



# Modern Slavery Act 2015

## 2015 CHAPTER 30

### PART 1

#### OFFENCES

##### *Penalties and sentencing*

#### **8 Power to make slavery and trafficking reparation orders**

- (1) The court may make a slavery and trafficking reparation order against a person if—
  - (a) the person has been convicted of an offence under section 1, 2 or 4, and
  - (b) a confiscation order is made against the person in respect of the offence.
- (2) The court may also make a slavery and trafficking reparation order against a person if—
  - (a) by virtue of section 28 of the Proceeds of Crime Act 2002 (defendants who abscond during proceedings) a confiscation order has been made against a person in respect of an offence under section 1, 2 or 4, and
  - (b) the person is later convicted of the offence.
- (3) The court may make a slavery and trafficking reparation order against the person in addition to dealing with the person in any other way (subject to section 10(1)).
- (4) In a case within subsection (1) the court may make a slavery and trafficking reparation order against the person even if the person has been sentenced for the offence before the confiscation order is made.
- (5) In determining whether to make a slavery and trafficking reparation order against the person the court must have regard to the person's means.
- (6) If the court considers that—
  - (a) it would be appropriate both to impose a fine and to make a slavery and trafficking reparation order, but

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*Status: This is the original version (as it was originally enacted).*

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- (b) the person has insufficient means to pay both an appropriate fine and appropriate compensation under such an order,  
the court must give preference to compensation (although it may impose a fine as well).
- (7) In any case in which the court has power to make a slavery and trafficking reparation order it must—
  - (a) consider whether to make such an order (whether or not an application for such an order is made), and
  - (b) if it does not make an order, give reasons.
- (8) In this section—
  - (a) “the court” means—
    - (i) the Crown Court, or
    - (ii) any magistrates’ court that has power to make a confiscation order by virtue of an order under section 97 of the Serious Organised Crime and Police Act 2005 (confiscation orders by magistrates’ courts);
  - (b) “confiscation order” means a confiscation order under section 6 of the Proceeds of Crime Act 2002;
  - (c) a confiscation order is made in respect of an offence if the offence is the offence (or one of the offences) concerned for the purposes of Part 2 of that Act.