



Northern Ireland  
Assembly

Human Trafficking and Exploitation (Criminal Justice and  
Support for Victims) Bill

Notice of Amendments tabled on  
27 November 2014 for Further Consideration Stage

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**Clause 7, Page 6, Line 28**

At end insert ‘and for “that paragraph” substitute “that provision”;

*Minister of Justice*  
*The Lord Morrow of Clogher Valley*

**Clause 7, Page 6, Line 41**

At end insert -

‘(za) in Article 4(2) (interpretation) omit the “and” at the end of sub-paragraph (c) and after paragraph (d) add—

“(e) a sentence falls to be imposed under section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2014 if it is required by that provision and the court is not of the opinion there mentioned;”;

*Minister of Justice*  
*The Lord Morrow of Clogher Valley*

**Clause 7, Page 7, Line 7**

Leave out subsection (9)

*Minister of Justice*  
*The Lord Morrow of Clogher Valley*

**Clause 13**, Page 8, Line 36

At end insert -

‘(5A) The Department may by order substitute for the reference to the National Crime Agency in subsection (1) a reference to such other body or person as may be specified in the order.’

*Minister of Justice*  
*The Lord Morrow of Clogher Valley*

**Clause 29**, Page 20, Line 3

At end insert -

‘(za) an order under section 13(5A) (power to amend body to be notified about suspected victims);’

*Minister of Justice*  
*The Lord Morrow of Clogher Valley*

**Schedule 3**, Page 38, Line 22

Leave out head (c)

*Minister of Justice*  
*The Lord Morrow of Clogher Valley*

**Schedule 3**, Page 38, Line 23

Leave out ‘, the Secretary of State or the Commissioners’ and insert ‘or the Secretary of State’

*Minister of Justice*  
*The Lord Morrow of Clogher Valley*

**Schedule 3**, Page 38, Line 30

Leave out ‘, the Secretary of State or the Commissioners’ and insert ‘or the Secretary of State’

*Minister of Justice*  
*The Lord Morrow of Clogher Valley*

**Schedule 3**, Page 38, Line 31

Leave out ‘, the Secretary of State or the Commissioners’ and insert ‘or the Secretary of State’

*Minister of Justice*  
*The Lord Morrow of Clogher Valley*

**Schedule 3, Page 39**

Leave out lines 4 and 5

*Minister of Justice  
The Lord Morrow of Clogher Valley*

**Schedule 3, Page 39**

Leave out line 21

*Minister of Justice  
The Lord Morrow of Clogher Valley*

**Schedule 3, Page 39, Line 28**

Leave out '(c) the Commissioners,'

*Minister of Justice  
The Lord Morrow of Clogher Valley*

**Schedule 3, Page 39, Line 31**

Leave out ', the Secretary of State or the Commissioners' and insert 'or the Secretary of State'

*Minister of Justice  
The Lord Morrow of Clogher Valley*

**Schedule 3, Page 39, Line 37**

After 'may' insert ', subject to paragraph (3A),'

*Minister of Justice  
The Lord Morrow of Clogher Valley*

**Schedule 3, Page 39, Line 42**

At end insert -

'(3A) The information must be destroyed no later than the date on which the offender ceases to be subject to notification requirements.'

*Minister of Justice  
The Lord Morrow of Clogher Valley*

**Schedule 4**, Page 44, Line 12

At end insert -

*‘The Sexual Offences (Northern Ireland) Order 2008 (NI 2)*

7A.—(1) In Article 22(2)(b) (meeting child following sexual grooming, etc.) for paragraph (ii) substitute—

“(ii) an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2014 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation), or”.

(2) In Article 58(7) for “Articles 59 to 60” substitute “Article 60”.

*Minister of Justice*

*The Lord Morrow of Clogher Valley*

**Schedule 5**, Page 47, Line 4, Column 2

At beginning insert -

‘

| Article 59.

