

MODERN SLAVERY ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: the Independent Anti-Slavery Commissioner

Section 42: Strategic plans and annual reports

197. *Subsection (1)* requires the Commissioner to prepare a strategic plan of their programme of work and priorities, as soon as reasonably practicable after their appointment, for approval by the Secretary of State.
198. *Subsection (2)* provides that the Commissioner must prepare a strategic plan, prior to the end of the period of a current strategic plan and submit it to the Secretary of State for approval.
199. *Subsection (3)* allows the Commissioner to prepare a revised strategic plan, at any time, and to submit it to the Secretary of State for approval.
200. *Subsection (4)* states that a strategic plan is a plan prepared by the Commissioner setting out how the Commissioner will perform their functions, for the period of the plan. It also states that a strategic plan must be prepared for a period of not less than one year and no more than three years.
201. *Subsection (5)* provides that a strategic plan must set out the Commissioner's priorities for the period of the plan and which matters the Commissioner proposes to report on in line with their functions; and state any activities that the Commissioner intends to undertake in carrying out his or her functions, for the period of the plan.
202. *Subsection (6)* allows the Secretary of State to approve the strategic plan, either without modifications or with modifications agreed with the Commissioner. In practice the Commissioner will work collaboratively with the Secretary of State to produce a mutually agreed plan which is focused on priority areas.
203. *Subsection (7)* requires the Secretary of State to consult the Scottish Ministers and the Department of Justice in Northern Ireland before approving a strategic plan and sending a copy of the final plan to those devolved administrations.
204. *Subsection (8)* requires the Commissioner to provide a report on the activities they have undertaken to fulfil their functions as soon as is reasonably practicable after the end of each financial year to the Secretary of State, Scottish Ministers and the Department of Justice in Northern Ireland.
205. *Subsection (9)* provides that in producing an annual report the Commissioner must include an assessment of the extent to which the Commissioner has met the objectives and priorities they set out in their annual plan. The Commissioner must also include a statement of the matters on which the Commissioner has reported under section 41(3) (a) and a statement of the other activities they have undertaken in the year in carrying out their functions.

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

206. *Subsections (10), (11) and (12)* require the Secretary of State, Scottish Ministers and the Department of Justice in Northern Ireland to lay any strategic plan the Secretary of State approves and any annual report they receive from the Commissioner before Parliament, the Scottish Parliament and the Northern Ireland Assembly respectively, as soon as reasonably practicable after receipt.
207. *Subsection (13)* provides that any annual report that is laid before a legislature under *Subsections (10) to (12)* must not contain any material which has been removed from the report under *subsections (14) to (17)*.
208. *Subsection (14)* gives the Secretary of State the power to remove information from an annual report where the Secretary of State thinks that including it would be against the interests of national security, might jeopardise an individual's safety in England and Wales or might prejudice a criminal investigation or prosecution under the law in England and Wales.
209. *Subsection (15)* gives Scottish Ministers the power to remove material from an annual report where the Scottish Ministers think that it might jeopardise the safety of any person in Scotland, or might prejudice the investigation of an offence under the law of Scotland. *Subsection (16)* gives the Lord Advocate the power to remove material from an annual report where the Lord Advocate thinks that it might prejudice the prosecution of an offence under the law of Scotland.
210. *Subsection (17)* gives the Department of Justice in Northern Ireland the power to remove information from an annual report where the Department thinks that it might jeopardise the safety of any person in Northern Ireland, or might prejudice the investigation or prosecution of an offence under the law of Northern Ireland