

## **MODERN SLAVERY ACT 2015**

---

### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS**

#### **Part 4: the Independent Anti-Slavery Commissioner**

##### ***Section 41: General functions of Commissioner***

193. *Subsection (1)* states that the Commissioner must encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences and the identification of victims of those offences. *Subsection (2)* lists the offences to which *subsection (1)* applies. These offences include all current slavery and trafficking offences in England, Wales, Scotland and Northern Ireland. In practice the Commissioner will focus on improving the identification of victims as well as the effectiveness of the law enforcement response in the UK, to both encourage effective investigations leading to successful convictions of modern slavery offences and prevent future offences.
194. *Subsection (3)* sets out a non-exhaustive list of things the Commissioner may do in exercise of his general functions in *subsection (1)*. In carrying out his general function the Commissioner may make reports to the Secretary of State, the Scottish Ministers and the Department for Justice in Northern Ireland on any matter which they asked the Commissioner to report on or which the current strategic plan states is a matter the Commissioner may report on (see *subsections (3)(a) and (5)*). Section 42 means that the Commissioner will report on an annual basis based on the strategic plan they agree with the Secretary of State. However, section 41(3) means that the Commissioner could also report at other times, for example if they are undertaking a specific programme of work on a particular topic. The Commissioner may make recommendations to public authorities about the exercise of their functions. The Commissioner may undertake research and may support others to do so. This could be administrative support or financial support, where funds are available. The Commissioner may also provide information, education or training to any person, for example to law enforcement agencies on good practice in investigating modern slavery offences. The Commissioner may also consult any person they feel is appropriate in carrying out their functions and co-operate with or work jointly with others in the UK or internationally. This includes co-operating and consulting with public authorities, such as the Commissioner for Victims and Witnesses, and voluntary organisations.
195. *Subsection (4)* clarifies that the Commissioner can consider the provision of assistance and support to victims of slavery and human trafficking offences in relation to the functions set out in *subsection (1)*.
196. *Subsection (7)* sets out a power for the Secretary of State to remove from any report information that she thinks would be against the interests of national security, would prejudice the safety of any individual in England and Wales or prejudice a criminal investigation or prosecution of offences under the law of England and Wales. *Subsection (8)* sets out a similar power for Scottish Ministers to remove material from any report which might prejudice the safety of any person in Scotland or the

*These notes refer to the Modern Slavery Act 2015  
(c.30) which received Royal Assent on 26 March 2015*

investigation of offences under the law of Scotland. *Subsection (9)* sets out a power for the Lord Advocate to remove material from a report that might prejudice a prosecution of offences under the law of Scotland. The division of this power reflects responsibilities within the Scottish Government. *Subsection (10)* provides the same power for the Department of Justice in Northern Ireland in relation to the safety of any person in Northern Ireland or offences under the law of Northern Ireland. *Subsection (11)* states that if the Secretary of State, Scottish Ministers or the Department of Justice in Northern Ireland lay a report before their respective legislatures, the report must be laid as it is published by the Commissioner under *subsection (6)*.