



# Modern Slavery Act 2015

## 2015 CHAPTER 30

### PART 2

#### PREVENTION ORDERS

##### *Slavery and trafficking prevention orders*

#### **20 Variation, renewal and discharge**

- (1) A person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging a slavery and trafficking prevention order.
- (2) The persons are—
  - (a) the defendant;
  - (b) the chief officer of police for the area in which the defendant lives;
  - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer's police area;
  - (d) where the order was made on an application under section 15 by a chief officer of police, that officer;
  - (e) where the order was made on an application under section 15 by an immigration officer, an immigration officer;
  - (f) where the order was made on an application under section 15 by the Director General of the National Crime Agency (“the Director General”), the Director General;
  - [<sup>F1</sup>(g) where the order was made on an application under section 15 by the Gangmasters and Labour Abuse Authority, the Authority.]
- (3) On the application the court, after hearing—
  - (a) the person making the application, and
  - (b) the other persons mentioned in subsection (2) (if they wish to be heard),may make any order varying, renewing or discharging the slavery and trafficking prevention order that the court considers appropriate.

*Status: Point in time view as at 25/05/2018.*

*Changes to legislation: Modern Slavery Act 2015, Section 20 is up to date with all changes known to be in force on or before 07 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)*

- (4) An order may be renewed, or varied so as to impose additional prohibitions on the defendant or require the defendant to comply with section 19(3) to (6), only if the court is satisfied that—
- (a) there is a risk that the defendant may commit a slavery or human trafficking offence, and
  - (b) it is necessary to renew or vary the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence.
- (5) Any renewed or varied order—
- (a) may contain only those prohibitions which the court is satisfied are necessary for that purpose,
  - (b) may require the defendant to comply with section 19(3) to (6) only if the court is satisfied that the requirement is necessary for that purpose.
- (6) The court must not discharge an order before the end of 5 years beginning with the day on which the order was made, without the consent of—
- (a) the defendant and the chief officer of police for the area in which the defendant lives, or
  - (b) where the application is made by a chief officer of police, the defendant and that chief officer.
- (7) Subsection (6) does not apply to an order containing a prohibition on foreign travel and no other prohibitions.
- (8) An application under this section may be made—
- (a) where the appropriate court is the Crown Court, in accordance with rules of court;
  - (b) in any other case, by complaint.
- (9) Where an immigration officer<sup>[F2]</sup>, the Director General or the Gangmasters and Labour Abuse Authority] makes an application under this section, the officer<sup>[F3]</sup>, the Director General or the Authority] must give notice of the application to the chief officer of police for—
- (a) the police area where the defendant lives, or
  - (b) a police area which the immigration officer<sup>[F3]</sup>, the Director General or the Authority] believes the defendant is in or is intending to come to.
- (10) In this section “the appropriate court” means—
- (a) where the Crown Court or the Court of Appeal made the slavery and trafficking prevention order, the Crown Court;
  - (b) where an adult magistrates' court made the order—
    - (i) that court,
    - (ii) an adult magistrates' court for the area in which the defendant lives, or
    - (iii) where the application is made by a chief officer of police, any adult magistrates' court acting for a local justice area that includes any part of the chief officer's police area;
  - (c) where a youth court made the order and the defendant is under 18—
    - (i) that court,
    - (ii) a youth court for the area in which the defendant lives, or

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- (iii) where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer's police area;
- (d) where a youth court made the order and the defendant is 18 or over—
  - (i) an adult magistrates' court for the area in which the defendant lives, or
  - (ii) where the application is made by a chief officer of police, any adult magistrates' court acting for a local justice area that includes any part of the chief officer's police area.

#### Textual Amendments

- F1** S. 20(2)(g) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 2 para. 12\(2\)](#); [S.I. 2016/603](#), reg. 3(t)
- F2** Words in s. 20(9) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 2 para. 12\(3\)\(a\)](#); [S.I. 2016/603](#), reg. 3(t)
- F3** Words in s. 20(9) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 2 para. 12\(3\)\(b\)](#); [S.I. 2016/603](#), reg. 3(t)

#### Commencement Information

- I1** S. 20 in force at 31.7.2015 by [S.I. 2015/1476](#), reg. 2(b)

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