

SENTENCING EXPLAINED

ANCILLARY ORDERS

Ancillary orders may be imposed on individuals by judges or magistrates. Depending on the type of order, this can occur following either conviction or acquittal for an offence. This need for something for the order to be attached to, whether that be a sentencing exercise or an acquittal, is why the word ancillary is used.

Here, we cover orders that fall within that definition. However, there are several other orders that can be made by courts which, although they do not fit within this version of ancillary, are referred to as such by other guidance. Some examples are forfeiture orders, psychoactive substance prohibition orders, domestic violence protection orders, and stalking protection orders. There are also orders that may be ancillary in some circumstances but not others, such as football banning orders; These circumstantial ancillary orders are included in this explainer.

Ancillary orders are usually applied for by the prosecution or the police. However, some such as disqualifications from driving, compensation, or licensed premises exclusion orders can be awarded of the court's own volition.

The aim of these orders varies depending on the type that is imposed. The majority are aimed at preventing re-offending, such as restraining orders and criminal behaviour orders. On the other hand, some – like compensation orders and restitution orders – are made to attempt to redress harm caused by that individual to a person or property.

Some orders are mandatory, such as disqualification from driving after a conviction for driving with excess alcohol. But the majority are discretionary, meaning that it is for the judge or magistrates to decide whether to impose it based on specific tests. However, in each situation, they must generally consider both whether imposing the type of order is necessary and whether its specific terms are appropriate.

There are consequences to breaching the orders. Many of them, such as criminal behaviour orders, restraining orders, and football banning orders, criminalise behaviour which would not otherwise be criminal. In the most serious cases, this can lead to a custodial sentence.

What is the difference between a substantive sentence and an ancillary order?

The majority of ancillary orders must be attached to a sentencing exercise, although there are some orders that may be made on acquittal. A sentencing exercise requires judges or magistrates to impose a substantive sentence. After a conviction, they have a number of options which vary in severity, with the primary disposals being absolute or conditional discharges, fines, community orders, suspended custodial sentences, and immediate custodial sentences. One anomaly is compensation which can be imposed either as a standalone sentence or in addition to one.

A List of Ancillary Orders and Their Features

Bind Over to Keep the Peace or Be of Good Behaviour

- Suitability and Test: This can be imposed on complaint of any person either with or without being attached to a conviction. The court must be satisfied so that it is sure that a breach of peace involving violence or an imminent threat of violence has occurred or that there is a real risk of violence in the future.¹
- Impact: A bind over means that a person must keep the peace or be of good behaviour towards the complainant. This can be with or without sureties.² If a person refuses to be bound over then this may be dealt with in the magistrates' court. In the case of a person aged 21, the court may commit them to custody for a period not exceeding six months or until they comply with the order if sooner.³ If a person is over 18 but under 21, they may be detained.⁴ This is not the case for those under 18. They may, however, be ordered to attend an attendance centre.⁵ Where a breach of a bind over is proven on the balance of probabilities, the court may order that person to pay a sum to mark it.⁶
- Duration: This should not generally exceed twelve months and it should be proportionate to the harm sought to be avoided.⁷

Binding Over a Parent or Guardian

- Suitability and Test: This becomes available when a person under 18 has been convicted of an offence for which the court is sentencing them.⁸ If the offender is under 16 when sentenced the court must exercise this power if satisfied, having regard to the circumstances of the case, that doing so would be desirable in the interests of preventing the offender from committing further offences.⁹ There is no clear test for if the offender is aged 16 or 17.
- Impact: If the offender's parent or guardian consents, that parent or guardian may be ordered to take proper care of the offender and exercise proper control over them.¹⁰ Taking care of them includes giving them protection and guidance, whilst control includes discipline.¹¹ However, if the parent or guardian refuses consent and the court considers the refusal unreasonable, the court may order them to pay a fine not exceeding £1000.¹²

¹ Criminal Practice Directions VII (Sentencing).

² Section 115(1) of the Magistrates' Courts Act 1980.

³ Section 115(3) of the Magistrates' Courts Act 1980 and Justices of the Peace Act 1968 Section 1(7).

⁴ Section 108 of the Powers of Criminal Courts (Sentencing) Act 2000.

⁵ *Veater v Glennon* [1981] 1 W.L.R. 576 D.C. and Section 60(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000.

⁶ *R. v Marlow JJ ex p. O'Sullivan* [1984] QB 381.