’

*Minister of Justice*

*The Lord Morrow of Clogher Valley*

**Schedule 5**, Page 47, Line 11

At end insert -

‘

The Policing and Crime Act 2009 | Section 15.  
(c. 26)

’

*Minister of Justice*

*The Lord Morrow of Clogher Valley*

**Clause 30**, Page 20, Line 24

Leave out subsection (2) and insert -

“(2) Except as provided by the following subsections, this Act comes into operation on the day after Royal Assent.

(3) The following provisions come into operation on such day or days as the Department may by order appoint—

(a) section 11 (with Schedule 3);

(b) section 13.

(4) Sections 12 and 21 come into operation one month after Royal Assent.

(5) Section 15(1) to (4) and (6) comes into operation on 1 June 2015.

(6) Section 22(1) to (3) and (5) to (11) comes into operation 10 months after Royal Assent.’

*Minister of Justice*

*Chair, Committee for Justice*

**Clause 15, Page 9, Line 13**

At end insert -

‘(1A) In the heading to Part 5, after “PROSTITUTION” insert “AND PAYING FOR SEXUAL SERVICES OF A PERSON”.’

*The Lord Morrow of Clogher Valley*

*Minister of Justice*

**Clause 15, Page 9, Line 23**

At end insert ‘and A knows or believes that the payment is made or promised by a third party.’

*The Lord Morrow of Clogher Valley*

*Minister of Justice*

**Clause 15, Page 9, Line 26**

Leave out ‘level 3 on the standard scale’ and insert ‘the statutory maximum’

*The Lord Morrow of Clogher Valley*

*Minister of Justice*

**Clause 15, Page 9, Line 29**

Leave out ‘not exceeding the statutory maximum’

*The Lord Morrow of Clogher Valley*

*Minister of Justice*

**Clause 15, Page 9, Line 33**

After ‘services’ insert ‘(other than sexual services)’

*The Lord Morrow of Clogher Valley*  
*Minister of Justice*

**Clause 15, Page 9, Line 39**

Leave out paragraph (5) and insert -

‘(5) B does not commit an offence by doing anything which (apart from this paragraph) would amount to—

- (a) aiding, abetting, counselling or procuring the commission of an offence under this Article by A;
- (b) conspiring with A to commit an offence under this Article; or
- (c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting offences) in relation to the commission of an offence under this Article by A.’

*The Lord Morrow of Clogher Valley*  
*Minister of Justice*

**Clause 15, Page 10, Line 1**

Leave out paragraphs (6) to (8) and insert -

‘(5) The Department must before the coming into operation of subsection (4) raise public awareness of the change in the law to be effected by that subsection.

(6) The Department must, at the end of the period of 3 years beginning with the coming into operation of subsection (4), review the operation of Article 64A of the Sexual Offences (Northern Ireland) Order 2008 and lay before the Assembly a report on that review; that report must in particular include—

- (a) information as to the number of arrests and convictions during that period in respect of offences under Article 64A;
- (b) the Department’s assessment of the impact of Article 64A on the safety and well-being of persons providing for payment sexual services of the kind to which that Article applies;
- (c) information as to the number of arrests and convictions in the period covered by the report in respect of—
  - (i) offences under section 2 committed with a view to exploitation that consists of or includes behaviour within section 3(3) (sexual exploitation);
  - (ii) offences under section 4 committed with the intention of committing an offence mentioned in sub-paragraph (i); and
- (d) the Department’s assessment of the extent to which Article 64A has operated to reduce human trafficking for the purposes of sexual exploitation.’

*The Lord Morrow of Clogher Valley*  
*Minister of Justice*

**Clause 23, Page 16, Line 37**

Leave out from ‘any of the following offences’ to end of line 1 on page 17 and insert -

‘—

- (a) an offence under—
  - (i) section 4(2) of the Misuse of Drugs Act 1971 committed in respect of a Class B or Class C drug;
  - (ii) section 5(2) of that Act committed in respect of a Class B drug;
  - (iii) section 6(2) of that Act;
- (b) an offence under section 26A(3)(a), (b), (d), (e), (f) or (g) of the Immigration Act 1971;
- (c) an offence under section 1, 2, 3 or 4 of the Forgery and Counterfeiting Act 1981;
- (d) an offence under section 106 of the Asylum and Immigration Act 1999;
- (e) an offence under section 4 of the Identity Documents Act 2010.’

