



# Modern Slavery Act 2015

## 2015 CHAPTER 30

### PART 2

#### PREVENTION ORDERS

##### *Offences and supplementary provision*

### 30 Offences

- (1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—
  - (a) a slavery and trafficking prevention order,
  - (b) an interim slavery and trafficking prevention order,
  - (c) a slavery and trafficking risk order,
  - (d) an interim slavery and trafficking risk order,
  - (e) a slavery and trafficking prevention order under Schedule 3 to the [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2 \(N.I.\)\)](#), or
  - (f) an interim slavery and trafficking prevention order under that Schedule to that Act,commits an offence.
- (2) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under—
  - (a) section 18(4) or 25(4) (requirement to surrender passports), or
  - (b) section 19(1), 21(6), 26(1) or 28(6) (requirement to provide name and address).
- (3) A person guilty of an offence under this section 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 or both.

(4) Where a person is convicted of an offence under this section, 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.

### **31 Cross-border enforcement**

(1) The Secretary of State may by regulations amend section 30(1) so as to add to or remove from the list of orders in that section any relevant UK order.

(2) “Relevant UK order” means an order under the law of Scotland or Northern Ireland which appears to the Secretary of State to be equivalent or similar to—

- (a) a slavery and trafficking prevention order,
- (b) an interim slavery and trafficking prevention order,
- (c) a slavery and trafficking risk order, or
- (d) an interim slavery and trafficking risk order.

### **32 Rules of court**

(1) Rules of court may provide for a youth court to give permission for an application under section 15 or 23 against a person aged 18 or over to be made to the youth court if—

- (a) an application to the youth court has been made, or is to be made, under that section against a person aged under 18, and
- (b) the youth court thinks that it would be in the interests of justice for the applications to be heard together.

(2) Rules of court may, in relation to a person reaching the age of 18 after proceedings against that person by virtue of this Part have begun—

- (a) prescribe circumstances in which the proceedings may or must remain in the youth court;
- (b) make provision for the transfer of the proceedings from the youth court to an adult magistrates’ court (including provision applying sections 21 and 28 with modifications).

### **33 Guidance to chief officers of police etc**

(1) The Secretary of State must issue guidance to chief officers of police, immigration officers and the Director General of the National Crime Agency in relation to the exercise by them of their powers under this Part.

(2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1).

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

### **34 Interpretation of Part 2**

(1) In this Part—

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

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“adult magistrates court” means a magistrates’ court that is not a youth court;

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

“interim slavery and trafficking prevention order” means an order made under section 21 (except in section 30(1)(f));

“interim slavery and trafficking risk order” means an order made under section 28;

“slavery or human trafficking offence” means an offence listed in Schedule 1;

“slavery and trafficking prevention order” means an order made under section 14 or 15 (except in section 30(1)(e));

“slavery and trafficking risk order” means an order made under section 23.

- (2) In this Part “passport” means—
- (a) 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 Part a reference to a conviction includes a conviction for an offence in respect of which an order for conditional discharge is made, despite—
- (a) section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (conviction with conditional discharge deemed not to be a conviction);
  - (b) article 6(1) of the Criminal Justice (Northern Ireland) Order 1996 ([S.I. 1996/3160 \(N.I. 24\)](#)) (equivalent provision for Northern Ireland).
- (4) Subsection (3) applies only to convictions after this Part comes into force.
- (5) In this Part 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) section 37(3) of the Mental Health Act 1983,
  - (b) section 58(3) of the Criminal Procedure (Scotland) Act 1995, or
  - (c) article 44(4) of the Mental Health (Northern Ireland) Order 1986 ([S.I. 1986/595 \(N.I. 4\)](#)),
- (hospital and guardianship orders).
- (6) In relation to an offence under the law of Scotland, a reference in this Part 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) In this Part, a reference to a finding that a person is under a disability and has done the act charged against the person in respect of an offence includes a finding that a person is insane or unfit to be tried and has done the act charged against the person in respect of an offence.
- (8) Section 127 of the Magistrates’ Courts Act 1980 (time limits) does not apply to a complaint under any provision of this Part.

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