⁷ Criminal Practice Directions VII (Sentencing).

⁸ Section 376(1) of the Sentencing Act 2020.

⁹ Section 376(4) of the Sentencing Act 2020.

¹⁰ Section 376(2)(a) of the Sentencing Act 2020.

¹¹ Section 376(3) of the Sentencing Act 2020.

¹² Section 376(2)(b) of the Sentencing Act 2020.

- Duration: It must last for not for more than three years and must end before the offender reaches the age of 18.¹³

Collection Orders/Attachment of Earnings Orders/Applications for Benefit Deductions

- Suitability and the Test: The court must make a collection order for the payment of the sum due as a result of sentence. This is unless it appears to the court that making the order would be impracticable or inappropriate.¹⁴ It must make an attachment of earnings order or application for benefit deductions whenever compensation is imposed or in some instances where the offender is an existing defaulter.¹⁵ In other cases, the court may make these orders with the offender's consent.¹⁶
- Impact: This is a fines collection scheme. A collection order means that, if the amount is not paid, it may be collected in other ways, such as through the use of bailiffs. An order for attachment of earnings or deduction from an offender's benefits results in the amount being taken directly from those sources.

Compensation

- Suitability and the Test: This is available where a person has been convicted of an offence from which personal injury, loss or damage resulted.¹⁷ The order is available for all offences of this kind apart from those which cause injury, loss, or damage through road accidents. Compensation for road accidents is limited to certain circumstances.¹⁸ A compensation order may not be made in respect of funeral expenses or bereavement in respect of a death due to a road accident.¹⁹ The court may make a standalone compensation order in relation to an offence or deal with it another way along with that compensation order.²⁰
- Impact: An offender can be made to pay for any personal injury, loss or damage resulting from the offence or any other offence taken into consideration by the court in determining a sentence. This can include payments for funeral expenses or bereavement in respect of a death resulting from an offence.²¹

Confiscation orders

- Suitability and Test: These can be made by the Crown Court.²² It is made after a defendant is convicted of an offence as a result of which they have received a benefit.
- Impact: This deprives them of the benefit that they have obtained from the crime. If the offender does not voluntarily pay the amount specified, then it can be enforced.

¹³ Section 376(7) of the Sentencing Act 2020.

¹⁴ Schedule 5 12(1) of the Courts Act 2003.

¹⁵ Schedule 5(7A) and (8) to the Courts Act 2003.

¹⁶ Schedule 5(12) to the Courts Act 2003.

¹⁷ Section 133 of the Sentencing Act 2020.

¹⁸ Section 134(1) of the Sentencing Act 2020.

¹⁹ Section 136(1) of the Sentencing Act 2020.

²⁰ Section 134(2) of the Sentencing Act 2020.

²¹ Section 133 of the Sentencing Act 2020.

²² Sections 6 and 70 of the Proceeds of Crime Act 2002.

- Length: Indefinite.

Criminal behaviour orders

- Suitability: This is available where a person has been convicted of an offence²³ and it has been dealt with in a way other than an absolute discharge.²⁴ It can only be made where the prosecution makes an application to the court after the potential subject of the order has been convicted of an offence.²⁵
- Impact: These are made for the purpose of preventing an offender from engaging in behaviour that is likely to cause harassment, alarm, or distress to any person. They can contain both prohibitions and requirements.²⁶
- Test: To make the order, the court must be satisfied that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm, or distress to any person, and considers that making the order will help in preventing the offender from engaging in such behaviour.²⁷
- Duration: If the order has been made before the offender is 18 years old, it must last for no less than a year and no more than three years.²⁸ If the order is made in relation to an offender who aged 18 or over, it must either be for a fixed period of not less than two years or indefinitely until further order.²⁹

Deprivation orders

- Suitability, Test, and Impact: After conviction, the court can deprive an offender of property that has been used for committing or facilitating the commission of an offence.³⁰ This can include deprivation of a vehicle that has been used in an offence that is punishable with imprisonment.³¹

Disqualification From Driving

A disqualification from driving is available in five situations. The suitability, test, impact, and duration of these are detailed below.

1. Mandatory Disqualification: Some traffic offences require a mandatory disqualification, regardless of the offender's previous driving record. Three common examples of this can be given. Firstly, for driving with excess alcohol, there is a mandatory disqualification of twelve months.³² Secondly, there is a mandatory disqualification of three or six years if the offender has been convicted of a similar

²³ Section 331(1) of the Sentencing Act 2020.