*The Lord Morrow of Clogher Valley*  
*Minister of Justice*

**Clause 26, Page 18**

Leave out clause 26

*The Lord Morrow of Clogher Valley*  
*Minister of Justice*

**Long Title**

Leave out from ‘offences’ to end and insert ‘, slavery and other forms of exploitation, including measures to prevent and combat such exploitation and to provide support for victims of such exploitation; and for connected purposes.’

*The Lord Morrow of Clogher Valley*  
*Minister of Justice*

**Clause 15, Page 9, Line 38**

After ‘sexual’ insert -

‘; or

- (d) B touching B in a sexual manner for the sexual gratification of A, B being physically in A’s presence.’

*The Lord Morrow of Clogher Valley*

**Clause 19, Page 13**

Leave out lines 2 to 9 and insert -

‘19.—(1) The Department of Health, Social Services and Public Safety must, in conjunction with the other Northern Ireland departments, prepare and publish a strategy in relation to actions to be taken by Northern Ireland departments in the exercise of their respective functions to ensure that a programme of assistance and support is made available to persons who wish to leave prostitution.

(2) The strategy must—

- (a) be published no later than 10 months after the coming into operation of this section; and
- (b) provide for a programme of support and assistance to be made available in accordance with the strategy no later than 1 April 2016.

(2A) The strategy must ensure that assistance and support provided to a person—

- (a) is not conditional on the person acting as a witness in any criminal proceedings;
- (b) is provided only with the agreement of that person; and
- (c) is provided in a manner which takes due account of the needs of that person as regards safety and protection from harm.

(2B) The strategy must ensure that assistance and support is offered from a person who is of the same gender as the person receiving it.

(2C) The Department of Health, Social Services and Public Safety must, in conjunction with the other Northern Ireland departments—

- (a) review the strategy (or revised strategy) for the time being published under this section at intervals of not more than 3 years; and
- (b) if appropriate, revise the strategy and publish the revised strategy.’

*The Lord Morrow of Clogher Valley*

**Clause 20, Page 13**

Leave out clause 20

*The Lord Morrow of Clogher Valley*

**Clause 22, Page 13, Line 31**

Leave out ‘Independent Legal Guardian’ and insert ‘independent guardian’

*The Lord Morrow of Clogher Valley*



**Clause 22, Page 14, Line 2**

Leave out from ‘or’ to end of line 4 and insert -

‘(2A) This section also applies to a child who appears to the Regional Health and Social Care Board to be a separated child.’

*The Lord Morrow of Clogher Valley*

**Clause 22, Page 14, Line 8**

Leave out ‘Independent Legal Guardian’ and insert ‘independent guardian’

*The Lord Morrow of Clogher Valley*

**Clause 22, Page 14, Line 15**

Leave out ‘Independent Legal Guardian’ and insert ‘independent guardian’

*The Lord Morrow of Clogher Valley*

**Clause 22, Page 14, Line 22**

Leave out ‘Independent Legal Guardian’ and insert ‘independent guardian’

*The Lord Morrow of Clogher Valley*

**Clause 22, Page 14, Line 27**

Leave out ‘Independent Legal Guardian’ and insert ‘independent guardian’

*The Lord Morrow of Clogher Valley*

**Clause 22, Page 14, Line 34**

Leave out ‘Independent Legal Guardian’ and insert ‘independent guardian’

*The Lord Morrow of Clogher Valley*

**Clause 22**, Page 14, Line 35

Leave out ‘Independent Legal Guardian’ and insert ‘independent guardian’

