

*These notes refer to the Human Trafficking and Exploitation  
(Criminal Justice and Support for Victims) Act (Northern Ireland)  
2015 (c.2) which received Royal Assent on 13 January 2015*

# Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### ***Section 18: Assistance and support pending determination by competent authority***

Section 18 places a statutory duty on the Department of Justice to provide assistance and support to adult potential victims of human trafficking in accordance with the provisions set out in the remainder of the section.

Subsection (2) establishes who is eligible for support and assistance under section 18 with the effect that assistance and support is to be made available to persons aged 18 or over (or, in a case where the age is uncertain, where there is a reasonable belief that the person is aged 18 or over) and who have been referred, or who are about to be referred into the NRM for a conclusive determination as to whether they are a victim of human trafficking.

Subsection (3) provides that assistance and support should continue to be provided until either:

- there is a determination that there are not reasonable grounds to believe the individual is a victim of trafficking; or
- that there is a conclusive determination, either way, about whether the person is or is not a victim of trafficking.

In cases where a positive conclusive determination is reached (i.e. that the person has been trafficked) subsections (3) and (4) require the Department to continue to provide support until the end of a 45 day period (the NRM's "Recovery and Reflection Period").

Subsections (5) and (6) make provision about how the support under this section is to be provided, including that it:

- must not be conditional on a person acting as a witness in criminal proceedings;
- must be dependent on the agreement of the person;

*These notes refer to the Human Trafficking and Exploitation  
(Criminal Justice and Support for Victims) Act (Northern Ireland)  
2015 (c.2) which received Royal Assent on 13 January 2015*

- must be provided in a manner that takes due account of the needs of the person as regards safety and protection from harm;
- must be provided to meet the assessed needs of that person; and
- must be offered from a person of the same gender as the person receiving it.

Subsection (7) makes provision in respect of the types of assistance and support that should be provided under the section, according to assessed need and sets out a non-exhaustive list which includes:

- appropriate and safe accommodation;
- material assistance;
- assistance in obtaining healthcare services;
- appropriate information;
- translation and interpretation services;
- assistance in obtaining legal advice or representation; and
- assistance with repatriation.

Subsection (8) provides a discretionary power to enable the Department to continue to provide support to potential victims in specific cases where an individual is relocated to another jurisdiction on the advice of the PSNI (for example, because of concerns about their personal safety or security if they were to remain in Northern Ireland). Subsection (9) provides a further discretionary power which would ensure that the Department is able to continue to provide support to an individual beyond the point where a Conclusive Determination is made, where that is considered necessary.

Subsection (10) clarifies that the requirements and powers specific to the Department of Justice under section 18 do not affect the individual's other existing rights to assistance from other Departments or agencies.