

These notes relate to the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) which received Royal Assent on 4 November 2015

HUMAN TRAFFICKING AND EXPLOITATION (SCOTLAND) ACT 2015

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part 2 – Protection of Victims

Prosecution of victims

Section 8: Lord Advocate’s instructions on prosecution of victims of offences

39. **Section 8** places a duty on the Lord Advocate to prepare and publish instructions for prosecutors about the prosecution of suspected or confirmed victims of the offence of human trafficking and the offence under section 4 of the Act.
40. Subsection (2) sets out that the instructions must include factors to be taken into account or steps to be taken when deciding whether to prosecute a person who does an act which constitutes an offence having been compelled to do so and that the compulsion is directly attributable to the person being, or appearing to be, a victim of an offence of human trafficking or, as the case may be, under section 4 of the Act.
41. Subsection (3) provides that the Lord Advocate may, from time to time, revise the instructions.