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## SCHEDULES

### SCHEDULE 5 **E+W+S**

Section 57

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1 **E+W+S**

##### 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** **E+W+S**

AMENDMENTS RELATING TO SLAVERY AND TRAFFICKING REPARATION ORDERS

*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 “, [<sup>F1</sup>12B or 12C] ”.
- (3) In Part 1 of Schedule 9 (enforcement of orders for compensation etc) after paragraph [<sup>F2</sup>12B] insert—
- [<sup>F3</sup>“12C] Where under section 8 of the Modern Slavery Act 2015 a court makes a slavery and trafficking reparation order.”

**Textual Amendments**

- F1** Words in Sch. 5 para. 11(2) substituted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), [regs. 1\(1\)](#), [25\(a\)](#)
- F2** Word in Sch. 5 para. 11(3) substituted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), [regs. 1\(1\)](#), [25\(b\)\(i\)](#)
- F3** Word in Sch. 5 para. 11(3) substituted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), [regs. 1\(1\)](#), [25\(b\)\(ii\)](#)

**Commencement Information**

**I11** Sch. 5 para. 11 in force at 17.3.2016 by [S.I. 2016/243](#), [reg. 2\(a\)](#)

*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 ”.

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(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**

**I12** Sch. 5 para. 12 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

*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**

**I13** 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)*

<sup>F4</sup>14 .....

**Textual Amendments**

**F4** Sch. 5 para. 14 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

*Proceeds of Crime Act 2002 (c. 29)*

[<sup>F5</sup>15 In section 13(3A) of the Proceeds of Crime Act 2002 (effect of confiscation order on court’s other powers), after paragraph (c) insert—

“(d) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.”]

**Textual Amendments**

**F5** Sch. 5 para. 15 substituted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), [regs. 1\(1\)](#), [26](#)

**Commencement Information**

**I14** Sch. 5 para. 15 in force at 17.3.2016 by [S.I. 2016/243](#), [reg. 2\(b\)](#)

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 ”.

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**Commencement Information**

**I15** 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**

**I16** 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**

**I17** 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**

**I18** Sch. 5 para. 19 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

PROSPECTIVE

<sup>F6</sup>20 .....

**Textual Amendments**

**F6** 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  
(b) apart from this subsection, the sum received would be recoverable property,  
the property ceases to be recoverable.”

**Commencement Information**

**I19** Sch. 5 para. 21 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

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

**Commencement Information**

**I20** 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**

**I21** Sch. 5 para. 23 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(j\)](#)

*Criminal Justice Act 2003 (c. 44)*

<sup>F7</sup>24 .....

**Textual Amendments**

**F7** Sch. 5 para. 24 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

<sup>F8</sup>25 .....

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**Textual Amendments**

- F8** Sch. 5 para. 25 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

*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**

- I22** 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).

**Commencement Information**

- I23** Sch. 5 para. 27(1)(2) in force at 31.7.2015 by [S.I. 2015/1476](#), reg. 2(j)  
**I24** Sch. 5 para. 27(3) in force at 17.3.2016 by [S.I. 2016/243](#), reg. 2(c)



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