



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

2004 CHAPTER 19

Offences

4 Trafficking people for exploitation

- (1) A person commits an offence if he arranges or facilitates the arrival in^[F1], or the entry into,] the United Kingdom of an individual (the “passenger”) and—
 - (a) he intends to exploit the passenger in the United Kingdom or elsewhere, or
 - (b) he believes that another person is likely to exploit the passenger in the United Kingdom or elsewhere.
- (2) A person commits an offence if he arranges or facilitates travel within the United Kingdom by an individual (the “passenger”) in respect of whom he believes that an offence under subsection (1) may have been committed and—
 - (a) he intends to exploit the passenger in the United Kingdom or elsewhere, or
 - (b) he believes that another person is likely to exploit the passenger in the United Kingdom or elsewhere.
- (3) A person commits an offence if he arranges or facilitates the departure from the United Kingdom of an individual (the “passenger”) and—
 - (a) he intends to exploit the passenger outside the United Kingdom, or
 - (b) he believes that another person is likely to exploit the passenger outside the United Kingdom.
- (4) For the purposes of this section a person is exploited if (and only if)—
 - (a) he is the victim of behaviour that contravenes Article 4 of the Human Rights Convention (slavery and forced labour),
 - (b) he is encouraged, required or expected to do anything as a result of which he or another person would commit an offence under^[F2] the Human Organ Transplants Act 1989 (c. 31) [^[F2]Part 1 of the [Human Tissue \(Scotland\) Act 2006 \(asp 4\)](#)]] or [^[F3]under section 32 or 33 of the Human Tissue Act 2004],
 - (c) he is subjected to force, threats or deception designed to induce him—

Status: Point in time view as at 10/11/2009. This version of this provision has been superseded.

Changes to legislation: *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Section 4 is up to date with all changes known to be in force on or before 06 April 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)*

- (i) to provide services of any kind,
 - (ii) to provide another person with benefits of any kind, or
 - (iii) to enable another person to acquire benefits of any kind, or
- [^{F4}(d) a person uses or attempts to use him for any purpose within sub-paragraph (i), (ii) or (iii) of paragraph (c), having chosen him for that purpose on the grounds that—
- (i) he is mentally or physically ill or disabled, he is young or he has a family relationship with a person, and
 - (ii) a person without the illness, disability, youth or family relationship would be likely to refuse to be used for that purpose.]
- (5) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 14 years, to a fine or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding twelve months, to a fine not exceeding the statutory maximum or to both.

Textual Amendments

- F1** Words in s. 4(1) inserted (E.W. N.I.) (31.1.2008) by [UK Borders Act 2007 \(c. 30\)](#) , **ss. 31(1)** , [59\(2\)](#) ; [S.I. 2008/99](#) , [art. 2\(1\)](#)
- F2** Words in s. 4(4)(b) substituted (S.) (24.6.2008) by [Human Tissue \(Scotland\) Act 2006 \(Consequential Amendment\) Order 2008 \(S.S.I. 2008/259\)](#) , [arts. 1\(1\)](#) , [2](#)
- F3** Words in s. 4 substituted (20.10.2005) by [Human Tissue Act 2004 \(c. 30\)](#) , [s. 60\(2\)](#) , **Sch. 6 para. 7** (with [s. 58](#)); [S.I. 2005/2792](#) , [art. 2\(2\)\(i\)](#) (with [art. 3\(1\)\(a\)](#))
- F4** S. 4(4)(d) substituted (10.11.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#) , **ss. 54** , [58\(4\)\(b\)](#) ; [S.I. 2009/2731](#) , [art. 3\(b\)](#)

Commencement Information

- I1** S. 4 in force at 1.12.2004 for S. by [S.S.I. 2004/494](#) , unnumbered provision
- I2** S. 4 in force at 1.12.2004 for E.W.N.I. by [S.I. 2004/2999](#) , [art. 2](#) , **Sch.**

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