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**Changes to legislation:** Modern Slavery Act 2015 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 1

Section 14

#### SLAVERY AND HUMAN TRAFFICKING OFFENCES

##### *Nationality, Immigration and Asylum Act 2002 (c. 41)*

- 1 An offence under section 145 of the Nationality, Immigration and Asylum Act 2002 (trafficking for prostitution).

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**Commencement Information**

**I1** Sch. 1 para. 1 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(g\)](#)

##### *Sexual Offences Act 2003 (c. 42)*

- 2 (1) An offence under section 57, 58, 58A, 59 or 59A of the Sexual Offences Act 2003 (trafficking for sexual exploitation).
- (2) An offence under section 62 of that Act (committing offence with intent to commit relevant sexual offence), where the relevant sexual offence the person in question intended to commit was an offence under section 57, 58, 58A, 59 or 59A of that Act.

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**Commencement Information**

**I2** Sch. 1 para. 2 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(g\)](#) (with [regs. 6, 8](#))

##### *Criminal Justice (Scotland) Act 2003 (asp 7)*

- 3 An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc).

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**Commencement Information**

**I3** Sch. 1 para. 3 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(g\)](#)

##### *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)*

- 4 An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking for exploitation).

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**Commencement Information**

**I4** Sch. 1 para. 4 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(g\)](#) (with [regs. 6, 8](#))

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*Coroners and Justice Act 2009 (c. 25)*

- 5 An offence under section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour).

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(g)** (with [regs. 5, 8](#))

*Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)*

- 6 An offence under section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (slavery, servitude and forced or compulsory labour).

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(g)**

*Modern Slavery Act 2015 (c. 30)*

- 7 An offence under section 1, 2 or 4 of this Act.

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(g)**

*Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.))*

- 8 An offence under section 1, 2 or 4 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (slavery, servitude and forced or compulsory labour; human trafficking).

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(g)**

*<sup>F1</sup>Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12)*

**Textual Amendments**

**F1** Sch. 1 para. 8A and cross-heading inserted (17.12.2016) by [The Human Trafficking and Exploitation \(Scotland\) Act 2015 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1031\)](#), art. 1(1), **Sch. para. 3(6)**

- 8A. (1) An offence under section 1 or 4 of the Human Trafficking and Exploitation (Scotland) Act 2015 (human trafficking; slavery, servitude and forced or compulsory labour).

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- (2) An offence aggravated by a connection with human trafficking activity in accordance with section 5 of that Act (general aggravation of offence).]

*Ancillary offences*

- 9 (1) An offence of attempting or conspiring to commit an offence listed in this Schedule.
- (2) An offence committed by aiding, abetting, counselling, procuring or inciting the commission of an offence listed in this Schedule.
- (3) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence listed in this Schedule.

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**Commencement Information**

**I9** Sch. 1 para. 9 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(g\)](#)

SCHEDULE 2

Sections 35, 36 and 37

ENFORCEMENT POWERS IN RELATION TO SHIPS

**PART 1**

ENGLAND AND WALES

*Introductory*

- 1 (1) This Part of this Schedule sets out the powers exercisable by English and Welsh constables and enforcement officers under sections 35 and 38(1).
- (2) In this Part of this Schedule—  
“items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 10 of that Act);  
“the ship” means the ship in relation to which the powers set out in this Part of this Schedule are exercised.

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**Commencement Information**

**I10** Sch. 2 para. 1 in force for specified purposes at 8.8.2016 by [S.I. 2016/740](#), [reg. 2\(e\)](#)

*Power to stop, board, divert and detain*

- 2 (1) This paragraph applies if an English and Welsh constable or an enforcement officer has reasonable grounds to suspect that—  
(a) an offence under section 1 or 2 is being, or has been, committed on the ship,  
or

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- (b) the ship is otherwise being used in connection with the commission of an offence under either of those sections.
- (2) The constable or enforcement officer may—
  - (a) stop the ship;
  - (b) board the ship;
  - (c) require the ship to be taken to a port (in England and Wales or elsewhere) and detained there.
- (3) Except as provided by sub-paragraph (5), authority of the Secretary of State is required before a constable or an enforcement officer may exercise the power conferred by sub-paragraph (2)(c) to require the ship to be taken to a port outside the United Kingdom.
- (4) Authority for the purposes of sub-paragraph (3) may be given only if the State or relevant territory in which the port is located is willing to receive the ship.
- (5) If the constable or enforcement officer is acting under authority given for the purposes of section 35(5), the constable or enforcement officer may require the ship to be taken to—
  - (a) a port in the home state or relevant territory in question, or
  - (b) if the home state or relevant territory requests, any other State or relevant territory willing to receive the ship.
- (6) The constable or enforcement officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2) or (5).
- (7) A constable or an enforcement officer must give notice in writing to the master of any ship detained under this paragraph.
- (8) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a constable or an enforcement officer.

**Commencement Information**

**III** Sch. 2 para. 2 in force for specified purposes at 8.8.2016 by [S.I. 2016/740](#), [reg. 2\(e\)](#)

*Power to search and obtain information*

- 3 (1) This paragraph applies if an English and Welsh constable or an enforcement officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating—
  - (a) to an offence under section 1 or 2, or
  - (b) to an offence that is connected with an offence under either of those sections.
- (2) The constable or enforcement officer may search—
  - (a) the ship;
  - (b) anyone on the ship;
  - (c) anything on the ship (including cargo).

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- (3) The constable or enforcement officer may require a person on the ship to give information about himself or herself or about anything on the ship.
- (4) The power to search conferred by sub-paragraph (2)—
  - (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and
  - (b) in the case of a search of a person, does not authorise a constable or an enforcement officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (5) In exercising a power conferred by sub-paragraph (2) or (3) a constable or an enforcement officer may—
  - (a) open any containers;
  - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the constable or enforcement officer has reasonable grounds to believe to be an item subject to legal privilege);
  - (c) make photographs or copies of anything the production of which the constable or enforcement officer has power to require.
- (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3).

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**Commencement Information**

**I12** Sch. 2 para. 3 in force at 8.8.2016 for specified purposes by [S.I. 2016/740](#), [reg. 2\(e\)](#)

*Power of arrest and seizure*

- 4 (1) This paragraph applies if an English and Welsh constable or an enforcement officer has reasonable grounds to suspect that an offence under section 1 or 2 has been, or is being, committed on the ship.
- (2) The constable or enforcement officer may arrest without warrant anyone whom the constable or officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The constable or enforcement officer may seize and detain anything found on the ship which appears to the constable or officer to be evidence of the offence (but not including anything that the constable or officer has reasonable grounds to believe to be an item subject to legal privilege).

