



# Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

## 2004 CHAPTER 19

### *Offences*

#### **4 Trafficking people for exploitation**

[<sup>F3</sup>(1A) A person (“A”) commits an offence if A intentionally arranges or facilitates—

- (a) the arrival in, or entry into, the United Kingdom or another country of another person (“B”),
- (b) the travel of B within the United Kingdom or another country, or
- (c) the departure of B from the United Kingdom or another country,

with a view to the exploitation of B.]

[<sup>F3</sup>(1B) For the purposes of subsection (1A)(a) and (c) A's arranging or facilitating is with a view to the exploitation of B if (and only if)—

- (a) A intends to exploit B, after B's arrival, entry or (as the case may be) departure but in any part of the world, or
- (b) A believes that another person is likely to exploit B, after B's arrival, entry or (as the case may be) departure but in any part of the world.]

[<sup>F3</sup>(1C) For the purposes of subsection (1A)(b) A's arranging or facilitating is with a view to the exploitation of B if (and only if)—

- (a) A intends to exploit B, during or after the journey and in any part of the world, or
- (b) A believes that another person is likely to exploit B, during or after the journey and in any part of the world.]

[<sup>F8</sup>(3A) A person to whom section 5(2) applies commits an offence if—

- (a) in relation to an individual (the “passenger”), he arranges or facilitates—
  - (i) the arrival in or the entry into a country other than the United Kingdom of the passenger,

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- (ii) travel by the passenger within a country other than the United Kingdom,
- (iii) the departure of the passenger from a country other than the United Kingdom, and
- (b) he—
  - (i) intends to exploit the passenger, or
  - (ii) believes that another person is likely to exploit the passenger, (wherever the exploitation is to occur).]

[<sup>F9</sup>(3A) A person to whom section 5(2) applies commits an offence if—

- (a) in relation to an individual (the “passenger”), he arranges or facilitates—
  - (i) the arrival in or the entry into a country other than the United Kingdom of the passenger,
  - (ii) travel by the passenger within a country other than the United Kingdom,
  - (iii) the departure of the passenger from a country other than the United Kingdom, and
- (b) he—
  - (i) intends to exploit the passenger, or
  - (ii) believes that another person is likely to exploit the passenger, (wherever the exploitation is to occur).]

(4) For the purposes of this section a person is exploited if (and only if)—

- (a) he is the victim of behaviour that contravenes Article 4 of the Human Rights Convention (slavery and forced labour),
- (b) he is encouraged, required or expected to do anything
  - [<sup>F10</sup>(i)] as a result of which he or another person would commit an offence <sup>F11</sup> ... [<sup>F12</sup> under section 32 or 33 of the Human Tissue Act 2004 ] [<sup>F13</sup> as it has effect in the law of England and Wales [<sup>F14</sup> or ] ,
  - (ii) which, were it done in England and Wales, would constitute an offence within sub-paragraph (i),]
- [<sup>F15</sup>(b) he is encouraged, required or expected to do anything—
  - (i) as a result of which he or another person would commit an offence under section 32 or 33 of the Human Tissue Act 2004 as it extends to Northern Ireland; or
  - (ii) which, were it done in Northern Ireland, would constitute an offence within sub-paragraph (i),]
- [<sup>F19</sup>(ba) he is encouraged, required or expected to do anything in connection with the removal of any part of a human body—
  - (i) as a result of which he or another person would commit an offence under the law of Scotland (other than an offence mentioned in paragraph (b)(i)), or
  - (ii) which, were it done in Scotland, would constitute such an offence,]
- (c) he is subjected to force, threats or deception designed to induce him—
  - (i) to provide services of any kind,
  - (ii) to provide another person with benefits of any kind, or
  - (iii) to enable another person to acquire benefits of any kind, or

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<sup>F20</sup><sup>F21</sup>(d) a person uses or attempts to use him for any purpose within sub-paragraph (i), (ii) or (iii) of paragraph (c), having chosen him for that purpose on the grounds that—

- (i) he is mentally or physically ill or disabled, he is young or he has a family relationship with a person, and
- (ii) a person without the illness, disability, youth or family relationship would be likely to refuse to be used for that purpose.]

<sup>F22</sup>(4A) A person who is a UK national commits an offence under this section regardless of—

- (a) where the arranging or facilitating takes place, or
- (b) which country is the country of arrival, entry, travel or (as the case may be) departure.

(4B) A person who is not a UK national commits an offence under this section if—

- (a) any part of the arranging or facilitating takes place in the United Kingdom, or
- (b) the United Kingdom is the country of arrival, entry, travel or (as the case may be) departure.]

<sup>F23</sup>(4A) Subsections (1) to (3A) apply to anything done whether inside or outside the United Kingdom]

<sup>F23</sup>(4B) Subsection (3A) applies to—

- (a) a British citizen,
- (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom,
- (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar,
- (d) a person who at the time of the offence was habitually resident in Northern Ireland, and
- (e) a body incorporated under the law of a part of the United Kingdom.]

