

CORONERS AND JUSTICE ACT 2009

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 2 - Criminal offences

Chapter 3: Other offences

Section 71: Slavery, servitude and forced or compulsory labour

403. **Section 71** creates a new offence in England and Wales and Northern Ireland of holding someone in slavery or servitude, or requiring a person to perform forced or compulsory labour. **Subsection (1)** creates the new offence.
404. **Subsection (2)** requires subsection (1) to be interpreted in accordance with Article 4 of the ECHR. Article 4 of the ECHR states:
- 1 No one shall be held in slavery or servitude.
 - 2 No one shall be required to perform forced or compulsory labour.
 - 3 For the purpose of this Article the term “forced or compulsory labour” shall not include:
 - (a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
 - (b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
 - (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
 - (d) any work or service which forms part of normal civic obligations.
405. In England and Wales and Northern Ireland on conviction on indictment the maximum sentence for the new offence is imprisonment for 14 years.
406. The maximum sentence on summary conviction for the offence in England and Wales is six months’ imprisonment. On the commencement of section 154(1) of the 2003 Act, the maximum sentence on summary conviction in England and Wales will rise to 12 months. The maximum custodial penalty on summary conviction in Northern Ireland is six months.