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**Commencement Information**

**I13** Sch. 2 para. 4 in force at 8.8.2016 by [S.I. 2016/740](#), [reg. 2\(e\)](#)

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### *Code of practice*

- 5
- (1) The Secretary of State must prepare and issue a code in respect of the practice to be followed by English and Welsh constables and enforcement officers when arresting a person under the power conferred by paragraph 4.
  - (2) The code must in particular provide guidance as to the information to be given to the person at the time of arrest (whether about procedural rights or other matters).
  - (3) A failure of a constable or an enforcement officer to comply with any provision of the code does not of itself render the constable or officer liable to any criminal or civil proceedings.
  - (4) The code—
    - (a) is admissible in evidence in criminal and civil proceedings, and
    - (b) may be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
  - (5) The Secretary of State may at any time revise the whole or any part of the code.
  - (6) The code, or any revision of the code, does not come into operation until the Secretary of State so provides in regulations.
  - (7) Regulations under this paragraph are to be made by statutory instrument.
  - (8) An instrument containing regulations under this paragraph that bring the code into operation may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
  - (9) An instrument containing regulations under this paragraph that bring a revision of the code into operation must be laid before Parliament (if the regulations are made without a draft having been laid and approved as mentioned in sub-paragraph (8)).
  - (10) Where an instrument, or a draft of an instrument, is laid, the code or revision of the code to which it relates must also be laid.

#### **Commencement Information**

**I14** Sch. 2 para. 5 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

### *Assistants*

- 6
- (1) An English and Welsh constable or an enforcement officer may—
    - (a) be accompanied by other persons, and
    - (b) take equipment or materials,
 to assist the constable or officer in the exercise of powers under this Part of this Schedule.
  - (2) A person accompanying a constable or an enforcement officer under sub-paragraph (1) may perform any of the constable's or officer's functions under this Part of this Schedule, but only under the constable's or officer's supervision.

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**Commencement Information**

**I15** Sch. 2 para. 6 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Reasonable force*

- 7 An English and Welsh constable or an enforcement officer may use reasonable force, if necessary, in the performance of functions under this Part of this Schedule.

**Commencement Information**

**I16** Sch. 2 para. 7 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Evidence of authority*

- 8 An English and Welsh constable or an enforcement officer must produce evidence of the constable's or officer's authority if asked to do so.

**Commencement Information**

**I17** Sch. 2 para. 8 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Protection of constables and enforcement officers*

- 9 An English and Welsh constable or an enforcement officer is not liable in any criminal or civil proceedings for anything done in the purported performance of functions under this Part of this Schedule if the court is satisfied that—
- (a) the act was done in good faith, and
  - (b) there were reasonable grounds for doing it.

**Commencement Information**

**I18** Sch. 2 para. 9 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Offences*

- 10 (1) A person commits an offence under the law of England and Wales if the person—
- (a) intentionally obstructs a constable or an enforcement officer in the performance of functions under this Part of this Schedule, or
  - (b) fails without reasonable excuse to comply with a requirement made by a constable or an enforcement officer in the performance of those functions.
- (2) A person who provides information in response to a requirement made by a constable or an enforcement officer in the performance of functions under this Part of this Schedule commits an offence under the law of England and Wales if—
- (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
  - (b) the person intentionally fails to disclose any material particular.

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- (3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine.

**Commencement Information**

**I19** Sch. 2 para. 10 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

**PART 2**

SCOTLAND

*Introductory*

- 11 (1) This Part of this Schedule sets out the powers exercisable by Scottish constables and enforcement officers under sections 36 and 38(4).
- (2) In this Part of this Schedule—
- “items subject to legal privilege” has the same meaning as in Chapter 3 of Part 8 of the Proceeds of Crime Act 2002 (see section 412 of that Act);
  - “listed offence” has the meaning given by section 36(8);
  - “the ship” means the ship in relation to which the powers set out in this Part of this Schedule are exercised.

**Commencement Information**

**I20** Sch. 2 para. 11 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Power to stop, board, divert and detain*

- 12 (1) This paragraph applies if a Scottish constable or an enforcement officer has reasonable grounds to suspect that—
- (a) a listed offence is being, or has been, committed on the ship, or
  - (b) the ship is otherwise being used in connection with the commission of a listed offence.
- (2) The constable or enforcement officer may—
- (a) stop the ship;
  - (b) board the ship;
  - (c) require the ship to be taken to a port (in Scotland or elsewhere) and detained there.
- (3) Except as provided by sub-paragraph (5), authority of the Secretary of State is required before a constable or an enforcement officer may exercise the power conferred by sub-paragraph (2)(c) to require the ship to be taken to a port outside the United Kingdom.
- (4) Authority for the purposes of sub-paragraph (3) may be given only if the State or relevant territory in which the port is located is willing to receive the ship.



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- (5) If the constable or enforcement officer is acting under authority given for the purposes of section 36(5), the constable or officer may require the ship to be taken to—
  - (a) a port in the home state or relevant territory in question, or
  - (b) if the home state or relevant territory requests, any other State or relevant territory willing to receive the ship.
- (6) The constable or enforcement officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2) or (5).
- (7) A constable or an enforcement officer must give notice in writing to the master of any ship detained under this paragraph.
- (8) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a constable or an enforcement officer.

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**Commencement Information**

**I21** Sch. 2 para. 12 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Power to search and obtain information*

- 13
- (1) This paragraph applies if a Scottish constable or an enforcement officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating—
    - (a) to a listed offence, or
    - (b) to an offence that is connected with a listed offence.
  - (2) The constable or enforcement officer may search—
    - (a) the ship;
    - (b) anyone on the ship;
    - (c) anything on the ship (including cargo).
  - (3) The constable or enforcement officer may require a person on the ship to give information about himself or herself.
  - (4) The power to search conferred by sub-paragraph (2)—
    - (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and
    - (b) in the case of a search of a person, does not authorise a constable or an enforcement officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
  - (5) In exercising a power conferred by sub-paragraph (2) or (3) a constable or an enforcement officer may—
    - (a) open any containers;
    - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the constable or officer has reasonable grounds to believe to be an item subject to legal privilege);

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- (c) make photographs or copies of anything the production of which the constable or officer has power to require.
- (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3).

**Commencement Information**

**I22** Sch. 2 para. 13 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Power of arrest and seizure*

- 14
- (1) This paragraph applies if a Scottish constable or an enforcement officer has reasonable grounds to suspect that a listed offence has been, or is being, committed on the ship.
  - (2) The constable or enforcement officer may arrest without warrant anyone whom the constable or officer has reasonable grounds for suspecting to be guilty of the offence.
  - (3) The constable or enforcement officer may seize and detain anything found on the ship which appears to the constable or officer to be evidence of the offence (but not including anything that the constable or officer has reasonable grounds to believe to be an item subject to legal privilege).

