
STATUTORY INSTRUMENTS

2015 No. 1743

MODERN SLAVERY, ENGLAND AND WALES

The Modern Slavery Act 2015
(Duty to Notify) Regulations 2015

<i>Made</i>	- - - -	<i>1st October 2015</i>
<i>Laid before Parliament</i>		<i>9th October 2015</i>
<i>Coming into force</i>	- -	<i>1st November 2015</i>

The Secretary of State, in exercise of the powers conferred by section 52(2) of the Modern Slavery Act 2015(1), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Modern Slavery Act 2015 (Duty to Notify) Regulations 2015.

(2) These Regulations come into force on 1st November 2015.

Interpretation

2. In these Regulations—

“the Act” means the Modern Slavery Act 2015;

“human trafficking” means—

- (a) conduct which constitutes an offence under section 2 of the Act, or would constitute an offence under that section if the person responsible for the conduct were a UK national, or
- (b) conduct which would have been within paragraph (a) if section 2 had been in force when the conduct occurred;

“notification” means a notification made under section 52(1) of the Act;

“public authority” means a public authority to which section 52 of the Act applies;

“slavery” means—

- (a) conduct which constitutes an offence under section 1 of the Act; or
- (b) conduct which would have constituted an offence under that section if that section had been in force when the conduct occurred;

“victim” means a person whom a public authority has reasonable grounds to believe may be a victim of slavery or human trafficking.

Information to be included in a notification

3.—(1) Subject to paragraphs (2) and (4), a notification must include the information specified in Schedules 1 and 2 to these Regulations where such information is in the possession or control of the public authority.

(2) A notification relating to a person aged 18 or over may not include information specified in Schedule 2 or information that—

- (a) identifies the person, or
- (b) enables the person to be identified (either by itself or in combination with other information),

unless the person consents to the inclusion of the information.

(3) A public authority which includes information in a notification in accordance with these Regulations does not breach any obligation of confidence owed by the public authority in relation to that information.

(4) Nothing in these Regulations requires or authorises the inclusion of information which contravenes any other restriction on the disclosure of information (however imposed).

1st October 2015

Karen Bradley
Parliamentary Under-Secretary of State
Home Office

SCHEDULE 1

Regulation 3(1)

Information to be included in a notification

1. The name of the public authority making the notification.
2. The victim's gender.
3. The victim's nationality.
4. Whether the victim was under the age of 18 at the time the public authority believes the slavery or human trafficking first occurred.
5. Whether the public authority believes that the person may be a victim of slavery.
6. Whether the public authority believes that the person may be a victim of human trafficking.
7. The country or territory where the public authority believes the slavery or human trafficking occurred.
- 8.—(1) Whether the public authority has referred the suspected slavery or human trafficking of the victim to—
 - (a) a chief officer of police for a police area in England and Wales;
 - (b) the chief constable of the Police Service of Scotland; or
 - (c) the chief constable of the Police Service of Northern Ireland.(2) Where the public authority has referred the suspected slavery or human trafficking to a chief officer of police for a police area in England and Wales, the public authority must include the name of the police area in the notification.
9. The police area in which the victim has been identified.
10. Where the public authority believes that the person may be a victim of slavery, whether the public authority believes the slavery—
 - (a) occurred wholly or partly within residential premises;
 - (b) involved conduct described at section 3(2) of the Act (slavery, servitude and forced or compulsory labour);
 - (c) involved conduct described at section 3(3) of the Act (sexual exploitation); or
 - (d) involved the commission of an offence by the victim.
11. Where the public authority believes that the person may be a victim of human trafficking, whether the public authority believes the human trafficking—
 - (a) occurred wholly or partly within residential premises;
 - (b) involved conduct described at section 3(2) of the Act (slavery, servitude and forced or compulsory labour);
 - (c) involved conduct described at section 3(3) of the Act (sexual exploitation);
 - (d) involved conduct described at section 3(4) of the Act (removal of organs etc); or
 - (e) involved the commission of an offence by the victim.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 2

Regulation 3(1)

Further information to be included in a notification relating to a victim under the age of 18 or by consent

1. The victim's name.
2. The victim's date of birth.
3. The names of persons whom the public authority believes may have perpetrated the suspected slavery or human trafficking of the victim.
4. The names of persons whom the public authority believes may also have been victims of slavery or human trafficking by the same perpetrators.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 52 of the Modern Slavery Act 2015 places a duty on specified public authorities to notify the Secretary of State where there are reasonable grounds to believe that a person may be a victim of slavery or human trafficking.

These Regulations specify the information which must be provided under the duty to notify the Secretary of State. Schedule 1 to the Regulations lists the information which must ordinarily be provided for all victims. Schedule 2 to the Regulations lists additional information which must be provided where the victim is under the age of 18 or where the person has consented.