

POTENTIAL AMENDMENTS TO THE UK MODERN SLAVERY ACT

06 September 2017 | Global

Legal Briefings – By **Antony Crockett**, **Oliver Elgie** and **Jacqueline Wootton**

In the United Kingdom, two private members bills have been introduced into the House of Lords that seek to amend the Modern Slavery Act 2015. If enacted into law, these amendments would heighten the protection for victims and make amendments to the Modern Slavery Act reporting requirement.

In the UK, draft laws or draft amendments to existing laws are usually introduced to Parliament by the Government. However, individual members (of either the House of Commons or the House of Lords) can put forward draft laws by way of a private members bill. Two private members bills relating to the Modern Slavery Act 2015 received their first reading in June and July 2017. The second reading for each is due in the next Parliamentary session. If a bill passes a third reading, it will be scheduled for consideration by the House of Commons.

The first private member's bill was proposed by [Lord McColl](#) and had its first reading on 26 June 2017. It seeks to expand the support offered to victims of modern slavery. It came third in the [ballot](#) held at the start of the parliamentary session, indicating that it enjoys significant support from the House of Lords and could therefore have its second reading early in the next parliamentary session.

The second private member's bill was proposed by [Baroness Young](#). It had its first reading on 12 July 2017 and seeks to extend [the reporting requirement in section 54 of the Modern Slavery Act](#) as follows:

- to include all public authorities within the scope of reporting;
- where a company has taken no steps to ensure that slavery and human trafficking is not taking place in its business and supply chain, it must state so but also would have to

explain why it has taken no such steps;

- to make the six suggested categories of reporting set out in section 54(5) compulsory; and
- to mandate that the Secretary of State must publish a list of all commercial organisations that come within the scope of reporting.

Two of these proposed amendments might seem familiar. Last year, a [similar private member's bill](#) sought to introduce the first and last of these amendments. That bill passed all three readings in the House of Lords, as well as its first reading in the House of Commons. It was due for its second reading in the House of Commons on 24 March 2017. Due to the atrocities that took place on Westminster Bridge two days earlier, it did not have its second reading.

Rather, we understand that it was withdrawn following indications from the Government that it agreed with its contents and would introduce its own, similar bill in due course.

The additional two amendments now proposed are not likely to have too great an impact in practice:

1. In light of a company's responsibility to respect human rights under the UN Guiding Principles on Business and Human Rights (in particular Principle 13), it is not recommended that any entity takes no steps. Therefore there should not be many entities that would be forced into explaining themselves pursuant to this proposed amendment.
2. Although the UK Government was at pains to point out in its [guidance](#) that the six topics set out in section 54(5) of the Modern Slavery Act were not compulsory, civil society has since based much of its benchmarking work on the extent to which companies have included disclosures on each of these six topics in its statement. They have commented negatively on companies that have not included information on all six topics. Civil society is therefore making these topics increasingly compulsory in the court of public opinion. Any formal amendment to make these six topics legally compulsory may, by the time it is introduced, be little more than a codification of best practice.

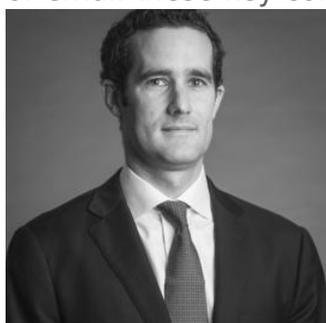
For the time being, these issues are just being debated in Parliament and no amendments have been made, so for now it's just a case of "watch this space". However, what is clear is that the move towards increased reporting and greater accountability of companies for their human rights impacts continues.

Any company that looks to take a "minimal compliance" approach to these new rules may soon find itself being left behind by both market practice and the next legal development. Far better is to seek to be a leader in the area of business and human rights so that a company can benefit from the many opportunities that arise from getting these issues right.

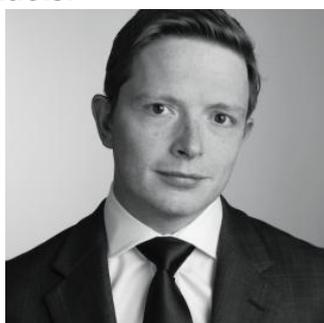
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KEY CONTACTS

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