

SCHEDULES

SCHEDULE 3

SLAVERY AND TRAFFICKING PREVENTION ORDERS

PART 1

MAKING AND EFFECT OF SLAVERY AND TRAFFICKING PREVENTION ORDERS

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.