date on which the slavery and trafficking prevention order or the interim slavery and trafficking prevention order comes into force in relation to the offender (“the relevant date”).

(2) The “required information” is the following information about the offender—

- (a) date of birth;
- (b) national insurance number;
- (c) name on the relevant date or, if the offender used two or more names on that date, each of those names;
- (d) home address on the relevant date;
- (e) name on the date on which the notification is given or, if the offender used two or more names on that date, each of those names;
- (f) home address on the date on which the notification is given;
- (g) the address of any other premises in the United Kingdom at which on that date the offender regularly resides or stays;
- (h) any information prescribed by regulations made by the Department.

(3) When determining the period of 3 days mentioned in sub-paragraph (1), there is to be disregarded any time when the offender is—

- (a) remanded in or committed to custody by an order of a court;
- (b) serving a custodial sentence;
- (c) detained in a hospital; or
- (d) outside the United Kingdom.

- (4) In this Part “home address” means in relation to the offender—
- (a) the address of the offender’s sole or main residence in the United Kingdom, or
 - (b) if the offender has no such residence, the address or location of a place in the United Kingdom where the offender can regularly be found or, if there is more than one such place, such one of them as the offender selects.

Notification of changes

11.—(1) An offender subject to notification requirements must, within the period of 3 days beginning with the date on which any notifiable event occurs, notify to the police—

- (a) the required new information, and
 - (b) the information mentioned in paragraph 10(2).
- (2) A “notifiable event” means—
- (a) the use by the offender of a name which has not been notified to the police under paragraph 10 or this paragraph;
 - (b) any change of the offender’s home address;
 - (c) the expiry of any qualifying period during which the offender has resided or stayed at any premises in the United Kingdom the address of which has not been notified to the police under paragraph 10 or this paragraph;
 - (d) any prescribed change of circumstances; or
 - (e) the release of the offender from custody pursuant to an order of a court or from a custodial sentence or detention in a hospital.
- (3) The “required new information” is—
- (a) the name referred to in sub-paragraph (2)(a),
 - (b) the new home address (see sub-paragraph (2)(b)),
 - (c) the address of the premises referred to in sub-paragraph (2)(c),
 - (d) the prescribed details, or
 - (e) the fact that the offender has been released as mentioned in sub-paragraph (2)(e),

as the case may be.

(4) A notification under sub-paragraph (1) may be given before the notifiable event occurs, but in that case the offender must also specify the date when the event is expected to occur.

(5) If a notification is given in accordance with sub-paragraph (4) and the event to which it relates occurs more than 2 days before the date specified, the notification does not affect the duty imposed by sub-paragraph (1).

(6) If a notification is given in accordance with sub-paragraph (4) and the event to which it relates has not occurred by the end of the period of 3 days beginning with the date specified—

- (a) the notification does not affect the duty imposed by sub-paragraph (1), and
- (b) the offender must, within the period of 6 days beginning with the date specified, notify to the police the fact that the event did not occur within the period of 3 days beginning with the date specified.

(7) Paragraph 10(3) applies to the determination of—

- (a) any period of 3 days for the purposes of sub-paragraph (1), or
- (b) any period of 6 days for the purposes of sub-paragraph (6),

as it applies to the determination of the period of 3 days mentioned in paragraph 10(1).

(8) In this paragraph—

- (a) “prescribed change of circumstances” means any change—
 - (i) occurring in relation to any matter in respect of which information is required to be notified by virtue of paragraph 10(2)(h), and
 - (ii) of a description prescribed by regulations made by the Department;
- (b) “the prescribed details”, in relation to a prescribed change of circumstances, means such details of the change as may be so prescribed.

(9) In this paragraph “qualifying period” means—

- (a) a period of 7 days, or
- (b) two or more periods, in any period of 12 months, which taken together amount to 7 days.

Periodic notification

12.—(1) An offender subject to notification requirements must, within the applicable period after each notification date, notify to the police the information mentioned in paragraph 10(2), unless the offender has already given a notification under paragraph 11(1) within that period.

