



Modern Slavery Act 2015

2015 CHAPTER 30

PART 5

PROTECTION OF VICTIMS

47 Civil legal aid for victims of slavery

- (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (availability of civil legal services) is amended as follows.
- (2) In Part 1 (services), after paragraph 32 insert—

“Victims of slavery, servitude or forced or compulsory labour

- 32A (1) Civil legal services provided to an individual in relation to an application by the individual for leave to enter, or to remain in, the United Kingdom where—
- (a) there has been a conclusive determination that the individual is a victim of slavery, servitude or forced or compulsory labour, or
 - (b) there are reasonable grounds to believe that the individual is such a victim and there has not been a conclusive determination that the individual is not such a victim.
- (2) Civil legal services provided in relation to a claim under employment law arising in connection with the conduct by virtue of which an individual who is a victim of slavery, servitude or forced or compulsory labour is such a victim, but only where—
- (a) the services are provided to the individual, or
 - (b) the individual has died and the services are provided to the individual’s personal representative.
- (3) Civil legal services provided in relation to a claim for damages arising in connection with the conduct by virtue of which an individual who is

Status: This is the original version (as it was originally enacted).

a victim of slavery, servitude or forced or compulsory labour is such a victim, but only where—

- (a) the services are provided to the individual, or
- (b) the individual has died and the services are provided to the individual’s personal representative.

Exclusions

- (4) Sub-paragraph (1) is subject to the exclusions in Parts 2 and 3 of this Schedule.
- (5) Sub-paragraphs (2) and (3) are subject to—
 - (a) the exclusions in Part 2 of this Schedule, with the exception of paragraphs 1, 2, 3, 4, 5, 6 and 8 of that Part, and
 - (b) the exclusion in Part 3 of this Schedule.

Definitions

- (6) For the purposes of sub-paragraph (1)(b) there are reasonable grounds to believe that an individual is a victim of slavery, servitude or forced or compulsory labour if a competent authority has determined that there are such grounds.
 - (7) For the purposes of sub-paragraph (1) there is a conclusive determination that an individual is or is not a victim of slavery, servitude or forced or compulsory labour when a competent authority concludes that the individual is or is not such a victim.
 - (8) For the purposes of this paragraph “slavery”, “servitude” and “forced or compulsory labour” have the same meaning as they have for the purposes of article 4 of the Human Rights Convention.
 - (9) 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 4 November 1950, as it has effect for the time being in relation to the United Kingdom.
 - (10) The definitions of “competent authority”, “employment”, “employment law” and “personal representative” in paragraph 32(8) also apply for the purposes of this paragraph.”
- (3) In Part 3 (advocacy: exclusion and exceptions), in paragraph 13 for “or 32(1)” substitute “, 32(1) or 32A(1)”.