²⁴ Section 330(3) of the Sentencing Act 2020.

²⁵ Section 331(1) of the Sentencing Act 2020.

²⁶ Section 330 of the Sentencing Act 2020.

²⁷ Section 331(2) of the Sentencing Act 2020.

²⁸ Section 334(4) of the Sentencing Act 2020.

²⁹ Section 334(5) of the Sentencing Act 2020.

³⁰ Sections 152 and 153(1)-(4) of the Sentencing Act 2020.

³¹ Section 154 of the Sentencing Act 2020.

³² Section 34(1) of the Road Traffic Offenders Act 1988.

offence in the ten years prior.³³ Thirdly, for dangerous driving, there is a mandatory disqualification of two years after which the offender must complete an extended test.³⁴

2. **Totting Disqualification:** This occurs depending on the offender's driving record at the time that they commit the current offence. The current offence must require penalty points to be imposed. Those required penalty points, combined with any points imposed over the last three years must amount to or exceed 12 points. This results in a totting disqualification of at least six months being imposed unless the court finds that the offender would suffer exceptional hardship if disqualified.³⁵
3. **Discretionary Disqualification for Traffic Offences:** For all traffic offences carrying an endorsement of penalty points, the court can either impose points on the offender's licence or apply a disqualification.³⁶ Sentencing guidelines for some offences explicitly give the court scope to either impose points or a disqualification, often depending on the seriousness of the offence. Examples of this are driving whilst disqualified³⁷ and driving without insurance.³⁸
4. **Disqualification Available For Non-Traffic Offences:** This is available where an offender is convicted of an offence punishable on indictment with imprisonment for two years or more and the Crown Court is satisfied that a motor vehicle was used by the offender or anyone else for the purpose of committing or facilitating commission of the offence.³⁹ Facilitating the commission of an offence includes taking any steps after it has been committed for the purpose of disposing of any property to which the offence relates or avoiding apprehension or detection.⁴⁰ It is also available where the offence is assault or involves assault and the court is satisfied that the assault was committed by driving a motor vehicle.⁴¹
5. **Interim Disqualification:** This applies where an offender has been convicted of an offence involving obligatory or discretionary disqualification and they have either adjourned sentence, deferred sentence, or committed the matter to the Crown Court. The court may order that the defendant is disqualified until sentencing takes place.⁴²

Disqualification From Being a Company Director

- **Suitability and Test:** This is available if the offender has been convicted of certain offences related to a company.
- **Impact and Duration:** It can be used to stop an offender from becoming a director or from taking part in the promotion, formation, or management of a company.

³³ Section 34(3) and (3A) of the Road Traffic Offenders Act 1988.

³⁴ Sections 34(1) and 36(2) of the Road Traffic Offenders Act 1988.

³⁵ Section 35(1) and (2) of the Road Traffic Offenders Act 1988.

³⁶ Section 34(2) of the Road Traffic Offenders Act 1988.

³⁷ <https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/drive-whilst-disqualified-revised-2017/>

³⁸ <https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/no-insurance-revised-2017/>

³⁹ Section 164(1) of the Sentencing Act 2020.

⁴⁰ Section 164(2) of the Sentencing Act 2020.

⁴¹ Section 164(3) of the Sentencing Act 2020.

⁴² Section 26(1) and (2) of the Sentencing Act 2020.

- Duration: It lasts for up to five years.⁴³

Football Banning Orders

- Suitability and Test: This can be applied for by a prosecutor against an offender who has been convicted of a relevant offence. In that situation, the order must be made unless the court considers that there are particular circumstances relating to the offence or the offender which would make it unjust in all the circumstances to do so.⁴⁴ Such orders can also be applied for without a conviction by the police on complaint. In those circumstances, they may be allowed if a magistrates' court is satisfied that the respondent has at any time caused or contributed to any violence or disorder in the United Kingdom or elsewhere and that there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated football matches.⁴⁵ For an application by the police, the court may not take into account anything done by the respondent more than 10 years prior to the application unless related to a conviction.⁴⁶
- Impact: The order requires the offender to report to a police station within five days,⁴⁷ to give notification of events such as a change of address, name, or passport,⁴⁸ and to surrender their passport in connection with regulated football matches outside the United Kingdom.⁴⁹
- Length: In cases of immediate imprisonment, the order may be made for a maximum of ten years and a minimum of six years.⁵⁰ In any other case, the maximum is five years, and the minimum is three years.⁵¹

Licensed premises exclusion order

- Suitability: This may be made by a court where an offender has been convicted of an offence committed on licensed premises.
- Test: The court must be satisfied that in committing that offence the offender resorted to violence or offered or threatened to resort to violence.
- Impact: The order prohibits the offender from entering the licensed premises where the offence was committed or any other specified premises without the express consent of the licensee or the licensee's servant or agent.⁵²
- Length: The order must last for a period of not less than three months or more than two years.⁵³

⁴³ Sections 2 and 5 of the Company Directors Disqualification Act 1986.

