



# Modern Slavery Act 2015

## 2015 CHAPTER 30

### PART 4

#### THE INDEPENDENT ANTI-SLAVERY COMMISSIONER

#### **41 General functions of Commissioner**

- (1) The Commissioner must encourage good practice in—
  - (a) the prevention, detection, investigation and prosecution of slavery and human trafficking offences;
  - (b) the identification of victims of those offences.
- (2) For the purposes of this section a slavery and human trafficking offence is an offence under—
  - (a) section 1, 2 or 4 of this Act,
  - (b) section 1, 2 or 4 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.)) (equivalent offences in Northern Ireland),
  - [<sup>F1</sup>(c) section 1 or 4 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) (equivalent offences in Scotland).]
- (3) The things that the Commissioner may do in pursuance of subsection (1) include—
  - (a) making reports on any permitted matter to the Secretary of State, the Scottish Ministers and the Department of Justice in Northern Ireland;
  - (b) making recommendations to any public authority about the exercise of its functions;
  - (c) undertaking or supporting (financially or otherwise) the carrying out of research;
  - (d) providing information, education or training;
  - (e) consulting public authorities (including the Commissioner for Victims and Witnesses), voluntary organisations and other persons;

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*Changes to legislation: Modern Slavery Act 2015, Section 41 is up to date with all changes known to be in force on or before 03 February 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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- (f) co-operating with or working jointly with public authorities (including the Commissioner for Victims and Witnesses), voluntary organisations and other persons, in the United Kingdom or internationally.
- (4) The matters to which the Commissioner may have regard in pursuance of subsection (1) include the provision of assistance and support to victims of slavery and human trafficking offences.
  - (5) In subsection (3)(a) “permitted matter” means a matter which—
    - (a) the Secretary of State, the Scottish Ministers or the Department of Justice in Northern Ireland have asked the Commissioner to report on, or
    - (b) the current strategic plan, approved by the Secretary of State under section 42(6), states is a matter the Commissioner proposes to report on.
  - (6) The Commissioner must (after ascertaining whether the Secretary of State, the Scottish Ministers, the Lord Advocate or the Department of Justice in Northern Ireland wish to exercise the powers conferred by subsections (7) to (10)) publish each report made under subsection (3)(a).
  - (7) The Secretary of State may direct the Commissioner to omit from any report before publication any material whose publication the Secretary of State thinks—
    - (a) would be against the interests of national security,
    - (b) might jeopardise the safety of any person in England and Wales, or
    - (c) might prejudice the investigation or prosecution of an offence under the law of England and Wales.
  - (8) The Scottish Ministers may direct the Commissioner to omit from any report before publication any material whose publication the Scottish Ministers think—
    - (a) might jeopardise the safety of any person in Scotland, or
    - (b) might prejudice the investigation of an offence under the law of Scotland.
  - (9) The Lord Advocate may direct the Commissioner to omit from any report before publication any material whose publication the Lord Advocate thinks might prejudice the prosecution of an offence under the law of Scotland.
  - (10) The Department of Justice in Northern Ireland may direct the Commissioner to omit from any report before publication any material whose publication the department thinks—
    - (a) might jeopardise the safety of any person in Northern Ireland, or
    - (b) might prejudice the investigation or prosecution of an offence under the law of Northern Ireland.
  - (11) If the Secretary of State, the Scottish Ministers or the Department of Justice in Northern Ireland lay before Parliament, the Scottish Parliament or the Northern Ireland Assembly a report made by the Commissioner under subsection (3)(a), they must lay the report as it is published by the Commissioner under subsection (6).

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#### Textual Amendments

- F1** S. 41(2)(c) substituted for s. 41(c)-(e) (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\(4\)](#)

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**Commencement Information**

**I1** S. 41 in force at 31.7.2015 by [S.I. 2015/1476](#), **reg. 2(c)** (with [regs. 6, 8](#))

**Changes to legislation:**

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**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\(1\)](#)