

# Modern Slavery Act 2015

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The **Modern Slavery Act 2015** applies to England and Wales, and includes two substantive **offences** – human trafficking, and slavery, servitude and forced or compulsory labour. The Act will be implemented in stages.

It:

- consolidates and simplifies existing offences related to the above into a single Act
- introduces a **statutory defence** for victims of trafficking or slavery forced to commit a criminal offence
- criminalises **preparatory conduct**, eg, making a visa application with the aim of bringing someone to the UK on a trafficked basis
- replaces **section 62 of the Sexual Offences Act 2003** – ‘committing an offence with intent to commit a sexual offence’ (grooming) – by applying this to any offence of exploitation, not only sexual exploitation offences
- increases the maximum sentence available for the most serious offenders from 14 years to life imprisonment, and those with a previous conviction for a specific sexual or violent offence will face an automatic life sentence
- ensures that perpetrators convicted of slavery or trafficking face the toughest asset confiscation regime
- introduces a new **slavery and trafficking reparation order** to encourage the courts to compensate victims where assets are confiscated from perpetrators
- introduces two civil orders in the form of **slavery and trafficking prevention orders (STPOs)** and **slavery and trafficking risk orders (STROs)** to restrict the activity of those who pose a risk of causing harm
- creates an **Independent Anti-Slavery Commissioner** role with an international remit to act in the interests of victims and potential victims by ensuring that the law enforcement response to modern

slavery is coordinated

- makes provisions for **independent child trafficking advocates**
- places a duty on the Secretary of State to make regulations relating to the identification of and support for victims
- establishes a legal duty for specified public authorities to notify the Home Office where they have reasonable grounds to believe that a person may be a victim of modern slavery
- requires businesses over a certain size threshold to disclose each year what action they have taken to ensure that there is no modern slavery in their business or **supply chains**
- closes gaps in the **law** to enable the police and **Border Force** to stop boats on which slavery victims are suspected of being held or trafficked. See also **Schedule 2 Enforcement powers in relation to ships** and **Home Office Circular: Modern Slavery Act 2015 – Maritime Enforcement Powers**

For further information see:

- **Modern Slavery Act 2015: Maritime Enforcement Powers (England and Wales) – Code of Practice**
- **Modern Slavery Act 2015: Code of Practice – Maritime Powers (Northern Ireland)**
- **The Modern Slavery Act 2015 (Commencement No. 2) Regulations 2015**
- **Crown Prosecution Service: Human Trafficking, Smuggling and Slavery**
- **HM Government (2014) Modern Slavery Strategy**
- **Human Trafficking and Exploitation (Scotland) Act 2015**
- **Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015**
- **Duty to notify the Home Office of potential victims of modern slavery**

## Civil orders

The STPOs and STROs aim to prevent modern slavery offenders and those who pose a risk of committing modern slavery offences from engaging in relevant activity, for example, working with children or acting as a **gangmaster**.

A slavery and trafficking risk order restricts the activity of individuals who have not been convicted of a modern slavery offence but who pose a risk of committing any such offence. It has effect for at least two years or until further order.

A slavery and trafficking prevention order restricts the activity of those who have already been convicted of a modern slavery offence, and has effect for at least five years or until further order.

Both orders require evidence in line with the criminal standard of 'beyond reasonable doubt'. Orders can be varied or renewed, and the Act provides a right of appeal. The breach of any aspect of these orders is a criminal offence, carrying a maximum penalty of five years' imprisonment.

For details on the application, criteria and implementation of these orders, see [\*\*Home Office \(2015\) Guidance on Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders under Part 2 of the Modern Slavery Act 2015.\*\*](#)

A wider list of legislation that can be used to prosecute offender activity is available in [\*\*additional relevant legislation\*\*](#). For case studies demonstrating how legislation has been applied in modern slavery investigations, refer to the [\*\*Knowledge Hub Modern Slavery community\*\*](#) (this link is available to [\*\*authorised users who are logged on to Knowledge Hub\*\*](#).

## Tags

Modern slavery