**Commencement Information**

**I23** Sch. 2 para. 14 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Assistants*

- 15
- (1) A Scottish constable or an enforcement officer may—
    - (a) be accompanied by other persons, and
    - (b) take equipment or materials,
 to assist the constable or officer in the exercise of powers under this Part of this Schedule.
  - (2) A person accompanying a constable or an enforcement officer under sub-paragraph (1) may perform any of the constable's or officer's functions under this Part of this Schedule, but only under the constable's or officer's supervision.

**Commencement Information**

**I24** Sch. 2 para. 15 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

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#### *Reasonable force*

- 16 A Scottish constable or an enforcement officer may use reasonable force, if necessary, in the performance of functions under this Part of this Schedule.

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#### **Commencement Information**

**I25** Sch. 2 para. 16 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

#### *Evidence of authority*

- 17 A Scottish constable or an enforcement officer must produce evidence of the constable's or officer's authority if asked to do so.

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#### **Commencement Information**

**I26** Sch. 2 para. 17 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

#### *Offences*

- 18 (1) A person commits an offence under the law of Scotland if the person—
- (a) intentionally obstructs a constable or an enforcement officer in the performance of functions under this Part of this Schedule, or
  - (b) fails without reasonable excuse to comply with a requirement made by a constable or an enforcement officer in the performance of those functions.
- (2) A person who provides information in response to a requirement made by a Scottish constable or an enforcement officer in the performance of functions under this Part of this Schedule commits an offence under the law of Scotland if—
- (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
  - (b) the person intentionally fails to disclose any material particular.
- (3) A person guilty of an offence under this paragraph is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.

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#### **Commencement Information**

**I27** Sch. 2 para. 18 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

### **PART 3**

#### **NORTHERN IRELAND**

#### *Introductory*

- 19 (1) This Part of this Schedule sets out the powers exercisable by Northern Ireland constables and enforcement officers under sections 37 and 38(7).

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(2) In this Part of this Schedule—

“items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (1989/1341 (N.I. 12)) (see Article 12 of that Order);

“listed offence” has the meaning given by section 37(9);

“the ship” means the ship in relation to which the powers set out in this Part of this Schedule are exercised.

#### **Commencement Information**

**I28** Sch. 2 para. 19 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

#### *Power to stop, board, divert and detain*

- 20 (1) This paragraph applies if a Northern Ireland constable or an enforcement officer has reasonable grounds to suspect that—
- (a) a listed offence is being, or has been, committed on the ship, or
  - (b) the ship is otherwise being used in connection with the commission of a listed offence.
- (2) The constable or enforcement officer may—
- (a) stop the ship;
  - (b) board the ship;
  - (c) require the ship to be taken to a port (in Northern Ireland or elsewhere) and detained there.
- (3) Except as provided by sub-paragraph (5), authority of the Secretary of State is required before a constable or an enforcement officer may exercise the power conferred by sub-paragraph (2)(c) to require the ship to be taken to a port outside the United Kingdom.
- (4) Authority for the purposes of sub-paragraph (3) may be given only if the State or relevant territory in which the port is located is willing to receive the ship.
- (5) If the constable or enforcement officer is acting under authority given for the purposes of section 37(6), the constable or officer may require the ship to be taken to—
- (a) a port in the home state or relevant territory in question, or
  - (b) if the home state or relevant territory requests, any other State or relevant territory willing to receive the ship.
- (6) The constable or enforcement officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2) or (5).
- (7) A constable or an enforcement officer must give notice in writing to the master of any ship detained under this paragraph.
- (8) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a constable or an enforcement officer.

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**Commencement Information**

**I29** Sch. 2 para. 20 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Power to search and obtain information*

- 21 (1) This paragraph applies if a Northern Ireland constable or an enforcement officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating—
- (a) to a listed offence, or
  - (b) to an offence that is connected with a listed offence.
- (2) The constable or enforcement officer may search—
- (a) the ship;
  - (b) anyone on the ship;
  - (c) anything on the ship (including cargo).
- (3) The constable or enforcement officer may require a person on the ship to give information about himself or herself or about anything on the ship.
- (4) The power to search conferred by sub-paragraph (2)—
- (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and
  - (b) in the case of a search of a person, does not authorise a constable or an enforcement officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (5) In exercising a power conferred by sub-paragraph (2) or (3) a constable or an enforcement officer may—
- (a) open any containers;
  - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the constable or officer has reasonable grounds to believe to be an item subject to legal privilege);
  - (c) make photographs or copies of anything the production of which the constable or officer has power to require.
- (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3).

**Commencement Information**

**I30** Sch. 2 para. 21 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Changes to legislation: Modern Slavery Act 2015 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Power of arrest and seizure*

- 22 (1) This paragraph applies if a Northern Ireland constable or an enforcement officer has reasonable grounds to suspect that a listed offence has been, or is being, committed on the ship.
- (2) The constable or enforcement officer may arrest without warrant anyone whom the constable or officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The constable or enforcement officer may seize and detain anything found on the ship which appears to the constable or officer to be evidence of the offence (but not including anything that the constable or officer has reasonable grounds to believe to be an item subject to legal privilege).

**Commencement Information**

**I31** Sch. 2 para. 22 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Code of practice*

- 23 (1) The Department of Justice in Northern Ireland must prepare and issue a code in respect of the practice to be followed by Northern Ireland constables and enforcement officers when arresting a person under the power conferred by paragraph 22.
- (2) The code must in particular provide guidance as to the information to be given to the person at the time of arrest (whether about procedural rights or other matters).
- (3) A failure of a constable or an enforcement officer to comply with any provision of the code does not of itself render the constable or officer liable to any criminal or civil proceedings.
- (4) The code—
- (a) is admissible in evidence in criminal and civil proceedings, and
  - (b) may be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (5) The Department of Justice may at any time revise the whole or any part of the code.
- (6) The code, or any revision of the code, does not come into operation until the Department of Justice—
- (a) lays a draft of the code, or revised code, before the Northern Ireland Assembly, and
  - (b) provides by order for the code, or revised code, to come into operation.
- (7) An order bringing the code into operation may contain such transitional provisions or savings as appear to the Department of Justice to be necessary or expedient.
- (8) An order under this paragraph is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))).
- (9) The power of the Department of Justice to make an order under this paragraph is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

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**Commencement Information**

**I32** Sch. 2 para. 23 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Assistants*

- 24 (1) A Northern Ireland constable or an enforcement officer may—
- (a) be accompanied by other persons, and
  - (b) take equipment or materials,
- to assist the constable or officer in the exercise of powers under this Part of this Schedule.
- (2) A person accompanying a constable or an enforcement officer under subparagraph (1) may perform any of the constable's or officer's functions under this Part of this Schedule, but only under the constable's or officer's supervision.

**Commencement Information**

**I33** Sch. 2 para. 24 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Reasonable force*

- 25 A Northern Ireland constable or an enforcement officer may use reasonable force, if necessary, in the performance of functions under this Part of this Schedule.

