

SCHEDULES

SCHEDULE 3

SLAVERY AND TRAFFICKING PREVENTION ORDERS

PART 3

SUPPLEMENTARY

Offences

16.—(1) A person who, without reasonable excuse, fails to comply with any prohibition or requirement contained in—

- (a) a slavery and trafficking prevention order, or
- (b) an interim slavery and trafficking prevention order,

commits an offence.

(2) A person who, without reasonable excuse, fails to comply with—

- (a) paragraph 10(1), 11(1) or (6)(b), 12(1), 13(2) or (6) or 15(3), or
- (b) any requirement imposed by regulations made under paragraph 14(1),

commits an offence.

(3) A person who notifies to the police, in purported compliance with—

- (a) paragraph 10(1), 11(1), 12(1) or 13(2) or (6), or
- (b) any requirement imposed by regulations made under paragraph 14(1),

any information which the person knows to be false, commits an offence.

(4) As regards an offence under sub-paragraph (2), so far as it relates to non-compliance with—

- (a) paragraph 10(1), 11(1), 12(1) or 13(2) or (6), or

- (b) any requirement imposed by regulations made under paragraph 14(1),

a person commits such an offence on the first day on which the person first fails, without reasonable excuse, to comply with the provision mentioned in paragraph (a) or (as the case may be) the requirement mentioned in paragraph (b), and continues to commit it throughout any period during which the failure continues.

(5) But a person must not be prosecuted under sub-paragraph (2) more than once in respect of the same failure.

- (6) A person guilty of an offence under this paragraph is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years;
 - (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

(7) Where a person is convicted of an offence under this paragraph, it is not open to the court by or before which the person is convicted to make an order for conditional discharge in respect of the offence.

Cross-border enforcement within UK

17.—(1) The Department may by order amend paragraph 16(1) so as to add to or remove from the list of orders in that paragraph any relevant UK order.

(2) “Relevant UK order” means an order under the law of Scotland or England and Wales which appears to the Department to be equivalent or similar to—

- (a) a slavery and trafficking prevention order,
- (b) an interim slavery and trafficking prevention order.

*Supply of information to relevant Northern
Ireland departments, Secretary of State, etc.*

18.—(1) This paragraph applies to information notified to the police under paragraph 10(1), 11(1) or 12(1).

(2) The Chief Constable may, for the purposes of the prevention, detection, investigation or prosecution of offences under this Schedule, supply information to which this paragraph applies to—

- (a) a relevant Northern Ireland department,
- (b) the Secretary of State,
- (c) a person providing services to a relevant Northern Ireland department or the Secretary of State in connection with a relevant function,

for use for the purpose of verifying the information.

(3) In relation to information supplied to any person under sub-paragraph (2), the reference to verifying the information is a reference to—

- (a) checking its accuracy by comparing it with information held—
 - (i) in the case of a relevant Northern Ireland department or the Secretary of State by that department or the Secretary of State in connection with the exercise of a relevant function, or
 - (ii) in the case of a person within sub-paragraph (2)(c), by that person in connection with the provision of services as mentioned there, and

(b) compiling a report of that comparison.

(4) Subject to sub-paragraph (5), the supply of information under this paragraph is to be taken not to breach any restriction on the disclosure of information (however arising).

(5) This paragraph does not authorise the doing of anything that contravenes the Data Protection Act 1998.

(6) This paragraph does not affect any power to supply information that exists apart from this paragraph.

(7) In this paragraph—

“relevant Northern Ireland department” means the Department for Employment and Learning, the Department of the Environment, the Department of Health, Social Services and Public Safety or the Department for Social Development;

“relevant function” means—

- (a) in relation to the Department for Employment and Learning, a function relating to employment or training,
- (b) in relation to the Department of the Environment, a function under Part 2 of the Road Traffic (Northern Ireland) Order 1981;
- (c) in relation to the Department of Health, Social Services and Public Safety, a function relating to health or social care;
- (d) in relation to the Department for Social Development, a function relating to social security or child support;
- (e) in relation to the Secretary of State, a function relating to passports or the Gangmasters Licensing Authority.

*Supply of information by relevant Northern
Ireland departments, Secretary of State, etc.*

19.—(1) A report compiled under paragraph 18 may be supplied to the Chief Constable by—

- (a) the relevant Northern Ireland department,
- (b) the Secretary of State, or
- (c) a person within paragraph 18(2)(c).

(2) Such a report may contain any information held—

- (a) by the relevant Northern Ireland department or the Secretary of State in connection with the exercise of a relevant function, or
- (b) by a person within paragraph 18(2)(c) in connection with the provision of services as mentioned there.

(3) Where such a report contains information within sub-paragraph (2), the Chief Constable—

- (a) may, subject to sub-paragraph (4), retain the information, whether or not used for the purposes of the prevention, detection, investigation or prosecution of offences under this Part, and
- (b) may use the information for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.

(4) The information must be destroyed no later than the date on which the offender ceases to be subject to notification requirements.

(5) Sub-paragraphs (4) to (7) of paragraph 18 apply in relation to this paragraph as they apply in relation to paragraph 18.

Information about release or transfer of offender

20.—(1) This paragraph applies to an offender subject to notification requirements who is—

- (a) serving a custodial sentence; or
- (b) detained in a hospital.