(5) A person guilty of an offence under this section shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 14 years, to a fine or to both, or
- (b) <sup>F24</sup>on summary conviction, to imprisonment for a term not exceeding twelve months, to a fine not exceeding the statutory maximum or to both.]]]

#### Textual Amendments

- F1** S. 4 repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), **Sch. 5**
- F2** S. 4 omitted (E.W.) (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 6(2)**; S.I. 2015/1476, reg. 2(j) (with regs. 3, 6-8)
- F3** S. 4(1A)-(1C) substituted for s. 4(1)-(3) (E.W.) (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 110(2), 120** (with s. 97); S.I. 2013/470, art. 2(b) (with arts. 3(a)4-8)
- F4** Words in s. 4(1) inserted (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 46(2)(a)**, 206(1); S.S.I. 2011/178, art. 2, sch.
- F5** Words in s. 4(1) inserted (E.W. N.I.) (31.1.2008) by [UK Borders Act 2007 \(c. 30\)](#), **ss. 31(1)**, 59(2); S.I. 2008/99, art. 2(1)
- F6** Words in s. 4(2) repealed (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 46(2)(b)**, 206(1); S.S.I. 2011/178, art. 2, sch.

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- F7** Words in s. 4(2) repealed (N.I.) (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), ss. 7(2), 15(1), **Sch. 4 Pt. 2**
- F8** S. 4(3A) inserted (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 46(2)(c), 206(1); S.S.I. 2011/178, art. 2, sch.
- F9** S. 4(3A) inserted (N.I.) (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), ss. 7(3), 15(1)
- F10** Words in s. 4(4)(b)(i) in s. 4(4)(b) renumbered as s. 4(4)(b)(i) (E.W.) (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 110(3)(b), 120 (with s. 97); S.I. 2013/470, art. 2(b) (with arts. 3(a)4-8)
- F11** Words in s. 4(4)(b) repealed (E.W.) (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 110(3)(a)(i), 120, **Sch. 10 Pt. 9** (with s. 97); S.I. 2013/470, art. 2(b) (with arts. 3(a)4-8)
- F12** Words in s. 4 substituted (20.10.2005) by [Human Tissue Act 2004 \(c. 30\)](#), s. 60(2), **Sch. 6 para. 7** (with s. 58); S.I. 2005/2792, art. 2(2)(i) (with art. 3(1)(a))
- F13** Words in s. 4(4)(b) inserted (E.W.) (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 110(3)(a)(ii), 120 (with s. 97); S.I. 2013/470, art. 2(b) (with arts. 3(a)4-8)
- F14** S. 4(4)(b)(ii) and word inserted (E.W.) (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 110(3)(c), 120 (with s. 97); S.I. 2013/470, art. 2(b) (with arts. 3(a)4-8)
- F15** S. 4(4)(b) substituted (N.I.) (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), ss. 7(4), 15(1)
- F16** Words in s. 4(4)(b) renumbered as s. 4(4)(b)(i) (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 46(2)(d)(i), 206(1); S.S.I. 2011/178, art. 2, sch.
- F17** Words in s. 4(4)(b) substituted (S.) (24.6.2008) by [Human Tissue \(Scotland\) Act 2006 \(Consequential Amendment\) Order 2008 \(S.S.I. 2008/259\)](#), arts. 1(1), 2
- F18** S. 4(4)(b)(ii) and word inserted (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 46(2)(d)(ii), 206(1); S.S.I. 2011/178, art. 2, sch.
- F19** S. 4(4)(ba) inserted (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 46(2)(d)(iii), 206(1); S.S.I. 2011/178, art. 2, sch.
- F20** S. 4(4)(d) substituted (S.) (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 46(2)(d)(iv), 206(1); S.S.I. 2011/178, art. 2, sch.
- F21** S. 4(4)(d) substituted (10.11.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), ss. 54, 58(4)(b); S.I. 2009/2731, art. 3(b)
- F22** S. 4(4A)(4B) inserted (E.W.) (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 110(4), 120 (with s. 97); S.I. 2013/470, art. 2(b) (with arts. 3(a)4-8)
- F23** S. 4(4A)(4B) inserted (N.I.) (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), ss. 7(5), 15(1)
- F24** S. 4(5)(b) repealed (N.I.) (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), ss. 8(4), 15(1), **Sch. 4 Pt. 2** (with s. 8(5))

#### Commencement Information

- I1** S. 4 in force at 1.12.2004 for S. by S.S.I. 2004/494, unnumbered provision
- I2** S. 4 in force at 1.12.2004 for E.W.N.I. by S.I. 2004/2999, art. 2, **Sch.**

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