

MODERN SLAVERY ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Protection of Victims

Section 51: Presumption about age

237. The purpose of this section is to reflect in this Act the presumption at Article 13(2) of the Directive on preventing and combating trafficking, that where the age of a person subject to trafficking in human beings is uncertain and there are reasonable grounds to believe that the person is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Articles 14 and 15. Convention on Action against Trafficking contains a similar provision at Article 10(3).
238. *Subsection (1)(a) and (b)* set out who the section applies to. *Subsection (2)* sets out the terms under which the presumption may be applied and allows for the presumption to be removed when the person's age has been determined by a lawfully compliant age assessment or other determination.
239. *Subsection (3)* defines 'relevant arrangements' in terms of the assistance and support provided by public authorities as set out in statutory guidance under section 49 and in any regulations made under section 50.
240. *Subsection (4)* defines "local authority".