



# Modern Slavery Act 2015

## 2015 CHAPTER 30

### PART 7

#### MISCELLANEOUS AND GENERAL

##### *General*

## 56 Interpretation

- (1) For the purposes of this Act a person is a victim of slavery if he or she is a victim of—
  - (a) conduct which constitutes an offence under section 1, or
  - (b) conduct which would have constituted an offence under that section if that section had been in force when the conduct occurred.
- (2) For the purposes of this Act a person is a victim of human trafficking if he or she is the victim of—
  - (a) conduct which constitutes an offence under section 2, or would constitute an offence under that section if the person responsible for the conduct were a UK national, or
  - (b) conduct which would have been within paragraph (a) if section 2 had been in force when the conduct occurred.
- (3) In this Act—
  - “child” means a person under the age of 18;
  - “country” includes territory or other part of the world;
  - “immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
  - “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal;
  - “UK national” has the meaning given by section 13.

*Status: Point in time view as at 01/12/2020.*

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## 57 Consequential provision

- (1) Schedule 5 contains minor and consequential amendments.
- (2) The Secretary of State may by regulations make whatever provision the Secretary of State thinks appropriate in consequence of this Act.
- (3) The provision which may be made by regulations under subsection (2) includes provision amending, repealing or revoking any provision of an Act or subordinate legislation (including an Act passed or subordinate legislation made in the same session as this Act).

### Commencement Information

- I1** S. 57 partly in force; s. 57(2)(3) in force at Royal Assent, see s. 61(3)  
**I2** S. 57(1) in force at 31.7.2015 for specified purposes by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

## 58 Regulations

- (1) Any power of the Secretary of State to make regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations made by the Secretary of State under this Act is subject to annulment in pursuance of a resolution of either House of Parliament, unless—
  - (a) it contains only regulations under section 61 (commencement), or
  - (b) it contains regulations to which subsection (4) applies.
- (3) A statutory instrument containing regulations to which subsection (4) applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) This section applies to—
  - (a) regulations under section 14(4) (power to amend Schedule 1);
  - (b) regulations under section 31(1) (power to amend section 30);
  - (c) regulations under section 43(9) which remove a public authority from Schedule 3, other than in consequence of the authority having ceased to exist;
  - (d) regulations under section 43(9) which contain the provision mentioned in section 43(10) (power to modify section 43);
  - (e) regulations under section 45(8) (power to amend Schedule 4);
  - (f) regulations under section 48(6) (independent child trafficking advocates);
  - (g) regulations under section 50 (identifying and supporting victims);
  - (h) regulations under section 52(6) which remove a public authority from section 52(5), other than in consequence of the authority having ceased to exist;
  - (i) regulations under section 54(2) (minimum turnover for application of section 54);
  - (j) the first regulations under section 54(3) (definition of turnover for purposes of section 54);
  - <sup>F1</sup>(ja) regulations under section 54A(8) (power to amend Schedule 4A);]

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- (k) regulations under section 57(2) (consequential provision) which amend, or repeal any provision of, an Act.
- (5) Regulations made by the Scottish Ministers under section 43(7)—
  - (a) are subject to the affirmative procedure if they contain—
    - (i) provision removing a public authority from Schedule 3, other than in consequence of the authority having ceased to exist, or
    - (ii) the provision mentioned in section 43(10) (power to modify section 43);
  - (b) otherwise, are subject to the negative procedure.
- (6) The power of the Department of Justice in Northern Ireland to make regulations under section 43(8) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (7) Regulations made by the Department of Justice in Northern Ireland under section 43(8) are subject to negative resolution (within the meaning of section 41(6) of the Interpretation (Northern Ireland) Act 1954 (c. 33 (N.I.))), unless they are regulations to which subsection (9) applies.
- (8) The Department of Justice in Northern Ireland may not make regulations to which subsection (9) applies unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (9) This subsection applies to regulations under section 43(8) which contain—
  - (a) provision removing a public authority from Schedule 3, other than in consequence of the authority having ceased to exist, or
  - (b) the provision mentioned in section 43(10) (power to modify section 43).
- (10) Regulations made under this Act may—
  - (a) make different provision for different purposes;
  - (b) include saving, transitional, transitory, supplementary or consequential provision.
- (11) This section (apart from subsection (10)) does not apply to regulations under paragraph 5 of Schedule 2.

