
Changes to legislation: There are currently no known outstanding effects for the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 26.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO OFFENCES UNDER SECTION 1 OR 2

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

1 In Schedule 1 (offences against children and young persons to which special provisions of the Act apply) at the end add— “ An offence against a child or young person under section 1 or 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 or any attempt to commit such an offence. ”.

The Immigration Act 1971 (c. 77)

2 In section 25C (forfeiture of vehicle, ship or aircraft) in subsections (9)(b), (10)(b) and (11) for the words from “a passenger” to the end substitute “ the victim of conduct which constitutes an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 ”.

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

3 In Article 53A(2) (questioning and treatment of persons by police: meaning of “qualifying offence”) at the end add—

“(t) an offence under section 1 or 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.”.

The Sexual Offences (Amendment) Act 1992 (c. 3)

4 In section 2(3) (offences under law of Northern Ireland to which the Act applies)—

(a) after paragraph (hb) insert—

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“(hc) any offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;”;

(b) in paragraph (i) for “(hb)” substitute “ (hc) ”.

The Sexual Offences Act 2003 (c. 42)

5 In Schedule 5 (relevant offences for purposes of notification and orders) after paragraph 171B insert—

“171C An offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015”

The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

6 In section 14(2) (immigration officers' power of arrest) after paragraph (q) insert—

“(r) an offence under section 1 or 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015”

The Serious Crime Act 2007 (c. 27)

7 In paragraph 18 of Part 2 of Schedule 1 (serious offences in Northern Ireland) at the end add—

“(4) An offence under section 1 or 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015”

The Sexual Offences (Northern Ireland) Order 2008 (NI 2)

8.—(1) In Article 22(2)(b) (meeting child following sexual grooming, etc.) for paragraph (ii) substitute—

“(ii) an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation), or”.

(2) In Article 58(7) for “Articles 59 to 60” substitute “ Article 60 ”.

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PART 2

AMENDMENTS RELATING TO SLAVERY AND TRAFFICKING REPARATION ORDERS

The Criminal Justice (Northern Ireland) Order 1994 (NI 15)

9 In Article 16(a) (review of compensation orders) for the words from “a confiscation order” to the end substitute “either or both of the following made against him in the same proceedings—

- (i) a confiscation order under Part 4 of the Proceeds of Crime Act 2002;
- (ii) a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015; or”.

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12)

10 In paragraph 2 of Schedule 1 (exempted payments) for “1994 or” substitute “1994, Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 or ”.

The Criminal Justice (Northern Ireland) Order 1996 (NI 24)

11 In Article 4(5) (absolute and conditional discharge) at the end insert “ or a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. ”

12 In Article 13(11) (community service order) at the end insert “ or a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. ”

The Proceeds of Crime Act 2002 (c. 29)

13.—(1) Section 163 (effect of confiscation order on court's other powers) is amended as follows.

(2) In subsection (3)(a) at the end add “ or an order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (slavery and trafficking reparation orders) ”.

(3) In subsection (5)—

- (a) in paragraph (a) for “both a confiscation order and” substitute “ a confiscation order and one or both of ” and after “1994 (SI 1994/2795 (N.I. 15)” insert “ and a slavery and trafficking reparation order under

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Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, ”;

(b) in paragraph (b) for “both the orders” substitute “ all the orders ”.

(4) In subsection (6) (priorities of confiscation orders and other orders) for the words from “of the compensation” to “as it specifies” substitute “ as it specifies of the amount (or amounts) payable under the other order (or orders) mentioned in subsection (5)(a) ”.

14 In section 182(7)(b) (court's powers on appeal) at the end insert “ so far as they relate to such orders ”.

15 In section 183(9)(b) (appeal to Supreme Court) at the end insert “ so far as they relate to such orders ”.

16 In section 205(5) (application of sums received under confiscation order to pay compensation) for the words “of compensation” substitute “ payable under any other order (or orders) ”.

17 In section 308 (general exceptions to concept of recoverable property) after subsection (4) insert—

“(4A) If—

(a) a payment is made to a person in pursuance of a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, and

(b) apart from this subsection, the sum received would be recoverable property,

the property ceases to be recoverable.”.

The Recovery of Health Service Charges (Northern Ireland) Order 2006 (NI 13)

18 In paragraph 1 of Schedule 1 (recovery of health care charges: exemptions)—

(a) omit “or” at the end of sub-paragraph (b);

(b) after sub-paragraph (c) insert—

“(d) Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (slavery and trafficking reparation orders).”.

The Justice (Northern Ireland) Act 2012 (c. 24)

19 In section 1(5) (offender levy) after “1994 (NI 15)” insert “ or an order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 or both ” and for “appropriate

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compensation” substitute “ and appropriate amounts under such of those orders as it would be appropriate to make ”.

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