**Commencement Information**

**I34** Sch. 2 para. 25 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Evidence of authority*

- 26 A Northern Ireland constable or an enforcement officer must produce evidence of the constable's or officer's authority if asked to do so.

**Commencement Information**

**I35** Sch. 2 para. 26 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Protection of constables and enforcement officers*

- 27 A Northern Ireland constable or an enforcement officer is not liable in any criminal or civil proceedings for anything done in the purported performance of functions under this Part of this Schedule if the court is satisfied that—
- (a) the act was done in good faith, and
  - (b) there were reasonable grounds for doing it.

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**Commencement Information**

**I36** Sch. 2 para. 27 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

*Offences*

- 28 (1) A person commits an offence under the law of Northern Ireland if the person—
- (a) intentionally obstructs a constable or an enforcement officer in the performance of functions under this Part of this Schedule, or
  - (b) fails without reasonable excuse to comply with a requirement made by a constable or an enforcement officer in the performance of those functions.
- (2) A person who provides information in response to a requirement made by a Northern Ireland constable or an enforcement officer in the performance of functions under this Part of this Schedule commits an offence under the law of Northern Ireland if—
- (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
  - (b) the person intentionally fails to disclose any material particular.
- (3) A person guilty of an offence under this paragraph is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

**Commencement Information**

**I37** Sch. 2 para. 28 in force at 8.8.2016 by S.I. 2016/740, reg. 2(e)

SCHEDULE 3

Section 43

PUBLIC AUTHORITIES UNDER A DUTY TO CO-OPERATE WITH THE COMMISSIONER

**Commencement Information**

**I38** Sch. 3 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(h)

*Law enforcement and border security*

A chief officer of police for a police area in England and Wales.

The chief constable of the British Transport Police Force.

The National Crime Agency.

An immigration officer or other official of the Secretary of State exercising functions in relation to immigration or asylum.

A designated customs official (within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009).

*Local government*

A county council in England or Wales.

A county borough council in Wales.



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A district council in England.  
 A London borough council.  
 The Greater London Authority.  
 The Common Council of the City of London.  
 The Council of the Isles of Scilly.

#### *Health bodies*

A National Health Service trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006.  
 An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006.  
 A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

#### *Regulators*

The <sup>[F2]</sup>Gangmasters and Labour Abuse Authority].  
<sup>[F3]</sup>The Director of Labour Market Enforcement.]

#### **Textual Amendments**

- F2** Words in Sch. 3 substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 3 para. 34; S.I. 2016/603, reg. 3\(u\)](#)
- F3** Words in [Sch. 3](#) inserted (25.11.2016) by [The Modern Slavery Act 2015 \(Duty to Co-operate with Commissioner\) Regulations 2016 \(S.I. 2016/1043\), regs. 1\(2\), 2](#)

#### **Textual Amendments**

- F2** Words in Sch. 3 substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 3 para. 34; S.I. 2016/603, reg. 3\(u\)](#)
- F3** Words in [Sch. 3](#) inserted (25.11.2016) by [The Modern Slavery Act 2015 \(Duty to Co-operate with Commissioner\) Regulations 2016 \(S.I. 2016/1043\), regs. 1\(2\), 2](#)

#### <sup>[F4]</sup>*Northern Irish public authority*

##### Law enforcement

The Chief Constable of the Police Service of Northern Ireland  
 The Probation Board for Northern Ireland

##### Northern Ireland Departments

The Department of Justice for Northern Ireland

##### Health bodies

<sup>F5</sup>  
 ...

The Belfast Health and Social Care Trust  
 The Northern Health and Social Care Trust  
 The South Eastern Health and Social Care Trust  
 The Southern Health and Social Care Trust  
 The Western Health and Social Care Trust]

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**Textual Amendments**

- F5** Words in Sch. 3 omitted (N.I.) (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3 \(N.I.\)\)](#), s. 8(1)(b), [Sch. 1 para. 246](#); S.R. 2022/102, [art. 2\(b\)](#); and words omitted (E.W.S.) (30.11.2022) by virtue of [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), [19](#)

**Textual Amendments**

- F4** Words in Sch. 3 inserted (N.I.) (1.4.2016) by [The Modern Slavery Act 2015 \(Duty to co-operate with Commissioner\) \(Northern Irish public authority\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/48\)](#), regs. 1, [2](#)
- F5** Words in Sch. 3 omitted (N.I.) (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3 \(N.I.\)\)](#), s. 8(1)(b), [Sch. 1 para. 246](#); S.R. 2022/102, [art. 2\(b\)](#); and words omitted (E.W.S.) (30.11.2022) by virtue of [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), [19](#)

SCHEDULE 4

Section 45

OFFENCES TO WHICH DEFENCE IN SECTION 45 DOES NOT APPLY

*Common law offences*

- 1 False imprisonment.

**Commencement Information**

- I39** Sch. 4 para. 1 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

- 2 Kidnapping.

**Commencement Information**

- I40** Sch. 4 para. 2 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

- 3 Manslaughter.

**Commencement Information**

- I41** Sch. 4 para. 3 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

- 4 Murder.

**Commencement Information**

- I42** Sch. 4 para. 4 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

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5 Perverting the course of justice.

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**Commencement Information**

**I43** Sch. 4 para. 5 in force at 31.7.2015 by [S.I. 2015/1476, reg. 2\(i\)](#)

6 Piracy.

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**Commencement Information**

**I44** Sch. 4 para. 6 in force at 31.7.2015 by [S.I. 2015/1476, reg. 2\(i\)](#)

*Offences against the Person Act 1861 (c. 100)*

7 An offence under any of the following provisions of the Offences Against the Person Act 1861—

- section 4 (soliciting murder)
- section 16 (threats to kill)
- section 18 (wounding with intent to cause grievous bodily harm)
- section 20 (malicious wounding)
- section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence)
- section 22 (using drugs etc to commit or assist in the committing of an indictable offence)
- section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm)
- section 27 (abandoning children)
- section 28 (causing bodily injury by explosives)
- section 29 (using explosives with intent to do grievous bodily harm)
- section 30 (placing explosives with intent to do bodily injury)
- section 31 (setting spring guns etc with intent to do grievous bodily harm)
- section 32 (endangering safety of railway passengers)
- section 35 (injuring persons by furious driving)
- section 37 (assaulting officer preserving wreck)
- section 38 (assault with intent to resist arrest).

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**Commencement Information**

**I45** Sch. 4 para. 7 in force at 31.7.2015 by [S.I. 2015/1476, reg. 2\(i\)](#)

*Explosive Substances Act 1883 (c. 3)*

8 An offence under any of the following provisions of the Explosive Substances Act 1883—

- section 2 (causing explosion likely to endanger life or property)
- section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property)
- section 4 (making or possession of explosives under suspicious circumstances).

