



# Modern Slavery Act 2015

## 2015 CHAPTER 30

### PART 2

#### PREVENTION ORDERS

##### *Slavery and trafficking prevention orders*

#### **16 Meaning of “relevant offender”**

- (1) A person is a “relevant offender” for the purposes of section 15 if subsection (2) or (3) applies to the person.
- (2) This subsection applies to a person if—
  - (a) the person has been convicted of a slavery or human trafficking offence,
  - (b) a court has made a finding that the person is not guilty of a slavery or human trafficking offence by reason of insanity,
  - (c) a court has made a finding that the person is under a disability and has done the act charged against the person in respect of a slavery or human trafficking offence, or
  - (d) the person has been cautioned in respect of a slavery or human trafficking offence.
- (3) This subsection applies to a person if, under the law of a country outside the United Kingdom—
  - (a) the person has been convicted of an equivalent offence (whether or not the person has been punished for it),
  - (b) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is not guilty by reason of insanity,
  - (c) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is under a disability and has done the act charged against the person, or
  - (d) the person has been cautioned in respect of an equivalent offence.

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*Status: This is the original version (as it was originally enacted).*

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- (4) An “equivalent offence” means an act which—
- (a) constituted an offence under the law of the country concerned, and
  - (b) would have constituted a slavery or human trafficking offence under the law of England and Wales if it had been done in England and Wales, or by a UK national, or as regards the United Kingdom.
- (5) For the purposes of subsection (4) an act punishable under the law of a country outside the United Kingdom constitutes an offence under that law, however it is described in that law.
- (6) On an application under section 15 where subsection (3) is alleged to apply to the defendant, the condition in subsection (4)(b) is to be taken as met unless—
- (a) not later than provided by rules of court, the defendant serves on the applicant a notice which states that in the defendant’s opinion the condition is not met, shows the grounds for that opinion, and requires the applicant to prove that the condition is met, or
  - (b) the court permits the defendant to require the applicant to prove that the condition is met without service of such a notice.
- (7) References in this section to convictions, findings and cautions include those taking place before this section comes into force.