(2) A “notification date” means, in relation to the offender, the date of any notification given by the offender under paragraph 10(1) or 11(1) or sub-paragraph (1).

(3) Where the applicable period would (apart from this paragraph) end while sub-paragraph (4) applies, that period is to be treated as continuing until the end of the period of 3 days beginning with the date on which sub-paragraph (4) first ceases to apply.

(4) This sub-paragraph applies if the offender is—

- (a) remanded in or committed to custody by an order of a court,

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- (b) serving a custodial sentence,
 - (c) detained in a hospital, or
 - (d) outside the United Kingdom.
- (5) In this paragraph “the applicable period” means—
- (a) in any case where sub-paragraph (6) applies, such period as may be prescribed by regulations made by the Department, and
 - (b) in any other case, the period of one year.
- (6) This sub-paragraph applies if the last home address notified by the offender under paragraph 10(1) or 11(1) or sub-paragraph (1) was the address or location of such a place as is mentioned in paragraph 10(4)(b).
- (7) Nothing in this paragraph applies to an offender who is subject to an interim slavery and trafficking prevention order.

Absence from notified residence

- 13.—**(1) This paragraph applies to an offender subject to notification requirements at any time if the last home address notified by the offender under paragraph 10(1), 11(1) or 12(1) was an address in Northern Ireland such as is mentioned in paragraph 10(4)(a) (sole or main residence).
- (2) If the offender intends to be absent from that home address for a period of more than 3 days (“the relevant period”), the offender must, not less than 12 hours before leaving that home address, notify to the police the information set out in sub-paragraph (3).
- (3) The information is—
- (a) the date on which the offender will leave that home address;
 - (b) such details as the offender holds about—
 - (i) the offender’s travel arrangements during the relevant period;
 - (ii) the offender’s accommodation arrangements during that period;
 - (iii) the offender’s date of return to that address.
- (4) In this paragraph—
- “travel arrangements” include, in particular, the means of transport to be used and the dates of travel,
- “accommodation arrangements” include, in particular, the address of any accommodation at which the relevant offender will spend the night during the relevant period and the nature of that accommodation.
- (5) Where—
- (a) an offender has given a notification under sub-paragraph (2), and

- (b) at any time before that mentioned in that sub-paragraph, the information notified becomes inaccurate or incomplete,

the offender must give a further notification under sub-paragraph (2).

- (6) Where an offender—

- (a) has notified a date of return to the offender's home address, but

- (b) returns to that home address on a date other than that notified,

the offender must notify the date of the offender's actual return to the police within 3 days of the actual return.

(7) Nothing in this paragraph requires an offender to notify any information which falls to be notified in accordance with a requirement imposed by regulations under paragraph 14.

(8) In calculating the relevant period for the purposes of this paragraph there is to be disregarded—

- (a) any period or periods which the offender intends to spend at, or travelling directly to or from, an address of the kind mentioned in paragraph 10(2) (g) notified to the police under paragraph 10(1), 11(1) or 12(1);

- (b) any period or periods which the offender intends to spend at, or travelling directly to or from, any premises, if his stay at those premises would give rise to a requirement to notify the address of those premises under paragraph 11(2)(c).

Travel outside the United Kingdom

14.—(1) The Department may by regulations make provision with respect to offenders subject to notification requirements, or any description of such offenders—

- (a) requiring such persons, before they leave the United Kingdom, to give in accordance with the regulations a notification under sub-paragraph (2);

- (b) requiring such persons, if they subsequently return to the United Kingdom, to give in accordance with the regulations a notification under sub-paragraph (3).

(2) A notification under this paragraph must disclose—

- (a) the date on which the offender proposes to leave the United Kingdom;

- (b) the country (or, if there is more than one, the first country) to which the offender proposes to travel and the proposed point of arrival (determined in accordance with the regulations) in that country;

- (c) any other information prescribed by the regulations which the offender holds about the offender's departure from or return to the United Kingdom, or about the offender's movements while outside the United Kingdom.

