



# Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

## PART 4

### TRAFFICKING AND EXPLOITATION PREVENTION AND RISK ORDERS

#### *Trafficking and exploitation offences*

#### **16 Relevant trafficking or exploitation offence**

- (1) A relevant trafficking or exploitation offence is an offence—
- (a) of human trafficking,
  - (b) under section 4,
  - (c) aggravated by a connection with human trafficking activity in accordance with section 5,
  - (d) under section 145 of the Nationality, Immigration and Asylum Act 2002 (trafficking for prostitution),
  - (e) under section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc.),
  - (f) under section 57, 58, 58A, 59 or 59A of the Sexual Offences Act 2003 (trafficking for sexual exploitation),
  - [<sup>F1</sup>(fa) under section 62 of that Act (committing an offence with intent to commit a sexual offence) where the relevant sexual offence the person had the intention of committing was an offence under section 57, 58, 58A, 59 or 59A of that Act,]
  - (g) under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation),
  - (h) under section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour),
  - (i) under section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (slavery, servitude and forced or compulsory labour),
  - [<sup>F2</sup>(ia) under section 1, 2 or 4 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour; human trafficking),

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*Changes to legislation: Human Trafficking and Exploitation (Scotland) Act 2015, Cross Heading: Trafficking and exploitation offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (ib) under section 1, 2 or 4 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (slavery, servitude and forced or compulsory labour; human trafficking),]
- (j) of attempting or conspiring to commit an offence mentioned in this subsection,
- (k) committed by aiding, abetting, counselling, procuring or inciting the commission of an offence mentioned in this subsection, or
- (l) under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence mentioned in this subsection.

(2) The Scottish Ministers may by regulations amend subsection (1).

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**Textual Amendments**

- F1** S. 16(1)(fa) inserted (30.6.2017) by [The Human Trafficking and Exploitation \(Scotland\) Act 2015 \(Relevant Trafficking or Exploitation Offences and Relevant UK Orders\) Regulations 2017 \(S.S.I. 2017/220\)](#), regs. 1(1), **2(a)**
  - F2** S. 16(1)(ia)(ib) inserted (30.6.2017) by [The Human Trafficking and Exploitation \(Scotland\) Act 2015 \(Relevant Trafficking or Exploitation Offences and Relevant UK Orders\) Regulations 2017 \(S.S.I. 2017/220\)](#), regs. 1(1), **2(b)**
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**Commencement Information**

- I1** S. 16 in force at 29.6.2017 by [S.S.I. 2017/140](#), reg. 2, **sch.**

**Changes to legislation:**

Human Trafficking and Exploitation (Scotland) Act 2015, Cross Heading: Trafficking and exploitation offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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. 9(10) inserted by [2023 c. 37 s. 28\(3\)](#)
- s. 10(3) inserted by [2023 c. 37 s. 28\(4\)](#)