



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 5

MODERN SLAVERY

60 Identification of potential victims of slavery or human trafficking

- (1) The Modern Slavery Act 2015 is amended as follows.
- (2) Section 49 (guidance about identifying and supporting victims) is amended in accordance with subsections (3) and (4).
- (3) In subsection (1)—
 - (a) in paragraph (b)—
 - (i) for “may be” substitute “are”;
 - (ii) at the end insert “or who are such victims”;
 - (b) in paragraph (c) for “may be” substitute “is”;
 - (c) after paragraph (c) insert—
 - “(d) arrangements for determining whether a person is a victim of slavery or human trafficking.”
- (4) After that subsection insert—

“(1A) Guidance issued under subsection (1) must, in particular, provide that the determination mentioned in paragraph (d) is to be made on the balance of probabilities.”
- (5) In section 50 (regulations about identifying and supporting victims)—
 - (a) in subsection (1)(a) for “may be” substitute “are”;
 - (b) in subsection (2)(a) for “may be” substitute “is”;
 - (c) after subsection (3) insert—
 - “(4) If regulations under subsection (2) make provision for determining whether a person is a victim of slavery or human trafficking (as

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mentioned in paragraph (b) of that subsection), they must provide that the determination is to be made on the balance of probabilities.”

(6) In section 51 (presumption about age)—

- (a) in subsection (1)(a) for “may be” substitute “is”;
- (b) in subsection (3), in the opening words, for “may be” substitute “are”.

(7) In section 56 (interpretation)—

(a) before subsection (1) insert—

“(A1) For the purposes of sections 48 to 53 (identification and protection of victims), “victim of slavery” and “victim of human trafficking” have the meanings given in regulations made by the Secretary of State under section 69 of the Nationality and Borders Act 2022.”;

(b) in each of subsections (1) and (2), after “purposes of” insert “any other provision of”.

Commencement Information

- I1** S. 60 not in force at Royal Assent, see **s. 87(1)**
- I2** S. 60 in force at 30.1.2023 by **S.I. 2023/33, reg. 3(a)**

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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. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)