#### Textual Amendments

**F1** S. 58(4)(ja) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 32](#); S.I. 2016/603, reg. 3(u)

## 59 Financial provisions

There is to be paid out of money provided by Parliament—

- (a) any expenditure incurred under or by virtue of this Act by the Secretary of State;
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

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## 60 Extent

- (1) Parts 1, 2 and 5 (except for section 53) [<sup>F2</sup>and section 54A, and Schedule 4A, in Part 7] extend to England and Wales only, subject to subsection (4).
- (2) Part 3 extends as follows—
  - (a) section 35 extends to England and Wales only;
  - (b) section 36 extends to Scotland only;
  - (c) section 37 extends to Northern Ireland only;
  - (d) sections 38 and 39, and Schedule 2, extend to England and Wales, Scotland and Northern Ireland.
- (3) Part 4, section 53 in Part 5 and Parts 6 and 7 [<sup>F3</sup>(except for section 54A and Schedule 4A)] extend to England and Wales, Scotland and Northern Ireland, subject to subsections (4) and (5).
- (4) An amendment or repeal made by this Act has the same extent as the provision amended or repealed.
- (5) But the amendments and repeals made by the following provisions of Schedule 5 extend to England and Wales only—
  - (a) paragraph 2,
  - (b) paragraph 5(2),
  - (c) paragraph 6,
  - (d) paragraph 8,
  - (e) paragraph 21.
- (6) Her Majesty may by Order in Council provide for any of the provisions of this Act to extend, with or without modifications, to any of the Channel Islands or to the Isle of Man.

### Textual Amendments

- F2** Words in s. 60(1) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 33\(a\)](#); [S.I. 2016/603, reg. 3\(u\)](#)
- F3** Words in s. 60(3) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 33\(b\)](#); [S.I. 2016/603, reg. 3\(u\)](#)

### Modifications etc. (not altering text)

- C1** S. 60(6) power to extend (with modifications) (Channel Islands or Isle of Man) any amendments or repeals made to this Act by 2016 c. 19, to which this section relates (12.5.2016) by [Immigration Act 2016 \(c. 19\)](#), [ss. 94\(5\), 95\(6\)\(7\)\(j\)](#)

## 61 Commencement

- (1) This Act comes into force on whatever day or days the Secretary of State appoints by regulations, subject to subsections (2) and (3).
- (2) Section 48(7) comes into force at the end of the period of 2 months beginning with the day on which this Act is passed.
- (3) This Part, other than section 57(1) and Schedule 5, comes into force on the day on which this Act is passed.

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- (4) Before making regulations bringing into force any of the provisions of Part 3, the Secretary of State must consult—
  - (a) the Scottish Ministers, so far as the provisions extend to Scotland;
  - (b) the Department of Justice in Northern Ireland, so far as the provisions extend to Northern Ireland.
- (5) The Secretary of State may not make regulations under subsection (1) bringing into force section 48(1) to (6) (or any part of it) before the end of the period of 9 months beginning with the day on which this Act is passed.
- (6) After the end of that period—
  - (a) if a resolution is passed by each House of Parliament that section 48(1) to (6) (or any part of it) should come into force, the Secretary of State must make regulations under subsection (1) bringing into force that section (or that part of it);
  - (b) the Secretary of State may not make regulations under subsection (1) bringing into force section 48(1) to (6) (or any part of it) unless required to do so by paragraph (a).
- (7) Regulations made by virtue of subsection (6)(a) must bring into force section 48(1) to (6) (or the part of it specified in the resolutions) before the end of the period of one month beginning with the day on which the resolutions are passed (or, if they are passed on different days, the day on which the later of them is passed).
- (8) The Secretary of State may by regulations make whatever saving, transitory or transitional provision the Secretary of State thinks appropriate in connection with the coming into force of any provision of this Act.

## **62 Short title**

This Act may be cited as the Modern Slavery Act 2015.

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