(3) A notification under this sub-paragraph must disclose any information prescribed by the regulations about the offender's return to the United Kingdom.

Method of notification and related matters

15.—(1) An offender gives a notification to the police under paragraph 10(1), 11(1), 12(1) or 13(2) or (6) by—

- (a) attending at any police station in Northern Ireland prescribed by regulations under section 87(1)(a) of the Sexual Offences Act 2003, and
- (b) giving an oral notification to any police officer, or to any person authorised for the purpose by the officer in charge of the station.

(2) Any notification given in accordance with this paragraph must be acknowledged; and the acknowledgement must be—

- (a) in writing, and
- (b) in such form as the Department may direct.

(3) Where a notification is given under paragraph 10(1), 11(1), 12(1) or 13(2) or (6), the offender must, if requested to do so by the police officer or other person mentioned in sub-paragraph (1)(b), allow that officer or person to—

- (a) take the offender's fingerprints,
- (b) photograph any part of the offender, or
- (c) do both of those things,

in order to verify the offender's identity.

(4) Fingerprints taken from a person under this paragraph (and any copies of those fingerprints) must be destroyed no later than the date on which the offender ceases to be subject to notification requirements.

(5) Photographs taken of any part of the offender under this paragraph (and any copies of such photographs) must be destroyed no later than the date on which the offender ceases to be subject to notification requirements.

(6) In this paragraph "photograph" includes any process by means of which an image may be produced.

PART 3

SUPPLEMENTARY

Offences

16.—(1) A person who, without reasonable excuse, fails to comply with any prohibition or requirement contained in—

- (a) a slavery and trafficking prevention order, or
 - (b) an interim slavery and trafficking prevention order,commits an offence.
- (2) A person who, without reasonable excuse, fails to comply with—
 - (a) paragraph 10(1), 11(1) or (6)(b), 12(1), 13(2) or (6) or 15(3), or
 - (b) any requirement imposed by regulations made under paragraph 14(1),commits an offence.
- (3) A person who notifies to the police, in purported compliance with—
 - (a) paragraph 10(1), 11(1), 12(1) or 13(2) or (6), or
 - (b) any requirement imposed by regulations made under paragraph 14(1),any information which the person knows to be false, commits an offence.
- (4) As regards an offence under sub-paragraph (2), so far as it relates to non-compliance with—
 - (a) paragraph 10(1), 11(1), 12(1) or 13(2) or (6), or
 - (b) any requirement imposed by regulations made under paragraph 14(1),a person commits such an offence on the first day on which the person first fails, without reasonable excuse, to comply with the provision mentioned in paragraph (a) or (as the case may be) the requirement mentioned in paragraph (b), and continues to commit it throughout any period during which the failure continues.
- (5) But a person must not be prosecuted under sub-paragraph (2) more than once in respect of the same failure.
- (6) A person guilty of an offence under this paragraph is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years;
 - (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.
- (7) Where a person is convicted of an offence under this paragraph, it is not open to the court by or before which the person is convicted to make an order for conditional discharge in respect of the offence.

Cross-border enforcement within UK

- 17.—**(1) The Department may by order amend paragraph 16(1) so as to add to or remove from the list of orders in that paragraph any relevant UK order.
- (2) “Relevant UK order” means an order under the law of Scotland or England and Wales which appears to the Department to be equivalent or similar to—
 - (a) a slavery and trafficking prevention order,

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- (b) an interim slavery and trafficking prevention order.

Supply of information to relevant Northern Ireland departments, Secretary of State, etc.

18.—(1) This paragraph applies to information notified to the police under paragraph 10(1), 11(1) or 12(1).

(2) The Chief Constable may, for the purposes of the prevention, detection, investigation or prosecution of offences under this Schedule, supply information to which this paragraph applies to—

- (a) a relevant Northern Ireland department,
- (b) the Secretary of State,
- (c) a person providing services to a relevant Northern Ireland department or the Secretary of State in connection with a relevant function,

for use for the purpose of verifying the information.

