



# Modern Slavery Act 2015

## 2015 CHAPTER 30

### PART 2

#### PREVENTION ORDERS

##### *Offences and supplementary provision*

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

(1) In this Part—

“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—

*Changes to legislation: Modern Slavery Act 2015, Section 34 is up to date with all changes known to be in force on or before 21 March 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) View outstanding changes*

- (a) [<sup>F1</sup>section 82(2) of the Sentencing Code] (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.
- (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.

#### Textual Amendments

- F1** Words in s. 34(3)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 294](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

#### Commencement Information

- I1** S. 34 in force at 31.7.2015 by [S.I. 2015/1476](#), [reg. 2\(b\)](#)

**Changes to legislation:**

Modern Slavery Act 2015, Section 34 is up to date with all changes known to be in force on or before 21 March 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 50A(5A) inserted by [2023 c. 37 s. 28\(1\)](#)