



Modern Slavery Act 2015

2015 CHAPTER 30

PART 2

PREVENTION ORDERS

Slavery and trafficking prevention orders

14 Slavery and trafficking prevention orders on sentencing

- (1) A court may make a slavery and trafficking prevention order against a person (“the defendant”) where it deals with the defendant in respect of—
 - (a) a conviction for a slavery or human trafficking offence,
 - (b) a finding that the defendant is not guilty of a slavery or human trafficking offence by reason of insanity, or
 - (c) a finding that the defendant is under a disability and has done the act charged against the defendant in respect of a slavery or human trafficking offence.
- (2) The court may make the order only if it 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 make 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.
- (3) A “slavery or human trafficking offence” means an offence listed in Schedule 1.
- (4) The Secretary of State may by regulations amend Schedule 1.
- (5) For the purposes of this section, convictions and findings include those taking place before this section comes into force.

15 Slavery and trafficking prevention orders on application

- (1) A magistrates' court may make a slavery and trafficking prevention order against a person ("the defendant") on an application by—
 - (a) a chief officer of police,
 - (b) an immigration officer, or
 - (c) the Director General of the National Crime Agency ("the Director General").
- (2) The court may make the order only if it is satisfied that—
 - (a) the defendant is a relevant offender (see section 16), and
 - (b) since the defendant first became a relevant offender, the defendant has acted in a way which means that the condition in subsection (3) is met.
- (3) The condition is that—
 - (a) there is a risk that the defendant may commit a slavery or human trafficking offence, and
 - (b) it is necessary to make 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.
- (4) A chief officer of police may make an application under this section only in respect of a person—
 - (a) who lives in the chief officer's police area, or
 - (b) who the chief officer believes is in that area or is intending to come to it.
- (5) An application under this section is to be made by complaint, and may be made to any magistrates' court acting for a local justice area that includes—
 - (a) any part of a relevant police area, or
 - (b) any place where it is alleged that the defendant acted in a way mentioned in subsection (2)(b).
- (6) Where the defendant is under 18, a reference in this section to a magistrates' court is to be taken as referring to a youth court (subject to any rules of court made under section 32).
- (7) Where an immigration officer or the Director General makes an application under this section, the officer or the Director General must give notice of the application to the chief officer of police for a relevant police area.
- (8) In this section "relevant police area" means—
 - (a) where the applicant is a chief officer of police, the officer's police area;
 - (b) where the applicant is an immigration officer or the Director General, the police area where the defendant lives or a police area which the officer or the Director General believes the defendant is in or is intending to come to.
- (9) The acts of the defendant which may be relied on for the purposes of subsection (2)(b) include acts taking place before this section comes into force.

16 Meaning of "relevant offender"

- (1) A person is a "relevant offender" for the purposes of section 15 if subsection (2) or (3) applies to the person.
- (2) This subsection applies to a person if—

- (a) the person has been convicted of a slavery or human trafficking offence,
 - (b) a court has made a finding that the person is not guilty of a slavery or human trafficking offence by reason of insanity,
 - (c) a court has made a finding that the person is under a disability and has done the act charged against the person in respect of a slavery or human trafficking offence, or
 - (d) the person has been cautioned in respect of a slavery or human trafficking offence.
- (3) This subsection applies to a person if, under the law of a country outside the United Kingdom—
- (a) the person has been convicted of an equivalent offence (whether or not the person has been punished for it),
 - (b) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is not guilty by reason of insanity,
 - (c) a court has made, in relation to an equivalent offence, a finding equivalent to a finding that the person is under a disability and has done the act charged against the person, or
 - (d) the person has been cautioned in respect of an equivalent offence.
- (4) An “equivalent offence” means an act which—
- (a) constituted an offence under the law of the country concerned, and
 - (b) would have constituted a slavery or human trafficking offence under the law of England and Wales if it had been done in England and Wales, or by a UK national, or as regards the United Kingdom.
- (5) For the purposes of subsection (4) an act punishable under the law of a country outside the United Kingdom constitutes an offence under that law, however it is described in that law.
- (6) On an application under section 15 where subsection (3) is alleged to apply to the defendant, the condition in subsection (4)(b) is to be taken as met unless—
- (a) not later than provided by rules of court, the defendant serves on the applicant a notice which states that in the defendant’s opinion the condition is not met, shows the grounds for that opinion, and requires the applicant to prove that the condition is met, or
 - (b) the court permits the defendant to require the applicant to prove that the condition is met without service of such a notice.
- (7) References in this section to convictions, findings and cautions include those taking place before this section comes into force.

17 Effect of slavery and trafficking prevention orders

- (1) A slavery and trafficking prevention order is an order prohibiting the defendant from doing anything described in the order.
- (2) The only prohibitions that may be included in the order are those which the court is satisfied are necessary 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 a slavery or human trafficking offence.

Status: This is the original version (as it was originally enacted).