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**Commencement Information**

**I46** Sch. 4 para. 8 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(i)**

*Infant Life (Preservation) Act 1929 (c. 34)*

- 9 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

**Commencement Information**

**I47** Sch. 4 para. 9 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(i)**

*Children and Young Persons Act 1933 (c. 12)*

- 10 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).

**Commencement Information**

**I48** Sch. 4 para. 10 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(i)**

*Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)*

- 11 An offence under section 2 of the Public Order Act 1936 (control etc of quasi-military organisation).

**Commencement Information**

**I49** Sch. 4 para. 11 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(i)**

*Infanticide Act 1938 (c. 36)*

- 12 An offence under section 1 of the Infanticide Act 1938 (infanticide).

**Commencement Information**

**I50** Sch. 4 para. 12 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(i)**

*Firearms Act 1968 (c. 27)*

- 13 An offence under any of the following provisions of the Firearms Act 1968—  
 section 5 (possession of prohibited firearms)  
 section 16 (possession of firearm with intent to endanger life)  
 section 16A (possession of firearm with intent to cause fear of violence)  
 section 17(1) (use of firearm to resist arrest)

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section 17(2) (possession of firearm at time of committing or being arrested for specified offence)  
section 18 (carrying firearm with criminal intent).

**Commencement Information**

**I51** Sch. 4 para. 13 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Theft Act 1968 (c. 60)*

- 14 An offence under any of the following provisions of the Theft Act 1968—  
section 8 (robbery or assault with intent to rob)  
section 9 (burglary), where the offence is committed with intent to inflict grievous bodily harm on a person, or to do unlawful damage to a building or anything in it  
section 10 (aggravated burglary)  
section 12A (aggravated vehicle-taking), where the offence involves an accident which causes the death of any person  
section 21 (blackmail).

**Commencement Information**

**I52** Sch. 4 para. 14 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Criminal Damage Act 1971 (c. 48)*

- 15 The following offences under the Criminal Damage Act 1971—  
an offence of arson under section 1  
an offence under section 1(2) (destroying or damaging property) other than an offence of arson.

**Commencement Information**

**I53** Sch. 4 para. 15 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Immigration Act 1971 (c. 77)*

- 16 An offence under section 25 of the Immigration Act 1971 (assisting unlawful immigration to member state [<sup>F6</sup>or the United Kingdom]).

**Textual Amendments**

**F6** Words in Sch. 4 para. 16 inserted (31.12.2020) by [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), [regs. 1\(2\), 22](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Commencement Information**

**I54** Sch. 4 para. 16 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

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*Customs and Excise Management Act 1979 (c. 2)*

- 17 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles).

**Commencement Information**

**I55** Sch. 4 para. 17 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Taking of Hostages Act 1982 (c. 28)*

- 18 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

**Commencement Information**

**I56** Sch. 4 para. 18 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Aviation Security Act 1982 (c. 36)*

- 19 An offence under any of the following provisions of the Aviation Security Act 1982—  
 section 1 (hijacking)  
 section 2 (destroying, damaging or endangering safety of aircraft)  
 section 3 (other acts endangering or likely to endanger safety of aircraft)  
 section 4 (offences in relation to certain dangerous articles).

**Commencement Information**

**I57** Sch. 4 para. 19 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Mental Health Act 1983 (c. 20)*

- 20 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).

**Commencement Information**

**I58** Sch. 4 para. 20 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Child Abduction Act 1984 (c. 37)*

- 21 An offence under any of the following provisions of the Child Abduction Act 1984—  
 section 1 (abduction of child by parent etc)  
 section 2 (abduction of child by other persons).

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**Commencement Information**

**I59** Sch. 4 para. 21 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Public Order Act 1986 (c. 64)*

- 22 An offence under any of the following provisions of the Public Order Act 1986—  
section 1 (riot)  
section 2 (violent disorder).

**Commencement Information**

**I60** Sch. 4 para. 22 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Criminal Justice Act 1988 (c. 33)*

- 23 An offence under section 134 of the Criminal Justice Act 1988 (torture).

**Commencement Information**

**I61** Sch. 4 para. 23 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Road Traffic Act 1988 (c. 52)*

- 24 An offence under any of the following provisions of the Road Traffic Act 1988—  
section 1 (causing death by dangerous driving)  
section 3A (causing death by careless driving when under the influence of drink or drugs).

**Commencement Information**

**I62** Sch. 4 para. 24 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Aviation and Maritime Security Act 1990 (c. 31)*

- 25 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—  
section 1 (endangering safety at aerodromes)  
section 9 (hijacking of ships)  
section 10 (seizing or exercising control of fixed platforms)  
section 11 (destroying fixed platforms or endangering their safety)  
section 12 (other acts endangering or likely to endanger safe navigation)  
section 13 (offences involving threats).

**Commencement Information**

**I63** Sch. 4 para. 25 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

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*Channel Tunnel (Security) Order 1994 (S.I. 1994/570)*

- 26 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (SI 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

**Commencement Information**

**I64** Sch. 4 para. 26 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Protection from Harassment Act 1997 (c. 40)*

- 27 An offence under any of the following provisions of the Protection from Harassment Act 1997—  
 section 4 (putting people in fear of violence)  
 section 4A (stalking involving fear of violence or serious alarm or distress).

**Commencement Information**

**I65** Sch. 4 para. 27 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Crime and Disorder Act 1998 (c. 37)*

- 28 An offence under any of the following provisions of the Crime and Disorder Act 1998 —  
 section 29 (racially or religiously aggravated assaults)  
 section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986).

**Commencement Information**

**I66** Sch. 4 para. 28 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Terrorism Act 2000 (c. 11)*

- 29 An offence under any of the following provisions of the Terrorism Act 2000—  
 section 54 (weapons training)  
 section 56 (directing terrorist organisation)  
 section 57 (possession of article for terrorist purposes)  
 section 59 (inciting terrorism overseas).

**Commencement Information**

**I67** Sch. 4 para. 29 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*International Criminal Court Act 2001 (c. 17)*

- 30 An offence under any of the following provisions of the International Criminal Court Act 2001—



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section 51 (genocide, crimes against humanity and war crimes)  
section 52 (ancillary conduct).

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**Commencement Information**

**I68** Sch. 4 para. 30 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

- 31 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
- section 47 (use of nuclear weapons)
  - section 50 (assisting or inducing certain weapons-related acts overseas)
  - section 113 (use of noxious substance or thing to cause harm or intimidate).

