2015 CHAPTER 2

PART 5

SUPPLEMENTARY

Interpretation of this Act

25.—(1) In this Act—

"child" means a person under the age of 18;

"country" includes territory or other part of the world;

[[F1]"the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);**]**

"the Department" means the Department of Justice;

"the Human Rights Convention" means the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950;

"public authority" means any public authority within the meaning of section 6 of the Human Rights Act 1998 (other than a court or tribunal) which exercises functions wholly or mainly in Northern Ireland;

"UK national" means—

(a) a British citizen;

(b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has a right of abode in the United Kingdom; or

(c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar;

"vulnerable adult" means a person aged 18 or over whose ability to protect himself or herself from violence, abuse or exploitation is significantly impaired through physical or mental disability or illness, old age, addiction to alcohol or drugs or for any other reason.

(2) For the purposes of this Act—

(a) a person is in a position of trust in relation to another person in the circumstances mentioned in Article 28 of the Sexual Offences (Northern Ireland) Order 2008;

(b) a person is a member of another person's family if the relation of that person to the other person is within Article 34 of that Order.

(3) For the purposes of the exercise of any function under this Act relating to a child, if—

(a) the age of a person ("P") is uncertain; and

(b) the person exercising the function has reason to believe that P is a child,

P is to be treated as a child.

Textual Amendments

F1 Words in s. 25(1) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 194** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

Amendments, repeals and consequential provision

26.—(1) The statutory provisions set out in Schedule 4 have effect subject to the amendments in that Schedule.

(2) The statutory provisions set out in Schedule 5 are repealed to the extent specified in the second column of that Schedule.

(3) The repeal of a provision by this Act does not affect the operation of that provision in relation to an offence committed before the coming into operation of that repeal.

(4) The Department may by order make whatever provision the Department thinks appropriate in consequence of this Act.

(5) The provision which may be made by order under subsection (4) includes provision amending, repealing or revoking any statutory provision.

Orders and regulations

27.—(1) Subject to subsections (2) to (5), orders made by the Department under this Act and regulations under this Act are subject to negative resolution.

(2) Subsection (1) does not apply to an order under section 28 (commencement).

Changes to legislation: *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, PART 5 is up to date with all changes known to be in force on or before 07 September 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*

(3) Orders to which subsection (4) applies shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(4) This subsection applies to—

(a) an order under section 13(6) (power to amend body to be notified about suspected victims);

(b) an order under section 22(10) (power to amend list of offences excluded from defence in section 22);

(c) an order under section 26(4) (consequential provision) which amends or repeals any provision of an Act or of Northern Ireland legislation;

(d) an order under paragraph 1(5) of Schedule 3 (power to amend definition of "slavery or human trafficking offence");

(e) an order under paragraph 2(7) of Schedule 3 (provision as to additional applicants for slavery and trafficking prevention orders);

(f) an order under paragraph 17 of Schedule 3 (cross-border enforcement of certain court orders).

(5) Regulations under section 13 (duty to notify National Crime Agency) or 21(9) (additional functions for independent guardians) shall not be made unless a draft of the regulations has been laid before and approved by resolution of the Assembly.

(6) Regulations under this Act and orders made by the Department under this Act may include saving, transitional, transitory, supplementary or consequential provision.

Short title and commencement

28.—(1) This Act may be cited as the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

(2) Except as provided by the following subsections, this Act comes into operation on the day after Royal Assent.

(3) The following provisions come into operation on such day or days as the Department may by order appoint—

(a) section 11 (with Schedule 3);

(b) section 13.

(4) Sections 12 and 20 come into operation one month after Royal Assent.

(5) Section 15(1) to (5) and (7) comes into operation on 1 June 2015.

(6) Section 21(1) to (4) and (6) to (12) comes into operation 10 months after Royal Assent.

Changes to legislation:
Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, PART 5 is up to date with all changes known to be in force on or before 07 September 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.
View outstanding changes

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. 18(10A) inserted by 2023 c. 37 s. 28(5)