*The Lord Morrow of Clogher Valley*

**Clause 22**, Page 14, Line 37

Leave out ‘Independent Legal Guardian’ and insert ‘independent guardian’

*The Lord Morrow of Clogher Valley*

**Clause 22**, Page 14, Line 39

Leave out ‘Independent Legal Guardian’ and insert ‘independent guardian’

*The Lord Morrow of Clogher Valley*

**Clause 22**, Page 14, Line 41

After ‘ascertaining’ insert ‘and communicating’

*The Lord Morrow of Clogher Valley*

**Clause 22**, Page 15, Line 18

Leave out ‘Independent Legal Guardian’ and insert ‘independent guardian’

*The Lord Morrow of Clogher Valley*

**Clause 22**, Page 15, Line 24

Leave out ‘Independent Legal Guardians’ and insert ‘independent guardians’

*The Lord Morrow of Clogher Valley*

**Clause 22, Page 15, Line 25**

Leave out ‘Independent Legal Guardian’ and insert ‘independent guardian’

*The Lord Morrow of Clogher Valley*

**Clause 22, Page 15, Line 36**

Leave out from ‘who’ to end of line 41 and insert -

‘who—

(a) is not ordinarily resident in Northern Ireland;

(b) is separated from all persons who—

(i) have parental responsibility for the child; or

(ii) before the child’s arrival in Northern Ireland, were responsible for the child whether by law or custom; and

(c) because of that separation, may be at risk of harm.

(11) A reference in any other statutory provision to the guardian of a child does not include a reference to an independent guardian appointed under this section.’

*The Lord Morrow of Clogher Valley*

**Clause 24, Page 17, Line 5**

Leave out ‘victim’ and insert ‘complainant’

*The Lord Morrow of Clogher Valley*

**Clause 24, Page 17, Line 8**

Leave out ‘victim’ and insert ‘complainant’

*The Lord Morrow of Clogher Valley*

**Clause 24, Page 17, Line 11**

Leave out ‘victim’ and insert ‘complainant’

*The Lord Morrow of Clogher Valley*

**Clause 24**, Page 17, Line 13

Leave out ‘victim’s’ and insert ‘complainant’s’

*The Lord Morrow of Clogher Valley*

**Clause 24**, Page 17, Line 14

Leave out ‘victim’ and insert ‘complainant’

*The Lord Morrow of Clogher Valley*

**Clause 24**, Page 17, Line 15

Leave out ‘victim’ and insert ‘complainant’

*The Lord Morrow of Clogher Valley*

**Clause 24**, Page 17, Line 17

Leave out ‘victim’ and insert ‘complainant’

*The Lord Morrow of Clogher Valley*

**Clause 24**, Page 17, Line 19

Leave out ‘victim’ and insert ‘complainant’

*The Lord Morrow of Clogher Valley*

**Clause 24**, Page 17, Line 22

Leave out ‘victim’ and insert ‘complainant’

*The Lord Morrow of Clogher Valley*

**Clause 24**, Page 17, Line 23

Leave out ‘victim’ and insert ‘complainant’

*The Lord Morrow of Clogher Valley*

**Clause 24**, Page 17, Line 26

Leave out ‘victim’ and insert ‘complainant’

*The Lord Morrow of Clogher Valley*

**Clause 24**, Page 17, Line 26

Leave out ‘victim’s’ and insert ‘complainant’s’

*The Lord Morrow of Clogher Valley*

**Clause 24**, Page 17, Line 28

At end insert -

‘(2) In this section—

“the accused” means a person who is alleged to have committed, or has committed, an offence under section 1 or 2;

“complainant” means a person against or in relation to whom an offence under section 1 or 2 is alleged to have been committed, or has been committed.’

*The Lord Morrow of Clogher Valley*

**Clause 29**, Page 20, Line 15

Leave out from ‘child’ to ‘order’ on line 16 and insert ‘independent guardians) shall not be made unless a draft of the regulations’

*The Lord Morrow of Clogher Valley*