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**Commencement Information**

**I69** Sch. 4 para. 31 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Female Genital Mutilation Act 2003 (c. 31)*

- 32 An offence under any of the following provisions of the Female Genital Mutilation Act 2003—
- section 1 (female genital mutilation)
  - section 2 (assisting a girl to mutilate her own genitalia)
  - section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

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**Commencement Information**

**I70** Sch. 4 para. 32 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

*Sexual Offences Act 2003 (c. 42)*

- 33 An offence under any of the following provisions of the Sexual Offences Act 2003—
- section 1 (rape)
  - section 2 (assault by penetration)
  - section 3 (sexual assault)
  - section 4 (causing person to engage in sexual activity without consent)
  - section 5 (rape of child under 13)
  - section 6 (assault of child under 13 by penetration)
  - section 7 (sexual assault of child under 13)
  - section 8 (causing or inciting child under 13 to engage in sexual activity)
  - section 9 (sexual activity with a child)
  - section 10 (causing or inciting a child to engage in sexual activity)
  - section 13 (child sex offences committed by children or young persons)
  - section 14 (arranging or facilitating commission of child sex offence)

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section 15 (meeting a child following sexual grooming)  
section 16 (abuse of position of trust: sexual activity with a child)  
section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity)  
section 18 (abuse of position of trust: sexual activity in presence of child)  
section 19 (abuse of position of trust: causing a child to watch a sexual act)  
section 25 (sexual activity with a child family member)  
section 26 (inciting a child family member to engage in sexual activity)  
section 30 (sexual activity with a person with a mental disorder impeding choice)  
section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity)  
section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice)  
section 33 (causing a person with a mental disorder impeding choice to watch a sexual act)  
section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)  
section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception)  
section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder)  
section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception)  
section 38 (care workers: sexual activity with a person with a mental disorder)  
section 39 (care workers: causing or inciting sexual activity)  
section 40 (care workers: sexual activity in the presence of a person with a mental disorder)  
section 41 (care workers: causing a person with a mental disorder to watch a sexual act)  
section 47 (paying for sexual services of a child)  
section 48 (causing or inciting child prostitution or pornography)  
section 49 (controlling a child prostitute or a child involved in pornography)  
section 50 (arranging or facilitating child prostitution or pornography)  
section 61 (administering a substance with intent)  
section 62 (committing offence with intent to commit sexual offence)  
section 63 (trespass with intent to commit sexual offence)  
section 64 (sex with an adult relative: penetration)  
section 65 (sex with an adult relative: consenting to penetration)  
section 66 (exposure)  
[<sup>F7</sup>section 66A (sending etc photograph or film of genitals)  
section 66B(2) (sharing intimate photograph or film with intent to cause alarm, distress or humiliation)  
section 66B(3) (sharing intimate photograph or film for purpose of obtaining sexual gratification)]  
section 67 (voyeurism)  
[<sup>F8</sup>section 67A (voyeurism: additional offences)]

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section 70 (sexual penetration of a corpse).

#### Textual Amendments

- F7** Words in [Sch. 4 para. 33](#) inserted (31.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), s. 240(1), [Sch. 14 para. 19](#); [S.I. 2024/31](#), reg. 2
- F8** Words in [Sch. 4 para. 33](#) inserted (E.W.) (12.4.2019) by [Voyeurism \(Offences\) Act 2019 \(c. 2\)](#), [ss. 1\(7\), 2\(2\)](#)

#### Commencement Information

- I71** [Sch. 4 para. 33](#) in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#) (with [regs. 6, 8](#))

#### *Domestic Violence, Crime and Victims Act 2004 (c. 28)*

- 34 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

#### Commencement Information

- I72** [Sch. 4 para. 34](#) in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

#### *Terrorism Act 2006 (c. 11)*

- 35 An offence under any of the following provisions of the Terrorism Act 2006—  
section 5 (preparation of terrorist acts)  
section 6 (training for terrorism)  
section 9 (making or possession of radioactive device or material)  
section 10 (use of radioactive device or material for terrorist purposes)  
section 11 (terrorist threats relating to radioactive devices etc).

#### Commencement Information

- I73** [Sch. 4 para. 35](#) in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

#### *[<sup>F9</sup>Serious Crime Act 2015*

#### Textual Amendments

- F9** [Sch. 4 para. 35A](#) and cross-heading inserted (7.6.2022) by [Domestic Abuse Act 2021 \(c. 17\)](#), s. 90(6), [Sch. 2 para. 11](#); [S.I. 2022/553](#), [regs. 1\(2\), 3\(b\)](#)

- 35A An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).]

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*Modern Slavery Act 2015 (c. 30)*

- 36 An offence under any of the following provisions of the Modern Slavery Act 2015—
- section 1 (slavery, servitude and forced or compulsory labour)
  - section 2 (human trafficking).

**Commencement Information**

**I74** Sch. 4 para. 36 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

- [<sup>F10</sup>36A An offence under any of the following provisions of Schedule 4 to the Space Industry Act 2018—
- paragraph 1 (hijacking of spacecraft)
  - paragraph 2 (destroying, damaging or endangering safety of spacecraft)
  - paragraph 3 (other acts endangering or likely to endanger safety of spacecraft)
  - paragraph 4 (endangering safety at spaceports)
  - paragraph 5 (offences in relation to certain dangerous articles).]

**Textual Amendments**

**F10** Sch. 4 para. 36A inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 33](#); [S.I. 2021/817](#), [reg. 2](#), [Sch. para. 117](#) (with [reg. 3](#))

*[<sup>F11</sup>Health and Care Act 2022*

**Textual Amendments**

**F11** [Sch. 4 para. 36B](#) and cross-heading inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 16 para. 9](#); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

- 36B An offence under any of the following provisions of the Health and Care Act 2022—
- (a) section 136 (virginity testing);
  - (b) section 137 (offering to carry out virginity testing);
  - (c) section 138 (aiding or abetting etc a person to carry out virginity testing);
  - (d) section 148 (carrying out hymenoplasty);
  - (e) section 149 (offering to carry out hymenoplasty);
  - (f) section 150 (aiding or abetting etc a person to carry out hymenoplasty).]

*[<sup>F12</sup>National Security Act 2023*

**Textual Amendments**

**F12** [Sch. 4 para. 36C](#) and cross-heading inserted (20.12.2023) by [National Security Act 2023 \(c. 32\)](#), s. 100(1), [Sch. 18 para. 9](#) (with s. 97); [S.I. 2023/1272](#), [reg. 2\(f\)](#)

- 36C An offence under any of the following provisions of the National Security Act 2023—

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[section 1](#) (obtaining or disclosing protected information);  
[section 2](#) (obtaining or disclosing trade secrets);  
[section 3](#) (assisting a foreign intelligence service);  
[section 4](#) (entering a prohibited place for a purpose prejudicial to the UK);  
[section 12](#) (sabotage);  
[section 13](#) (foreign interference: general);  
[section 17](#) (obtaining material benefits from a foreign intelligence service);  
[section 18](#) (preparatory conduct).]

#### *Ancillary offences*

- 37 (1) An offence of attempting or conspiring to commit an offence listed in this Schedule.
- (2) An offence committed by aiding, abetting, counselling or procuring an offence listed in this Schedule.
- (3) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence listed in this Schedule.

