

## The legislative process: from proposal to Act of Parliament

### Modern Slavery Act 2015

Badged by Theresa May, then Home Secretary, as a flagship Bill and ‘the first of its kind in Europe’, the Modern Slavery Act provides an example both of the social concerns and policy impetus behind a new law, and of the rigour of the modern legislative process. It was introduced as a response to concerns over forced labour and the exploitation of individuals held in conditions of slavery in the UK. In order to create legislation to address the issue, the following steps were taken.

- The Government’s policy objective: to reduce human trafficking and modern slavery in the UK
- 2013: Government White Paper published containing a draft Bill (*Draft Modern Slavery Bill* CM 8770, December 2013). The Bill aimed to consolidate existing offences and proposed increased sentences for human trafficking, increased protection for victims, and an independent anti-slavery commissioner
- 2014: Pre-legislative scrutiny of the draft Modern Slavery Bill by a Joint Committee of MPs and members of the House of Lords who heard oral evidence on its provisions
- April 2014: Joint Committee’s report published (House of Lords, House of Commons, Joint Committee on the Draft Modern Slavery Bill, *Draft Modern Slavery Bill*, Report, Session 2013–14 HL Paper 166, HC 1019). The Committee suggested simplifying and strengthening the law, changing the Bill’s focus to the victims of slavery, and pointed to gaps in coverage e.g. exploitation of children ([13]) and errors in drafting which could create practical and legal problems ([27]). It reported criticism of the Bill by witnesses as ‘a “cut and paste” of the existing offences’ ([10]) and produced a revised Bill in its report
- June 2014: Government Response to the Joint Committee’s pre-legislative scrutiny report published (The Government Response to the Report from the Joint Committee on the Draft Modern Slavery Bill, Session 2013-14 HL Paper 166 / HC 1019: *Draft Modern Slavery Bill*, Cm 8889, June 2014)
- In line with normal practice, the Bill team produced:
  - an impact assessment setting out the problem, why government intervention was necessary, the policy objectives and intended effect of the Bill, and cost benefits
  - an ECHR memorandum outlining issues arising under the European Convention on Human Rights
  - a delegated powers memorandum identifying provisions of the Bill giving powers to make secondary legislation and explaining the reasons why
- 26 March 2015: Bill received royal assent, becoming the Modern Slavery Act 2015
- Post legislative scrutiny will take place within 3-5 years of royal assent
- Subsequent reviews of the Act have taken place including an independent review commissioned by the Government in 2016 which concluded that the Act had set an international benchmark but identified some issues in implementation, and in 2018, the Home Affairs Committee began an inquiry into progress made since the Act came into force