(2) The Department may by regulations make provision requiring the person who is responsible for such an offender to give notice to specified persons—

- (a) of the fact that that person has become responsible for the offender; and
- (b) of any occasion when—
 - (i) the offender is released, or
 - (ii) a different person is to become responsible for the offender.

(3) In sub-paragraph (2) “specified persons” means persons specified, or of a description specified, in the regulations.

(4) The regulations may make provision for determining who is to be taken for the purposes of this paragraph as being responsible for an offender.

Power of entry and search of offender’s home address

21.—(1) If, on an application made by a police officer of the rank of superintendent or above, a lay magistrate is satisfied that the requirements in sub-paragraph (2) are met in relation to any premises, the lay magistrate may issue a warrant authorising a constable—

- (a) to enter the premises for the purpose of assessing the risks posed by the offender subject to notification requirements to whom the warrant relates; and

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- (b) to search the premises for that purpose.
- (2) The requirements are—
 - (a) that the address of each set of premises specified in the application is an address falling within sub-paragraph (3);
 - (b) that the offender is not one to whom sub-paragraph (4) applies;
 - (c) that it is necessary for a constable to enter and search the premises for the purpose mentioned in sub-paragraph (1)(a); and
 - (d) that on at least two occasions a constable has sought entry to the premises in order to search them for that purpose and has been unable to obtain entry for that purpose.
- (3) An address falls within this sub-paragraph if—
 - (a) it is the address which was last notified in accordance with this Schedule by the offender to the police as the offender's home address; or
 - (b) there are reasonable grounds to believe that the offender resides there or may regularly be found there.
- (4) This sub-paragraph applies to an offender if the offender is—
 - (a) remanded in or committed to custody by order of a court;
 - (b) serving a custodial sentence;
 - (c) detained in a hospital; or
 - (d) outside the United Kingdom.
- (5) A warrant issued under this paragraph must specify the one or more sets of premises to which it relates.
- (6) The warrant may authorise the constable executing it to use reasonable force if necessary to enter and search the premises.
- (7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the lay magistrate is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose mentioned in sub-paragraph (1)(a).
- (8) Where a warrant issued under this paragraph authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.
- (9) In this paragraph a reference to the offender subject to notification requirements to whom the warrant relates is a reference to the offender—
 - (a) who has in accordance with this Schedule notified the police that the premises specified in the warrant are the offender's home address; or
 - (b) in respect of whom there are reasonable grounds to believe that the offender resides there or may regularly be found there.

Guidance

22.—(1) The Department must issue guidance to the Chief Constable in relation to the exercise of the powers of the Chief Constable under this Schedule.

(2) The Department may, from time to time, revise the guidance issued under sub-paragraph (1).

(3) The Department must arrange for any guidance issued or revised under this paragraph to be published in a way the Department considers appropriate.

Interpretation of this Schedule

23.—(1) In this Schedule—

“cautioned” means cautioned after the person concerned has admitted the offence;

“custodial sentence” means—

- (a) a sentence of imprisonment,
- (b) a sentence of detention in a young offenders centre;
- (c) a sentence of detention under Article 13(4)(b) or 14(5) of the Criminal Justice (Northern Ireland) Order 2008;
- (d) a sentence of detention under Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998;
- (e) an order under Article 39A of that Order sending the offender to a juvenile justice centre;
- (f) any other sentence under which a person is detained in custody;

“detained in a hospital” means detained in a hospital under Part 3 of the Mental Health (Northern Ireland) Order 1986;

“home address” has the meaning given by paragraph 10(4);

“interim slavery and trafficking prevention order” means an order under paragraph 7;

“slavery and trafficking prevention order” means an order under paragraph 1 or 2;

“slavery or human trafficking offence” has the meaning given by paragraph 1(4).

(2) In this Schedule “passport” means—

- (a) United Kingdom passport within the meaning of the Immigration Act 1971;
- (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation;

(c) a document that can be used (in some or all circumstances) instead of a passport.

(3) In this Schedule a reference to a conviction includes a conviction for an offence in respect of which an order for conditional discharge is made, despite—

(a) Article 6(1) of the Criminal Justice (Northern Ireland) Order 1996 (conviction with conditional discharge deemed not to be a conviction), or

(b) section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (equivalent provision for England and Wales).

(4) Sub-paragraph (3) applies only to convictions after this Schedule comes into operation.

(5) In this Schedule a reference to a conviction includes a finding of a court in summary proceedings that the accused did the act charged, where the court makes an order under—

(a) Article 44(4) of the Mental Health (Northern Ireland) Order 1986;

(b) section 37(3) of the Mental Health Act 1983, or

(c) section 58(3) of the Criminal Procedure (Scotland) Act 1995,

(hospital and guardianship orders).

(6) In relation to an offence under the law of Scotland, a reference in this Schedule to a person being found not guilty by reason of insanity is to be treated as a reference to a person being acquitted by reason of the special defence in section 51A of the Criminal Procedure (Scotland) Act 1995.

(7) References in this Schedule to an offender subject to notification requirements are to be read in accordance with paragraph 9.

(8) In this Schedule, a reference to a finding that a person is unfit to be tried and has done the act charged against the person in respect of an offence includes a finding that a person is under a disability or insane and has done the act charged against the person in respect of an offence.

(9) A person's age is to be treated for the purposes of this Schedule as being that which it appears to the court to be after considering any available evidence.