⁴⁴ Section 14A(1) and (2) of the Football Spectators Act 1989.

⁴⁵ Section 14B(1)-(4) of the Football Spectators Act 1989.

⁴⁶ Section 14C(5)(a) of the Football Spectators Act 1989.

⁴⁷ Section 14E(2) of the Football Spectators Act 1989.

⁴⁸ Section 14E(2A, 2B and 2C) of the Football Spectators Act 1989.

⁴⁹ Section 14E(3) of the Football Spectators Act 1989.

⁵⁰ Section 14(F)(3) of the Football Spectators Act 1989.

⁵¹ Section 14(F)(4) and (5) of the Football Spectators Act 1989.

⁵² Section 1(1) of the Licensed Premises (Exclusion of Certain Persons) Act 1980.

⁵³ Section 1(3) of the Licensed Premises (Exclusion of Certain Persons) Act 1980.

Parenting orders

- Suitability: The subjects of these orders are parents or guardians of offenders.⁵⁴ Making this order is available to a court where a child of theirs, who is under the age of 18, has been convicted of an offence.⁵⁵
- Test: If the offender is under 16, the court must make such an order in respect of the parent or guardian of the offender if it is satisfied that it would be desirable in the interests of preventing the commission of any further offence by the offender. This is unless the court has made a referral order in respect of the offender.⁵⁶ If the offender is aged 16 or 17 at the time of conviction, the same test applies but the exception of receipt of a referral order does not apply.⁵⁷
- Impact and Length: Such an order requires the parent or guardian to comply with requirements specified in the order for a period of not more than twelve months and to attend a counselling or guidance programme for not more than three months.⁵⁸ In certain circumstances, the court may order that this is, or includes, a residential course.⁵⁹

Restitution orders

- Suitability and Test: This order may be made where an offender has been convicted of an offence with reference to theft of goods or goods being obtained by blackmail or fraud. It is only available on the application of the person in whose favour it is to be made⁶⁰ and may only be made if the purchaser or lender of the goods was acting in good faith.⁶¹
- Impact: The order may include one of three things: 1. That anyone in possession or control of the stolen goods restore them to the victim, 2. That goods directly or indirectly representing the stolen goods through being the proceeds of any disposal or realisation of them be transferred to the victim, or 3. That a sum not exceeding the value of the stolen goods be paid to the victim out of any money that was taken from the offender's possession during their apprehension. An amount not exceeding the value of the stolen goods is to be taken from the offender and paid to the victim of the offence.

Restraining orders

- Suitability and Test: The court may make an order when dealing with an offender for an offence.⁶² This may be made for the purpose of protecting the victim or victims of the offence, or any other person mentioned in the order, from conduct which amounts to harassment or will cause a fear of violence.⁶³ It may also make one when a person is

⁵⁴ Section 365(1) of the Sentencing Act 2020.

⁵⁵ Section 366(1) of the Sentencing Act 2020.

⁵⁶ Section 366(3) of the Sentencing Act 2020.

⁵⁷ Section 366(4) of the Sentencing Act 2020.

⁵⁸ Section 365(1) of the Sentencing Act 2020. The counselling or guidance programme need not be included as a requirement if a parenting order has been made for this subject on any previous occasion (Section 365(2)).

⁵⁹ Section 365(7) of the Sentencing Act 2020.

⁶⁰ Section 147 and 148 of the Sentencing Act 2020.

⁶¹ Section 149(6) of the Sentencing Act 2020.

⁶² Section 360(1 and 3) of the Sentencing Act 2020.

