

*Status: Point in time view as at 28/04/2022.*

*Changes to legislation: Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, Section 22 is up to date with all changes known to be in force on or before 10 July 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)*



## 2015 CHAPTER 2

### **PART 4**

#### **PROTECTION OF SLAVERY AND TRAFFICKING VICTIMS IN CRIMINAL INVESTIGATIONS AND PROCEEDINGS**

##### **Defence for slavery and trafficking victims in relation to certain offences**

- 22.—**(1) Subject to subsection (9), a person is not guilty of an offence if—
- (a) the person is over the age of 18 when the act which constitutes the offence was done;
  - (b) the person does that act because the person is compelled to do that act,
  - (c) the compulsion is attributable to slavery or to relevant exploitation, and
  - (d) a reasonable person in the same situation as the person and having the person's relevant characteristics would have no realistic alternative to doing that act.
- (2) “Relevant characteristics” means age, sex and any physical or mental illness or disability.
- (3) A person may be compelled to do something by another person or by the person's circumstances.
- (4) Compulsion is attributable to slavery or to relevant exploitation only if—
- (a) it is, or is part of, conduct which constitutes an offence under section 1 or conduct which constitutes relevant exploitation, or
  - (b) it is a direct consequence of a person being, or having been, a victim of an offence under section 1 or a victim of relevant exploitation.

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(5) For the purposes of subsection (4) “relevant exploitation” is exploitation (within the meaning of section 3) that is attributable to the exploited person being, or having been, a victim of an offence under section 2.

(6) Subject to subsection (9), a person is not guilty of an offence if—

- (a) the person is a child at the time the act which constitutes the offence is done; and
- (b) that act was done as a direct consequence of the person being, or having been, a victim of an offence under section 1 or of relevant exploitation.

(7) For the purposes of subsection (6) “relevant exploitation” is exploitation which falls within one or more of subsections (2) to (5) of section 3 and is attributable to the exploited person being, or having been, a victim of an offence under section 2.

(8) In this section references to an act include an omission.

(9) This section does not apply to an offence which, in the case of a person over the age of 21, is punishable on indictment with imprisonment for life or for a term of at least 5 years, other than—

- (a) an offence under—
  - (i) section 4(2) of the Misuse of Drugs Act 1971 committed in respect of a [<sup>F1</sup>Class A,] Class B or Class C drug;
  - (ii) section 5(2) of that Act committed in respect of a [<sup>F2</sup>Class A or] Class B drug;
  - (iii) section 6(2) of that Act;
- (b) an offence under section 26A(3)(a), (b), (d), (e), (f) or (g) of the Immigration Act 1971;
- (c) an offence under section 1, 2, 3 or 4 of the Forgery and Counterfeiting Act 1981;
- (d) an offence under section 106 of the Asylum and Immigration Act 1999;
- (e) an offence under section 4 of the Identity Documents Act 2010.

(10) The Department may by order amend subsection (9).

#### Textual Amendments

- F1** Words in s. 22(9)(a)(i) inserted (28.4.2022) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\)](#), **ss. 22(a)**, 30(1)(a)
- F2** Words in s. 22(9)(a)(ii) inserted (28.4.2022) by [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(c. 19\)](#), **ss. 22(b)**, 30(1)(a)

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