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SCHEDULES

SCHEDULE 5

Section 57

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO OFFENCES

Children and Young Persons Act 1933 (c. 12)

- 1 (1) Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons to which special provisions of the Act apply) is amended as follows.
 - (2) In the first entry relating to the Sexual Offences Act 2003 omit “59A to”.
 - (3) Omit the entry relating to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.
 - (4) After that entry insert— “ An offence against a child or young person under section 2 of the Modern Slavery Act 2015 (human trafficking), or any attempt to commit such an offence. ”

Commencement Information

11 Sch. 5 para. 1 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j) (with regs. 3, 6, 8)

Immigration Act 1971 (c. 77)

- 2 In section 25C of the Immigration Act 1971 (forfeiture of vehicle, ship or aircraft) in subsections (9)(b), (10)(b) and (11) for the words from “a passenger” to the end substitute “ the victim of conduct which constitutes an offence under section 2 of the Modern Slavery Act 2015 (human trafficking). ”

Commencement Information

12 Sch. 5 para. 2 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j) (with regs. 4, 8)

Police and Criminal Evidence Act 1984 (c. 60)

- 3 In section 65A(2) of the Police and Criminal Evidence Act 1984 (questioning and treatment of persons by police: meaning of “qualifying offence”) after paragraph (r) insert—

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“(s) an offence under section 2 of the Modern Slavery Act 2015 (human trafficking).”

Commencement Information

I3 Sch. 5 para. 3 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

Sexual Offences (Amendment) Act 1992 (c. 34)

- 4 In section 2(1) of the Sexual Offences (Amendment) Act 1992 (offences under law of England and Wales to which the Act applies)—
- (a) after paragraph (da) insert—
- “(db) any offence under section 2 of the Modern Slavery Act 2015 (human trafficking);”;
- (b) in paragraph (e) for “(da)” substitute “(db)”.

Commencement Information

I4 Sch. 5 para. 4 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

Sexual Offences Act 2003 (c. 42)

- 5 (1) The Sexual Offences Act 2003 is amended as follows.
- (2) Omit sections 59A to 60C (trafficking for sexual exploitation; forfeiture and detention).
- (3) In Schedule 5 (relevant offences for purposes of notification and orders) after paragraph 63A insert—
- “63B An offence under section 2 of the Modern Slavery Act 2015 (human trafficking).”
- (4) In Schedule 6, omit paragraphs 31(2)(b) and 46(2).

Commencement Information

I5 Sch. 5 para. 5 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j) (with regs. 3, 8)

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

- 6 (1) The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 is amended as follows.
- (2) Omit section 4 (trafficking people for exploitation).
- (3) In section 5 (section 4 - supplementary provision) omit subsections (3) to (7) and (11).
- (4) In section 14(2) (immigration officers' power of arrest)—
- (a) omit paragraphs (n) and (p);
- (b) after paragraph (q) insert—

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“(r) an offence under section 2 of the Modern Slavery Act 2015.”

Commencement Information

I6 Sch. 5 para. 6 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j) (with regs. 3, 6-8)

Serious Crime Act 2007 (c. 27)

7 (1) Part 1 of Schedule 1 to the Serious Crime Act 2007 (serious offences: England and Wales) is amended as follows.

(2) After paragraph 1 insert—

“Slavery etc

1A An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour).”

(3) In paragraph 2, at the end insert—

“(4) An offence under section 2 of the Modern Slavery Act 2015.”

Commencement Information

I7 Sch. 5 para. 7 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

Coroners and Justice Act 2009 (c. 25)

8 Omit section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour).

Commencement Information

I8 Sch. 5 para. 8 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j) (with regs. 3, 5, 7, 8)

Protection of Freedoms Act 2012 (c. 9)

9 (1) The Protection of Freedoms Act 2012 is amended as follows.

(2) Omit sections 109 and 110.

(3) In Schedule 9, omit paragraphs 136, 138, 140(2) and (3) and 141.

Commencement Information

I9 Sch. 5 para. 9 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j) (with regs. 3, 8)

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Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- 10 In Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in paragraph 32(8) (civil legal services for trafficking victims: definitions), in the definition of “exploitation” for the words from “section” to the end substitute “ section 3 of the Modern Slavery Act 2015 (meaning of exploitation for purposes of human trafficking offence in section 2 of that Act); ”.