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#### **Commencement Information**

**I75** Sch. 4 para. 37 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(i\)](#)

## [<sup>F13</sup>SCHEDULE 4A

Section 54A

### INFORMATION GATEWAYS: SPECIFIED PERSONS

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#### **Textual Amendments**

**F13** Sch. 4A inserted (E.W.) (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 35](#); [S.I. 2016/603](#), [reg. 3\(u\)](#)

#### *Authorities with functions in connection with the labour market etc*

The Secretary of State.

A person by whom, or by whose officers, labour market enforcement functions (within the meaning given by section 3 of the Immigration Act 2016) are exercisable.

#### *Law enforcement and border security*

A chief officer of police for a police area in England and Wales.

The chief constable of the British Transport Police Force.

An immigration officer.

#### *Local government*

A county council in England or Wales.

A county borough council in Wales.

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A district council in England.  
 A London borough council.  
 The Greater London Authority.  
 The Common Council of the City of London.  
 The Council of the Isles of Scilly.

*Health bodies*

A National Health Service trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006.  
 An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006.  
 A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

*Other*

The Independent Anti-slavery Commissioner.]

SCHEDULE 5

Section 57

MINOR AND CONSEQUENTIAL AMENDMENTS

**PART 1**

AMENDMENTS RELATING TO OFFENCES

*Children and Young Persons Act 1933 (c. 12)*

- 1 (1) Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons to which special provisions of the Act apply) is amended as follows.
- (2) In the first entry relating to the Sexual Offences Act 2003 omit “59A to”.
- (3) Omit the entry relating to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.
- (4) After that entry insert— “ An offence against a child or young person under section 2 of the Modern Slavery Act 2015 (human trafficking), or any attempt to commit such an offence. ”

**Commencement Information**

**I76** Sch. 5 para. 1 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#) (with [regs. 3, 6, 8](#))

*Immigration Act 1971 (c. 77)*

- 2 In section 25C of the Immigration Act 1971 (forfeiture of vehicle, ship or aircraft) in subsections (9)(b), (10)(b) and (11) for the words from “a passenger” to the end

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substitute “ the victim of conduct which constitutes an offence under section 2 of the Modern Slavery Act 2015 (human trafficking). ”

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**Commencement Information**

**I77** Sch. 5 para. 2 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(j)** (with [regs. 4, 8](#))

*Police and Criminal Evidence Act 1984 (c. 60)*

- 3 In section 65A(2) of the Police and Criminal Evidence Act 1984 (questioning and treatment of persons by police: meaning of “qualifying offence”) after paragraph (r) insert—
- “(s) an offence under section 2 of the Modern Slavery Act 2015 (human trafficking).”

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**Commencement Information**

**I78** Sch. 5 para. 3 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(j)**

*Sexual Offences (Amendment) Act 1992 (c. 34)*

- 4 In section 2(1) of the Sexual Offences (Amendment) Act 1992 (offences under law of England and Wales to which the Act applies)—
- (a) after paragraph (da) insert—
- “(db) any offence under section 2 of the Modern Slavery Act 2015 (human trafficking);”;
- (b) in paragraph (e) for “(da)” substitute “ (db) ”.

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**Commencement Information**

**I79** Sch. 5 para. 4 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(j)**

*Sexual Offences Act 2003 (c. 42)*

- 5 (1) The Sexual Offences Act 2003 is amended as follows.
- (2) Omit sections 59A to 60C (trafficking for sexual exploitation; forfeiture and detention).
- (3) In Schedule 5 (relevant offences for purposes of notification and orders) after paragraph 63A insert—
- “63B An offence under section 2 of the Modern Slavery Act 2015 (human trafficking).”
- (4) In Schedule 6, omit paragraphs 31(2)(b) and 46(2).

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**Commencement Information**

**I80** Sch. 5 para. 5 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(j)** (with [regs. 3, 8](#))

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*Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)*

- 6 (1) The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 is amended as follows.
- (2) Omit section 4 (trafficking people for exploitation).
- (3) In section 5 (section 4 - supplementary provision) omit subsections (3) to (7) and (11).
- (4) In section 14(2) (immigration officers' power of arrest)—
- (a) omit paragraphs (n) and (p);
  - (b) after paragraph (q) insert—
    - “(r) an offence under section 2 of the Modern Slavery Act 2015.”

**Commencement Information**

**I81** Sch. 5 para. 6 in force at 31.7.2015 by [S.I. 2015/1476, reg. 2\(j\)](#) (with regs. 3, 6-8)

*Serious Crime Act 2007 (c. 27)*

- 7 (1) Part 1 of Schedule 1 to the Serious Crime Act 2007 (serious offences: England and Wales) is amended as follows.
- (2) After paragraph 1 insert—
- “Slavery etc*
- 1A An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour).”
- (3) In paragraph 2, at the end insert—
- “(4) An offence under section 2 of the Modern Slavery Act 2015.”*

**Commencement Information**

**I82** Sch. 5 para. 7 in force at 31.7.2015 by [S.I. 2015/1476, reg. 2\(j\)](#)

*Coroners and Justice Act 2009 (c. 25)*

- 8 Omit section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour).

**Commencement Information**

**I83** Sch. 5 para. 8 in force at 31.7.2015 by [S.I. 2015/1476, reg. 2\(j\)](#) (with regs. 3, 5, 7, 8)

*Protection of Freedoms Act 2012 (c. 9)*

- 9 (1) The Protection of Freedoms Act 2012 is amended as follows.



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(2) Omit sections 109 and 110.

(3) In Schedule 9, omit paragraphs 136, 138, 140(2) and (3) and 141.

#### Commencement Information

**I84** Sch. 5 para. 9 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#) (with [regs. 3, 8](#))

#### *Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)*

- 10 In Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in paragraph 32(8) (civil legal services for trafficking victims: definitions), in the definition of “exploitation” for the words from “section” to the end substitute “ section 3 of the Modern Slavery Act 2015 (meaning of exploitation for purposes of human trafficking offence in section 2 of that Act); ”.

#### Commencement Information

**I85** Sch. 5 para. 10 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

## PART 2

### AMENDMENTS RELATING TO SLAVERY AND TRAFFICKING REPARATION ORDERS

#### *Administration of Justice Act 1970 (c. 31)*

- 11 (1) The Administration of Justice Act 1970 is amended as follows.
- (2) In section 41(8) (enforcement of orders for compensation etc) for “or 13A” substitute “, [<sup>F14</sup>12B or 12C] ”.
- (3) In Part 1 of Schedule 9 (enforcement of orders for compensation etc) after paragraph [<sup>F15</sup>12B] insert—
- [<sup>F16</sup>12C] Where under section 8 of the Modern Slavery Act 2015 a court makes a slavery and trafficking reparation order.”