(3) In relation to information supplied to any person under sub-paragraph (2), the reference to verifying the information is a reference to—

- (a) checking its accuracy by comparing it with information held—
 - (i) in the case of a relevant Northern Ireland department or the Secretary of State by that department or the Secretary of State in connection with the exercise of a relevant function, or
 - (ii) in the case of a person within sub-paragraph (2)(c), by that person in connection with the provision of services as mentioned there, and

- (b) compiling a report of that comparison.

(4) Subject to sub-paragraph (5), the supply of information under this paragraph is to be taken not to breach any restriction on the disclosure of information (however arising).

(5) This paragraph does not authorise the doing of anything that contravenes the Data Protection Act 1998.

(6) This paragraph does not affect any power to supply information that exists apart from this paragraph.

(7) In this paragraph—

“relevant Northern Ireland department” means the Department for Employment and Learning, the Department of the Environment, the Department of Health, Social Services and Public Safety or the Department for Social Development;

“relevant function” means—

- (a) in relation to the Department for Employment and Learning, a function relating to employment or training,

- (b) in relation to the Department of the Environment, a function under Part 2 of the Road Traffic (Northern Ireland) Order 1981;
- (c) in relation to the Department of Health, Social Services and Public Safety, a function relating to health or social care;
- (d) in relation to the Department for Social Development, a function relating to social security or child support;
- (e) in relation to the Secretary of State, a function relating to passports or the Gangmasters Licensing Authority.

*Supply of information by relevant Northern
Ireland departments, Secretary of State, etc.*

19.—(1) A report compiled under paragraph 18 may be supplied to the Chief Constable by—

- (a) the relevant Northern Ireland department,
- (b) the Secretary of State, or
- (c) a person within paragraph 18(2)(c).

(2) Such a report may contain any information held—

- (a) by the relevant Northern Ireland department or the Secretary of State in connection with the exercise of a relevant function, or
- (b) by a person within paragraph 18(2)(c) in connection with the provision of services as mentioned there.

(3) Where such a report contains information within sub-paragraph (2), the Chief Constable—

- (a) may, subject to sub-paragraph (4), retain the information, whether or not used for the purposes of the prevention, detection, investigation or prosecution of offences under this Part, and
- (b) may use the information for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.

(4) The information must be destroyed no later than the date on which the offender ceases to be subject to notification requirements.

(5) Sub-paragraphs (4) to (7) of paragraph 18 apply in relation to this paragraph as they apply in relation to paragraph 18.

Information about release or transfer of offender

20.—(1) This paragraph applies to an offender subject to notification requirements who is—

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- (a) serving a custodial sentence; or
 - (b) detained in a hospital.
- (2) The Department may by regulations make provision requiring the person who is responsible for such an offender to give notice to specified persons—
- (a) of the fact that that person has become responsible for the offender; and
 - (b) of any occasion when—
 - (i) the offender is released, or
 - (ii) a different person is to become responsible for the offender.
- (3) In sub-paragraph (2) “specified persons” means persons specified, or of a description specified, in the regulations.
- (4) The regulations may make provision for determining who is to be taken for the purposes of this paragraph as being responsible for an offender.

Power of entry and search of offender’s home address

- 21.—**(1) If, on an application made by a police officer of the rank of superintendent or above, a lay magistrate is satisfied that the requirements in sub-paragraph (2) are met in relation to any premises, the lay magistrate may issue a warrant authorising a constable—
- (a) to enter the premises for the purpose of assessing the risks posed by the offender subject to notification requirements to whom the warrant relates; and
 - (b) to search the premises for that purpose.
- (2) The requirements are—
- (a) that the address of each set of premises specified in the application is an address falling within sub-paragraph (3);
 - (b) that the offender is not one to whom sub-paragraph (4) applies;
 - (c) that it is necessary for a constable to enter and search the premises for the purpose mentioned in sub-paragraph (1)(a); and
 - (d) that on at least two occasions a constable has sought entry to the premises in order to search them for that purpose and has been unable to obtain entry for that purpose.
- (3) An address falls within this sub-paragraph if—
- (a) it is the address which was last notified in accordance with this Schedule by the offender to the police as the offender’s home address; or
 - (b) there are reasonable grounds to believe that the offender resides there or may regularly be found there.
- (4) This sub-paragraph applies to an offender if the offender is—

- (a) remanded in or committed to custody by order of a court;
- (b) serving a custodial sentence;
- (c) detained in a hospital; or
- (d) outside the United Kingdom.

