STATUTORY INSTRUMENTS

2015 No. 1476 (C. 85)

MODERN SLAVERY

The Modern Slavery Act 2015 (Commencement No. 1, Saving and Transitional Provisions) Regulations 2015

Made - - - - 6th July 2015

The Secretary of State, in exercise of the powers conferred by section 61(1) and (8) of the Modern Slavery Act 2015(**1**) makes the following Regulations.

Citation and interpretation

1.—(1) These Regulations may be cited as the Modern Slavery Act 2015 (Commencement No. 1, Saving and Transitional Provisions) Regulations 2015.

(2) In these Regulations "the 2015 Act" means the Modern Slavery Act 2015.

Provisions coming into force on 31st July 2015

2. The following provisions of the 2015 Act come into force on 31st July 2015—

(a) Part 1 (offences);

(b) Part 2 (prevention orders);

(c) Part 4 (the Independent Anti-Slavery Commissioner);

(d) section 45 (defence for slavery or trafficking victims who commit an offence);

(e) section 46 (special measures for witnesses in criminal proceedings);

(f) section 47 (civil legal aid for victims of slavery);

(g) Schedule 1 (slavery and human trafficking offences);

(h) Schedule 3 (public authorities under a duty to co-operate with the Commissioner);

(i) Schedule 4 (offences to which defence in section 45 does not apply); and

(j) Schedule 5 (minor and consequential amendments), except paragraphs 11, 15, 20 and 27(3).

(**1**) 2015 c. 30.

Saving and transitional provisions

3. The amendments and repeals made by the following provisions of the 2015 Act do not apply in relation to offences committed wholly or partly before 31st July 2015—

(a) section 7(3);

(b) section 46;

(c) in Schedule 5—

(i) paragraph 1;

(ii) paragraph 5(2);

(iii) paragraph 5(4), insofar as it relates to section 46(2) of the Sexual Offences Act 2003(**2**);

(iv) paragraph 6(2), (3) and (4)(a);

(v) paragraph 8; and

(vi) paragraph 9.

4. The amendment made by paragraph 2 of Schedule 5 does not apply in relation to the application of section 25C of the Immigration Act 1971(**3**) to offences under section 25, 25A or 25B of that Act committed wholly or partly before 31st July 2015.

5.—(1) This regulation applies where in any proceedings—

(a) a person ("D") is charged in respect of the same conduct with—

(i) an offence under section 71 of the Coroners and Justice Act 2009(**4**); and

(ii) an offence under section 1 of the 2015 Act;

(b) the only thing preventing D from being found guilty of an offence under section 1 of the 2015 Act is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly on or after 31st July 2015;

(c) the only thing preventing D from being found guilty of an offence under section 71 of the Coroners and Justice Act 2009 is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly or partly before 31st July 2015.

(2) For the purpose of determining D's guilt it shall be conclusively presumed that the offence was committed wholly or partly before 31st July 2015.

6.—(1) This regulation applies where in any proceedings—

(a) a person ("D") is charged in respect of the same conduct with—

(i) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(**5**) or section 59A of the Sexual Offences Act 2003; and

(ii) an offence under section 2 of the 2015 Act;

(b) the only thing preventing D from being found guilty of an offence under section 2 of the 2015 Act is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly on or after 31st July 2015;

(c) the only thing preventing D from being found guilty of an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 or section 59A of the

(**2**) 2003 c. 42.
(**3**) 1971 c. 77; sections 25, 25A, 25B and 25C were substituted for section 25 by section 143 of the Nationality, Immigration and Asylum Act 2002 (c. 41).
(**4**) 2009 c. 25.
(**5**) 2004 c. 19.