#### Textual Amendments

**F14** Words in Sch. 5 para. 11(2) substituted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), [regs. 1\(1\)](#), [25\(a\)](#)

**F15** Word in Sch. 5 para. 11(3) substituted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), [regs. 1\(1\)](#), [25\(b\)\(i\)](#)

**F16** Word in Sch. 5 para. 11(3) substituted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), [regs. 1\(1\)](#), [25\(b\)\(ii\)](#)

#### Commencement Information

**I86** Sch. 5 para. 11 in force at 17.3.2016 by [S.I. 2016/243](#), [reg. 2\(a\)](#)

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*Criminal Justice Act 1991 (c. 53)*

- 12 (1) Section 24 of the Criminal Justice Act 1991 (recovery of fines by deduction from certain benefits) is amended as follows.
- (2) In subsection (1), for “or unlawful profit order” substitute “, an unlawful profit order or a slavery and trafficking reparation order”.
- (3) In subsection (3)(b), for “or unlawful profit order” substitute “, an unlawful profit order or a slavery and trafficking reparation order”.
- (4) In subsection (4), after the definition of “prescribed” insert—
- ““slavery and trafficking reparation order” means an order under section 8 of the Modern Slavery Act 2015;”.

**Commencement Information**

**I87** Sch. 5 para. 12 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(j)**

*Social Security (Recovery of Benefits) Act 1997 (c. 27)*

- 13 In paragraph 2 of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997 (exempted payments), for “2000 or” substitute “ 2000, section 8 of the Modern Slavery Act 2015, ”.

**Commencement Information**

**I88** Sch. 5 para. 13 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(j)**

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

<sup>F17</sup>14 . . . . .

**Textual Amendments**

**F17** Sch. 5 para. 14 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with [ss. 413\(4\)\(5\), 416\(7\), Sch. 27](#)); [S.I. 2020/1236](#), **reg. 2**

*Proceeds of Crime Act 2002 (c. 29)*

- [<sup>F18</sup>15 In section 13(3A) of the Proceeds of Crime Act 2002 (effect of confiscation order on court’s other powers), after paragraph (c) insert—
- “(d) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.”]

**Textual Amendments**

**F18** Sch. 5 para. 15 substituted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), **regs. 1(1), 26**

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**Commencement Information**

**I89** Sch. 5 para. 15 in force at 17.3.2016 by [S.I. 2016/243](#), [reg. 2\(b\)](#)

16 In section 19(8) of the Proceeds of Crime Act 2002 (no order made: reconsideration of case), at the end insert “ in relation to it ”.

**Commencement Information**

**I90** Sch. 5 para. 16 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

17 In section 20(12) of the Proceeds of Crime Act 2002 (no order made: reconsideration of benefit), at the end insert “ in relation to it ”.

**Commencement Information**

**I91** Sch. 5 para. 17 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

18 In section 32(7)(b) of the Proceeds of Crime Act 2002 (court's powers on appeal) at the end insert “ in relation to it ”.

**Commencement Information**

**I92** Sch. 5 para. 18 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

19 In section 33(9)(b) of the Proceeds of Crime Act 2002 (appeal to Supreme Court) at the end insert “ in relation to it ”.

**Commencement Information**

**I93** Sch. 5 para. 19 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

PROSPECTIVE

**F19**20 .....

**Textual Amendments**

**F19** Sch. 5 para. 20 omitted (17.3.2016) by virtue of [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), [regs. 1\(1\), 27](#)

21 In section 308 of the Proceeds of Crime Act 2002 (general exceptions to concept of recoverable property) after subsection (4) insert—

“(4A) If—

- (a) a payment is made to a person in pursuance of a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015, and
- (b) apart from this subsection, the sum received would be recoverable property,

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the property ceases to be recoverable.”

**Commencement Information**

**I94** Sch. 5 para. 21 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

22 In Schedule 11 to the Proceeds of Crime Act 2002 (amendments), omit paragraph 37(3).

**Commencement Information**

**I95** Sch. 5 para. 22 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

*Courts Act 2003 (c. 39)*

23 (1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums imposed on conviction) is amended as follows.

(2) In paragraph 2(2)—

- (a) omit the “and” at the end of the definition of “a sum required to be paid by a compensation order”;
- (b) after the definition of “a sum required to be paid by an unlawful profit order” insert—

““a sum required to be paid by a slavery and trafficking reparation order” means any sum required to be paid by an order made under section 8 of the Modern Slavery Act 2015.”

(3) In paragraph 7A(1) for “or an unlawful profit order” substitute “, an unlawful profit order or a slavery and trafficking reparation order ”.

(4) In paragraph 13(1)(aa)—

- (a) for “or a sum” substitute “, a sum ”;
- (b) after “unlawful profit order” insert “ or a sum required to be paid by a slavery and trafficking reparation order ”;
- (c) in sub-paragraph (i) for “or the” substitute “, the ”;
- (d) in that sub-paragraph after “unlawful profit order” insert “ or the amount required to be paid by the slavery and trafficking reparation order ”.

**Commencement Information**

**I96** Sch. 5 para. 23 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

*Criminal Justice Act 2003 (c. 44)*

F2024 .....

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**Textual Amendments**

**F20** Sch. 5 para. 24 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

**F21** 25 .....

**Textual Amendments**

**F21** Sch. 5 para. 25 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

*Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

- 26 In paragraph 1 of Schedule 10 to the Health and Social Care (Community Health and Standards) Act 2003 (recovery of NHS charges: exempted payments)—
- (a) omit “or” at the end of sub-paragraph (b);
  - (b) at the end of sub-paragraph (c) insert “or
  - (d) section 8 of the Modern Slavery Act 2015 (slavery and trafficking reparation orders).”

**Commencement Information**

**I97** Sch. 5 para. 26 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

*Prevention of Social Housing Fraud Act 2013 (c. 3)*

- 27 (1) The Prevention of Social Housing Fraud Act 2013 is amended as follows.
- (2) In section 4(12)(d) (application of Powers of Criminal Courts (Sentencing) Act 2000 to unlawful profit orders)—
- (a) for the words from “133(3)(c)” to “confiscation order or” substitute “ 133(3)(c)(ii) to an unlawful profit order under section 4 were to ”;
  - (b) omit the second “(or both)”.
- (3) In the Schedule (amendments), omit paragraphs 2, 5(2)(a) and (3), 9, 26 and 30(2).

**Commencement Information**

**I98** Sch. 5 para. 27(1)(2) in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

**I99** Sch. 5 para. 27(3) in force at 17.3.2016 by [S.I. 2016/243](#), [reg. 2\(c\)](#)

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**Changes and effects yet to be applied to :**

- s. 50A restricted by [2023 c. 37 s. 23\(2\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 50A(5A) inserted by [2023 c. 37 s. 28\(1\)](#)