Commencement Information

I10 Sch. 5 para. 10 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

PART 2

AMENDMENTS RELATING TO SLAVERY AND TRAFFICKING REPARATION ORDERS

VALID FROM 17/03/2016

Administration of Justice Act 1970 (c. 31)

- 11 (1) The Administration of Justice Act 1970 is amended as follows.
- (2) In section 41(8) (enforcement of orders for compensation etc) for “or 13A” substitute “ , 13A or 13B ”.
- (3) In Part 1 of Schedule 9 (enforcement of orders for compensation etc) after paragraph 13A insert—
- “13B Where under section 8 of the Modern Slavery Act 2015 a court makes a slavery and trafficking reparation order.”

Criminal Justice Act 1991 (c. 53)

- 12 (1) Section 24 of the Criminal Justice Act 1991 (recovery of fines by deduction from certain benefits) is amended as follows.
- (2) In subsection (1), for “or unlawful profit order” substitute “ , an unlawful profit order or a slavery and trafficking reparation order ”.
- (3) In subsection (3)(b), for “or unlawful profit order” substitute “ , an unlawful profit order or a slavery and trafficking reparation order ”.
- (4) In subsection (4), after the definition of “prescribed” insert—
- ““slavery and trafficking reparation order” means an order under section 8 of the Modern Slavery Act 2015;”.

Commencement Information

I11 Sch. 5 para. 12 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

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Social Security (Recovery of Benefits) Act 1997 (c. 27)

- 13 In paragraph 2 of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997 (exempted payments), for “2000 or” substitute “ 2000, section 8 of the Modern Slavery Act 2015,”.

Commencement Information

I12 Sch. 5 para. 13 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 14 In section 133(3)(c) of the Powers of Criminal Courts (Sentencing) Act 2000 (review of compensation orders), for the words from “a confiscation order” to the end substitute “any or all of the following made against him in the same proceedings

- (i) a confiscation order under Part 6 of the Criminal Justice Act 1988 or Part 2 of the Proceeds of Crime Act 2002;
- (ii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;
- (iii) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015; or”.

Commencement Information

I13 Sch. 5 para. 14 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

Proceeds of Crime Act 2002 (c. 29)

VALID FROM 17/03/2016

- 15 (1) Section 13 of the Proceeds of Crime Act 2002 (effect of confiscation order on court's other powers) is amended as follows.
- (2) In subsection (3)(a)—
- (a) for “or an” substitute “ , an ”;
 - (b) after “(unlawful profit orders)” insert “ or an order under section 8 of the Modern Slavery Act 2015 (slavery and trafficking reparation orders) ”.
- (3) In subsection (5)—
- (a) in paragraph (a) after “makes” insert “ a confiscation order and one or more of”;
 - (b) in paragraph (a)(i) omit “both a confiscation order and”;
 - (c) in paragraph (a)(ii) omit “both a confiscation order and”;
 - (d) after paragraph (a)(ii) insert—
 - “(ia) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015,”;
 - (e) omit paragraph (a)(iii);
 - (f) in paragraph (b) omit “both the orders or”.

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(4) In subsection (6) (priorities of confiscation orders and other orders) for the words from “of the compensation” to “as it specifies” substitute “ as it specifies of the amount (or amounts) payable under the order (or orders) listed in subsection (5) (a)(i) to (iia) ”.

16 In section 19(8) of the Proceeds of Crime Act 2002 (no order made: reconsideration of case), at the end insert “ in relation to it ”.

Commencement Information
I14 Sch. 5 para. 16 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

17 In section 20(12) of the Proceeds of Crime Act 2002 (no order made: reconsideration of benefit), at the end insert “ in relation to it ”.

Commencement Information
I15 Sch. 5 para. 17 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

18 In section 32(7)(b) of the Proceeds of Crime Act 2002 (court's powers on appeal) at the end insert “ in relation to it ”.