(5) A warrant issued under this paragraph must specify the one or more sets of premises to which it relates.

(6) The warrant may authorise the constable executing it to use reasonable force if necessary to enter and search the premises.

(7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the lay magistrate is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose mentioned in sub-paragraph (1)(a).

(8) Where a warrant issued under this paragraph authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.

(9) In this paragraph a reference to the offender subject to notification requirements to whom the warrant relates is a reference to the offender—

- (a) who has in accordance with this Schedule notified the police that the premises specified in the warrant are the offender's home address; or
- (b) in respect of whom there are reasonable grounds to believe that the offender resides there or may regularly be found there.

Guidance

22.—(1) The Department must issue guidance to the Chief Constable in relation to the exercise of the powers of the Chief Constable under this Schedule.

(2) The Department may, from time to time, revise the guidance issued under sub-paragraph (1).

(3) The Department must arrange for any guidance issued or revised under this paragraph to be published in a way the Department considers appropriate.

Interpretation of this Schedule

23.—(1) In this Schedule—

“cautioned” means cautioned after the person concerned has admitted the offence;

“custodial sentence” means—

- (a) a sentence of imprisonment,
- (b) a sentence of detention in a young offenders centre;

Status: This is the original version (as it was originally enacted).

- (c) a sentence of detention under Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008;
 - (d) a sentence of detention under Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998;
 - (e) an order under Article 39A of that Order sending the offender to a juvenile justice centre;
 - (f) any other sentence under which a person is detained in custody;
- “detained in a hospital” means detained in a hospital under Part 3 of the Mental Health (Northern Ireland) Order 1986;
- “home address” has the meaning given by paragraph 10(4);
- “interim slavery and trafficking prevention order” means an order under paragraph 7;
- “slavery and trafficking prevention order” means an order under paragraph 1 or 2;
- “slavery or human trafficking offence” has the meaning given by paragraph 1(4).
- (2) In this Schedule “passport” means—
- (a) United Kingdom passport within the meaning of the Immigration Act 1971;
 - (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation;
 - (c) a document that can be used (in some or all circumstances) instead of a passport.
- (3) In this Schedule a reference to a conviction includes a conviction for an offence in respect of which an order for conditional discharge is made, despite—
- (a) Article 6(1) of the Criminal Justice (Northern Ireland) Order 1996 (conviction with conditional discharge deemed not to be a conviction), or
 - (b) section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (equivalent provision for England and Wales).
- (4) Sub-paragraph (3) applies only to convictions after this Schedule comes into operation.
- (5) In this Schedule a reference to a conviction includes a finding of a court in summary proceedings that the accused did the act charged, where the court makes an order under—
- (a) Article 44(4) of the Mental Health (Northern Ireland) Order 1986;
 - (b) section 37(3) of the Mental Health Act 1983, or
 - (c) section 58(3) of the Criminal Procedure (Scotland) Act 1995, (hospital and guardianship orders).

(6) In relation to an offence under the law of Scotland, a reference in this Schedule to a person being found not guilty by reason of insanity is to be treated as a reference to a person being acquitted by reason of the special defence in section 51A of the Criminal Procedure (Scotland) Act 1995.

(7) References in this Schedule to an offender subject to notification requirements are to be read in accordance with paragraph 9.

(8) In this Schedule, a reference to a finding that a person is unfit to be tried and has done the act charged against the person in respect of an offence includes a finding that a person is under a disability or insane and has done the act charged against the person in respect of an offence.

(9) A person's age is to be treated for the purposes of this Schedule as being that which it appears to the court to be after considering any available evidence.