⁶³ Section 360(2) of the Sentencing Act 2020.

acquitted of an offence if the court considers it necessary to protect a person from harassment by the defendant.⁶⁴

- Impact: The order may contain prohibitions only.⁶⁵ It is an offence for the subject of the order to do anything that is prohibited by the order without reasonable excuse.⁶⁶
- Length: Such an order may have effect for a period specified in the order or until further order.⁶⁷

Serious Crime Prevention Orders

- Suitability and Test: This order may be made by the Crown Court if it is satisfied that a person has been involved in a serious crime in any country and it has reasonable grounds to believe that the order would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in England and Wales.⁶⁸ It must be made in response to an application.⁶⁹ The respondent must be aged 18 or over.⁷⁰
- Impact: The order may contain prohibitions, restrictions, requirements, and other terms considered appropriate.⁷¹
- Length: The order may be made for a maximum of five years. There is no specified minimum.⁷² The order can specify different times for when each provision comes into force and ceases to be in force.⁷³ A new order may be made in anticipation of an earlier order or provision ceasing to be in force.⁷⁴

Serious Disruption Prevention Orders

- Suitability: These orders were created by the Public Order Act 2023⁷⁵ and they are made for the purpose of preventing the subject from committing, causing, or contributing to protest related offences or breaches of injunctions. They also combat risk of serious disruption arising from this and other activities relating to protest.⁷⁶ They may be imposed either on conviction or on application from the police. The subject of the order must be at least 18 years old.⁷⁷
- Test: The court must be satisfied on the balance of probabilities that, within the previous five years, the offender has committed two protest-related offences for which they have been convicted or a protest-related breach of an injunction for which they

⁶⁴ Section 5A of the Protection from Harassment Act 1997.

⁶⁵ Section 359(1) of the Sentencing Act 2020 and Section 5A of the Protection from Harassment Act 1997.

⁶⁶ Section 363(2) of the Sentencing Act 2020 and Section 5A(2E) of the Protection from Harassment Act 1997.

⁶⁷ Section 359 of the Sentencing Act 2020 and Section 5A(2) of the Protection from Harassment Act 1997.

⁶⁸ Section 1(1) and 2(1) of the Serious Crime Act 2007.

⁶⁹ Section 8 of the Serious Crime Act 2007.

⁷⁰ Section 6 of the Serious Crime Act 2007.

⁷¹ Sections 1(3) and 5 of the Serious Crime Act 2007.

⁷² Section 16(2) of the Serious Crime Act 2007.

⁷³ Section 16(3) and (4) of the Serious Crime Act 2007.

⁷⁴ Section 16(6) of the Serious Crime Act 2007.

⁷⁵ Part 2.

⁷⁶ Section 20(5) of the Public Order Act 2023.

⁷⁷ Section 20(1)(a) of the Public Order Act 2023.

were found in contempt of court. These must relate to different protests or take place on different days.⁷⁸ For an order to be made on conviction, one of these offences must be the current offence.⁷⁹

- Impact: The order may have both requirements and prohibitions attached, if they are necessary for a particular purpose.⁸⁰ It is an offence to breach the order without reasonable excuse or notify to the police in purported compliance with the order any information which the subject knows to be false.⁸¹
- Duration: Its duration must be for a fixed period of not less than one week and not more than two years.⁸²

Serious Violence Reduction Orders

- Suitability: The prosecution may apply for this order if the potential subject of the order is convicted of an offence. The offender must be at least 18 years old.⁸³
- Test: The court must be satisfied on the balance of probabilities that a bladed article or offensive weapon was used by the offender in the commission of the offence or that they had one with them at the relevant time.⁸⁴ Alternatively, they must be satisfied that the bladed article or offensive weapon was used or possessed by another person during the offence and the offender knew or ought to have known that this would be the case.⁸⁵ The court must consider it necessary to make the order to prevent the offender from committing an offence involving a bladed article or offensive weapon or to protect the public, any particular members of the public, or the offender from the risk of harm involving a bladed article or offensive weapon.⁸⁶ Such an order cannot be made if the court has dealt with the offence by way of an absolute discharge.⁸⁷
- Impact: The order may include both requirements and prohibitions.⁸⁸ The order also means that different powers of stop and search are available for the police to apply to the offender in order to ascertain whether they have a bladed article or an offensive weapon with them.⁸⁹ It is an offence for the offender to breach the order without reasonable excuse, notify the police in purported compliance with the order with false information, tell a constable that they are not subject to such an order, and to intentionally obstruct a constable in the exercise of any power conferred by it.⁹⁰

⁷⁸ Sections 20 and 21 of the Public Order Act 2023.

⁷⁹ Section 20(1) of the Public Order Act 2023.