Commencement Information
I16 Sch. 5 para. 18 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

19 In section 33(9)(b) of the Proceeds of Crime Act 2002 (appeal to Supreme Court) at the end insert “ in relation to it ”.

Commencement Information
I17 Sch. 5 para. 19 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

PROSPECTIVE

F120

Textual Amendments
F1 Sch. 5 para. 20 omitted (17.3.2016) by virtue of The Modern Slavery Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/244), regs. 1(1), 27

21 In section 308 of the Proceeds of Crime Act 2002 (general exceptions to concept of recoverable property) after subsection (4) insert—

- “(4A) If—
 - (a) a payment is made to a person in pursuance of a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015, and

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(b) apart from this subsection, the sum received would be recoverable property,
the property ceases to be recoverable.”

Commencement Information

I18 Sch. 5 para. 21 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

22 In Schedule 11 to the Proceeds of Crime Act 2002 (amendments), omit paragraph 37(3).

Commencement Information

I19 Sch. 5 para. 22 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

Courts Act 2003 (c. 39)

23 (1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums imposed on conviction) is amended as follows.

(2) In paragraph 2(2)—

- (a) omit the “and” at the end of the definition of “a sum required to be paid by a compensation order”;
- (b) after the definition of “a sum required to be paid by an unlawful profit order” insert—

““a sum required to be paid by a slavery and trafficking reparation order” means any sum required to be paid by an order made under section 8 of the Modern Slavery Act 2015.”

(3) In paragraph 7A(1) for “or an unlawful profit order” substitute “, an unlawful profit order or a slavery and trafficking reparation order ”.

(4) In paragraph 13(1)(aa)—

- (a) for “or a sum” substitute “, a sum ”;
- (b) after “unlawful profit order” insert “ or a sum required to be paid by a slavery and trafficking reparation order ”;
- (c) in sub-paragraph (i) for “or the” substitute “, the ”;
- (d) in that sub-paragraph after “unlawful profit order” insert “ or the amount required to be paid by the slavery and trafficking reparation order ”.

Commencement Information

I20 Sch. 5 para. 23 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

Criminal Justice Act 2003 (c. 44)

24 In section 151(5) of the Criminal Justice Act 2003 (orders for persistent offenders previously fined) after “2013” insert “ or a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015 ”.

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I21 Sch. 5 para. 24 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

- 25 (1) Section 161A of the Criminal Justice Act 2003 (court's duty to order payment of surcharge) is amended as follows.
- (2) In subsection (3)—
- (a) in paragraph (a) for the words from “a” to “both” substitute “one or more of a compensation order, an unlawful profit order and a slavery and trafficking reparation order”;
- (b) in paragraph (b) for the words from “and appropriate compensation” to the end substitute “and appropriate amounts under such of those orders as it would be appropriate to make,”.
- (3) In subsection (5) for “this section” substitute “this section —
- slavery and trafficking reparation order” means an order under section 8 of the Modern Slavery Act 2015, and”.

Commencement Information

I22 Sch. 5 para. 25 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

- 26 In paragraph 1 of Schedule 10 to the Health and Social Care (Community Health and Standards) Act 2003 (recovery of NHS charges: exempted payments)—
- (a) omit “or” at the end of sub-paragraph (b);
- (b) at the end of sub-paragraph (c) insert “or
- (d) section 8 of the Modern Slavery Act 2015 (slavery and trafficking reparation orders).”

Commencement Information

I23 Sch. 5 para. 26 in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

Prevention of Social Housing Fraud Act 2013 (c. 3)

- 27 (1) The Prevention of Social Housing Fraud Act 2013 is amended as follows.
- (2) In section 4(12)(d) (application of Powers of Criminal Courts (Sentencing) Act 2000 to unlawful profit orders)—
- (a) for the words from “133(3)(c)” to “confiscation order or” substitute “133(3)(c)(ii) to an unlawful profit order under section 4 were to”;
- (b) omit the second “(or both)”.
- (3) In the Schedule (amendments), omit paragraphs 2, 5(2)(a) and (3), 9, 26 and 30(2).

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I24 Sch. 5 para. 27(1)(2) in force at 31.7.2015 by S.I. 2015/1476, reg. 2(j)

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