



2015 CHAPTER 2

PART 3

ASSISTANCE AND SUPPORT

Assistance and support pending determination by competent authority

18.—(1) The Department must ensure that a person to whom this section applies is provided with assistance and support in accordance with this section.

(2) This section applies to a person if—

- (a) that person is aged 18 or over or, in a case where the age of the person is uncertain, the Department reasonably believes that person is aged 18 or over; and
- (b) a reference relating to that person has been, or is about to be, made to the competent authority for a determination for the purposes of Article 10 of the Trafficking Convention as to whether there are reasonable grounds to believe that the person is a [F1qualifying victim] .

(3) Assistance and support is to be provided under this section until there is made in relation to that person—

- (a) a determination that there are not reasonable grounds to believe that the person is a [F1qualifying victim] ; or
- (b) a conclusive determination that the person is or is not a [F1qualifying victim] ;

but if a conclusive determination that a person is a [F1qualifying victim] is made within the relevant period, assistance and support is to be provided until the end of that period.

Changes to legislation: Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, Section 18 is up to date with all changes known to be in force on or before 30 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(4) The relevant period is the period of 45 days [^{F2}, or such longer period as the Department thinks necessary,] from the date on which the determination mentioned in subsection (2)(b) is made by the competent authority.

(5) Assistance and support provided to a person under this section—

- (a) must not be conditional on the person's acting as a witness in any criminal proceedings;
- (b) must only be provided with the agreement of that person;
- (c) must be provided in a manner which takes due account of the needs of that person as regards safety and protection from harm;
- (d) must be provided to meet the assessed needs of that person, having regard in particular to any special needs or vulnerabilities of that person caused by gender, pregnancy, physical or mental illness, disability or being the victim of serious violence or serious abuse.

(6) Assistance and support under this section must be offered from a person who is of the same gender as the person receiving it.

(7) The assistance and support which may be provided under this section includes, but is not to be restricted to, the provision of—

- (a) appropriate and safe accommodation;
- (b) material assistance (including financial assistance);
- (c) assistance in obtaining healthcare services (including counselling);
- (d) appropriate information on any matter of relevance or potential relevance to the particular circumstances of the person;
- (e) translation and interpretation services;
- (f) assistance in obtaining legal advice or representation;
- (g) assistance with repatriation.

(8) Where assistance and support has been provided to any person under this section, it may continue to be provided even if that person leaves Northern Ireland.

(9) Where—

- (a) assistance and support has been provided to a person under this section; and
- (b) that person ceases, by virtue of a conclusive determination that the person is a [^{F1}qualifying victim] or the ending of the relevant period, to be a person to whom assistance and support is to be provided under this section,

the Department may nevertheless ensure that assistance and support continues to be provided to that person under this section for such further period [^{F3}of up to 12 months, or longer than 12 months,] as the Department thinks necessary.

Changes to legislation: *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, Section 18 is up to date with all changes known to be in force on or before 30 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(10) Nothing in this section affects the entitlement of any person to assistance and support under any other statutory provision.

[^{F4}(11) In this section, “qualifying victim” means—

- (a) a victim of trafficking in human beings, or
- (b) a victim of—
 - (i) slavery or servitude, or
 - (ii) forced or compulsory labour.]

Textual Amendments

- F1** Words in s. 18 substituted (28.4.2022) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\), ss. 21\(3\)\(a\), 30\(1\)\(a\)](#)
- F2** Words in s. 18(4) inserted (28.4.2022) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\), ss. 21\(3\)\(b\), 30\(1\)\(a\)](#)
- F3** Words in s. 18(9) inserted (28.4.2022) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\), ss. 21\(3\)\(c\), 30\(1\)\(a\)](#)
- F4** S. 18(11) inserted (28.4.2022) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\), ss. 21\(3\)\(d\), 30\(1\)\(a\)](#)

Changes to legislation:

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, Section 18 is up to date with all changes known to be in force on or before 30 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 18 restricted by [2023 c. 37 s. 25\(2\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(10A) inserted by [2023 c. 37 s. 28\(5\)](#)