⁸⁰ Section 22(1) of the Public Order Act 2023. The purposes are specified in Sections 20(5) and 21(4).

⁸¹ Section 27 Public Order Act 2023.

⁸² Section 25(2) Public Order Act 2023.

⁸³ Section 342A(1) of the Sentencing Act 2020.

⁸⁴ Section 342A(3) of the Sentencing Act 2020.

⁸⁵ Section 342A(4) of the Sentencing Act 2020.

⁸⁶ Section 324A(5) of the Sentencing Act 2020.

⁸⁷ Section 324A(6)(b) of the Sentencing Act 2020.

⁸⁸ Section 324C(1) of the Sentencing Act 2020.

⁸⁹ Section 324E(1 and 2) of the Sentencing Act 2020.

⁹⁰ Section 342G(1, 2 and 4) of the Sentencing Act 2020.

- Length: It may have effect for a fixed period of not less than six months and not more than two years.⁹¹

Sexual Harm Prevention Orders

- Suitability: This may be applied for on conviction for an offence listed in Schedule 3 or 5 of the Sexual Offences Act 2003.⁹²
- Test: The court may make such an order if it is satisfied that it is necessary to do so for the purpose of protecting the public or any particular members of the public from sexual harm from the offender. The test is also met if the order is deemed necessary for the purpose of protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.⁹³
- Impact: The order may include both requirements and prohibitions that are necessary for the purpose of such protection.⁹⁴ Breaching the order is an offence.⁹⁵
- Length: The order may have effect for a fixed period of at least five years or until further order.⁹⁶ The prohibitions or requirements must have effect for either a fixed period of not less than five years or an indefinite period until further order.⁹⁷

Slavery and Trafficking Prevention Order

- Suitability: A court may make this order against an offender who has been convicted of a slavery or human trafficking offence, found not guilty of it by reason of insanity, or found to have done the act after an actus reus hearing.⁹⁸ For the order to be made, it must have been applied for by the police, an immigration officer, or the National Crime Agency.⁹⁹
- Test: The court must be satisfied that there is a risk that the defendant may commit a slavery or human trafficking offence and it is necessary to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the defendant committed such an offence.¹⁰⁰
- Impact: The order may impose necessary prohibitions for the above purpose.¹⁰¹
- Length: The prohibitions can have effect for different specified periods and this must be either a fixed period of at least five years or until further order.¹⁰² However, if there is a

⁹¹ Section 342D(2) of the Sentencing Act 2020.

⁹² Section 345 of the Sentencing Act 2020.

⁹³ Section 326(1) of the Sentencing Act 2020.

⁹⁴ Section 343(1A and 2) of the Sentencing Act 2020 and Section 103C(1) of the Sexual Offences Act 2003.

⁹⁵ Section 354(4)(b) of the Sentencing Act 2020.

⁹⁶ Section 103C(2) of the Sexual Offences Act 2003.

⁹⁷ Section 347(1 and 2) of the Sentencing Act 2020.

⁹⁸ Section 14(1) of the Modern Slavery Act 2015.

⁹⁹ Section 15(1) of the Modern Slavery Act 2015.

¹⁰⁰ Section 14(2) of the Modern Slavery Act 2015.

¹⁰¹ Section 17(1) and (2) of the Modern Slavery Act 2015.

¹⁰² Section 17(4) and (5) of the Modern Slavery Act 2015.

prohibition on foreign travel then that must be for a fixed period of not more than five years.¹⁰³

Travel Restriction Orders

- Suitability and Test: This may be made where an offender has been convicted of a drug trafficking offence and the court has determined that a sentence of more than four years' imprisonment is appropriate. The court must also think that the making of the order is appropriate.¹⁰⁴
- Impact: This is an order that prohibits the offender from leaving the United Kingdom.¹⁰⁵ It may also include the offender having to return their passport.¹⁰⁶
- Length: There is no statutory maximum for this order, but it may be reviewed and revoked after a minimum period which is at least two years.¹⁰⁷

¹⁰³ Section 18(1) of the Modern Slavery Act 2015.

¹⁰⁴ Section 33(1) and (2) of the Criminal Justice and Police Act 2001.

¹⁰⁵ Section 33(3) of the Criminal Justice and Police Act 2001.

¹⁰⁶ Section 33(4) of the Criminal Justice and Police Act 2001.

¹⁰⁷ Section 35 (1) and (7) of the Criminal Justice and Police Act 2011.