

# MODERN SLAVERY ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1: Offences

#### *Section 3: Meaning of exploitation*

30. The section 2 offence is arranging or facilitating travel with a view to the victim's exploitation. This section sets out the meaning of exploitation for the purposes of section 2.
31. *Subsection (2)* sets out that exploitation includes slavery, servitude and forced or compulsory labour by reference to the offence under section 1. Equivalent conduct outside England and Wales also comes within this definition.
32. *Subsection (3)* sets out that exploitation includes sexual exploitation by reference to conduct which would constitute the commission of an offence of taking, or permitting to take, indecent photographs of children or any of the sexual offences provided for in Part 1 of the Sexual Offences Act 2003 (these include offences relating to rape, sexual assault, prostitution and child pornography). *Section 3(3)(b)* ensures that equivalent conduct committed outside England and Wales also comes within the definition even though for jurisdictional reasons it would not be an offence under English law.
33. *Subsection (4)* sets out that exploitation includes exploitation in the context of trafficking for organ removal or for the sale of human tissue by references to offences in the Human Tissue Act 2004. Again, equivalent conduct outside England and Wales is within the definition.
34. *Subsection (5)* sets out that exploitation includes all other types of exploitation where a person is subject to force, threats or deception which is designed to induce him into providing a service of any kind, providing a person with benefits or enabling another to acquire benefits. This would include forcing a person to engage in activities such as begging or shop theft. It is not necessary for this conduct to be a criminal offence.
35. *Subsection (6)* broadens the type of exploitation described in *subsection (5)* so that it includes where a person is used (or there is an attempt to use the person) to do something for such a purpose, having been chosen on the grounds that he or she is a child, is ill, disabled, or related to a person, in circumstances where a person without the illness, disability, or family relationship would be likely to refuse.