

*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

Schedule 3: Slavery and trafficking prevention orders

Schedule 3 to the Act makes provision for courts to be able to impose new slavery and trafficking prevention orders (STPOs) either upon sentencing for a slavery-like or human trafficking offence, or following an application by the PSNI. The policy intent is to protect the public from the harm caused by those involved in slavery and human trafficking by enabling the courts to respond swiftly by regulating the actions of those who have been convicted of these offences, where it is necessary to do so.

Part 1 of Schedule 3 provides a power for courts to impose STPOs and interim STPOs and makes provision in respect of their effect. Paragraph 1 sets out that an STPO may be imposed where the defendant is convicted of a slavery or human trafficking offence; where there is a finding that the defendant is not guilty by reason of insanity; or where there is a finding that they are unfit to plead, but have done the act charged against them. A child may not be subject to an STPO. Subparagraph (2) sets out that the court may only make an STPO if it is satisfied that there is a risk that the defendant will commit a slavery or trafficking offence and that the order is necessary to protect the public or particular individuals from likely physical or psychological harm if that offence were to be committed. Subparagraphs (3) and (4) set out the list of qualifying offences that may trigger an STPO and provide an order making power for the Department of Justice to amend this list.

Paragraph 2 makes provision for an STPO or interim STPO to be made following an application by the Chief Constable in cases where the defendant has a previous conviction or caution for a relevant human trafficking or slavery offence (or where there has been a finding that they were not guilty by reason of insanity or unfit to plead) and where their subsequent behaviour gives rise to a risk that they may commit a human trafficking or slavery offence and that the order is necessary to protect the public or particular individuals from

harm. Paragraph 3 defines the term “relevant offender” for the purposes of Paragraph 2.

Paragraph 4 makes provision regarding the effect of an STPO, specifying that it may prohibit or require the defendant from doing anything described in the order, where the court is satisfied that a prohibition or requirement is necessary to protect the public or particular persons. A prohibition contained in an STPO would last for a fixed period of at least five years, or until further notice. Paragraph 5 makes provision in respect of prohibitions on foreign travel.

Paragraphs 6, 7 and 8 include provisions in respect of the variation, renewal or discharge of an order, interim orders and appeals.

Part 2 of Schedule 3 sets out the notification requirements that a person subject to an STPO must adhere to, including the information to be provided to the police in respect of their personal details, addresses, national insurance number and any travel plans within or outside the United Kingdom. These notification requirements are necessary in order to facilitate the enforcement of orders across United Kingdom jurisdictions.

Part 3 of Schedule 3 makes supplementary provision, including setting out that any breach of an STPO or of a notification requirement under an STPO is a criminal offence, attracting a sentence of up to five years on indictment or six months and / or a fine on summary conviction.