- (3) The order may prohibit the defendant from doing things in any part of the United Kingdom, and anywhere outside the United Kingdom.
- (4) Subject to section 18(1), a prohibition contained in a slavery and trafficking prevention order has effect—
 - (a) for a fixed period, specified in the order, of at least 5 years, or
 - (b) until further order.
- (5) A slavery and trafficking prevention order—
 - (a) may specify that some of its prohibitions have effect until further order and some for a fixed period;
 - (b) may specify different periods for different prohibitions.
- (6) If a court makes a slavery and trafficking prevention order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

18 Prohibitions on foreign travel

- (1) A prohibition on foreign travel contained in a slavery and trafficking prevention order must be for a fixed period of not more than 5 years.
- (2) A “prohibition on foreign travel” means—
 - (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
 - (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
 - (c) a prohibition on travelling to any country outside the United Kingdom.
- (3) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 20.
- (4) A slavery and trafficking prevention order that contains a prohibition within subsection (2)(c) must require the defendant to surrender all of the defendant’s passports at a police station specified in the order—
 - (a) on or before the date when the prohibition takes effect, or
 - (b) within a period specified in the order.
- (5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a slavery and trafficking prevention order containing a prohibition within subsection (2)(c).
- (6) Subsection (5) does not apply in relation to—
 - (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
 - (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.

19 Requirement to provide name and address

- (1) A slavery and trafficking prevention order may (as well as imposing prohibitions on the defendant) require the defendant to comply with subsections (3) to (6).

- (2) It may do so only if the court is satisfied that the requirement is necessary 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 a slavery or human trafficking offence.
- (3) Before the end of the period of 3 days beginning with the day on which a slavery and trafficking prevention order requiring the defendant to comply with subsections (3) to (6) is first served the defendant must, in the way specified in the order, notify the person specified in the order of the relevant matters.
- (4) The relevant matters are—
 - (a) the defendant’s name and, where the defendant uses one or more other names, each of those names, and
 - (b) the defendant’s home address.
- (5) If while the defendant is subject to the order the defendant—
 - (a) uses a name which has not been notified under the order, or
 - (b) changes home address,the defendant must, in the way specified in the order, notify the person specified in the order of the new name or the new home address.
- (6) The notification must be given before the end of the period of 3 days beginning with the day on which the defendant uses the name or changes home address.
- (7) Where the order requires the defendant to notify the Director General of the National Crime Agency or an immigration officer, the Director General or the officer must give details of any notification to the chief officer of police for each relevant police area.
- (8) “Relevant police area” means—
 - (a) where the defendant notifies a new name, the police area where the defendant lives;
 - (b) where the defendant notifies a change of home address, the police area where the defendant lives and (if different) the police area where the defendant lived before the change of home address.

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.

Status: This is the original version (as it was originally enacted).

- (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.
- (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 or the Director General makes an application under this section, the officer or the Director General 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 or the Director General 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
 - (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.

21 Interim slavery and trafficking prevention orders

- (1) This section applies where an application under section 15 (“the main application”) has not been determined.
- (2) An application for an interim slavery and trafficking prevention order—
 - (a) may be made by the complaint by which the main application is made, or
 - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The court may, if it considers it just to do so, make an interim slavery and trafficking prevention order.
- (4) An interim slavery and trafficking prevention order is an order which prohibits the defendant from doing anything described in the order.
- (5) The order may prohibit the defendant from doing things in any part of the United Kingdom, and anywhere outside the United Kingdom.
- (6) The order may (as well as imposing prohibitions on the defendant) require the defendant to comply with subsections (3) to (6) of section 19.

If it does, those subsections apply as if references to a slavery and trafficking prevention order were to an interim slavery and trafficking prevention order.
- (7) The order—
 - (a) has effect only for a fixed period, specified in the order;
 - (b) ceases to have effect, if it has not already done so, on the determination of the main application.
- (8) The applicant or the defendant may by complaint apply to the court that made the interim slavery and trafficking prevention order for the order to be varied, renewed or discharged.

22 Appeals

- (1) A defendant may appeal against the making of a slavery and trafficking prevention order—
 - (a) where the order was made under section 14(1)(a), as if the order were a sentence passed on the defendant for the offence;
 - (b) where the order was made under section 14(1)(b) or (c), as if the defendant had been convicted of the offence and the order were a sentence passed on the defendant for the offence;
 - (c) where the order was made on an application under section 15, to the Crown Court.
- (2) A defendant may appeal to the Crown Court against the making of an interim slavery and trafficking prevention order.
- (3) A defendant may appeal against the making of an order under section 20, or the refusal to make such an order—
 - (a) where the application for such an order was made to the Crown Court, to the Court of Appeal;
 - (b) in any other case, to the Crown Court.
- (4) On an appeal under subsection (1)(c), (2) or (3)(b), the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (5) Any order made by the Crown Court on an appeal under subsection (1)(c) or (2) is for the purposes of section 20(10) or 21(8) (respectively) to be treated as if it were an order of the court from which the appeal was brought.
- (6) Subsection (5) does not apply to an order directing that an application be re-heard by a magistrates' court.