



Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

PART 4

TRAFFICKING AND EXPLOITATION PREVENTION AND RISK ORDERS

Trafficking and exploitation risk orders

29 Variation, renewal and discharge of risk orders

- (1) On the application of a person mentioned in subsection (2), the appropriate sheriff may—
 - (a) vary, renew or discharge a prohibition or requirement in, or add a prohibition or requirement to, a trafficking and exploitation risk order,
 - (b) renew a trafficking and exploitation risk order,
 - (c) discharge a trafficking and exploitation risk order.
- (2) The persons are—
 - (a) the adult in respect of whom the order was made,
 - (b) the chief constable.
- (3) The “appropriate sheriff” means—
 - (a) the sheriff who made the trafficking and exploitation risk order,
 - (b) a sheriff in the sheriffdom of that sheriff,
 - (c) a sheriff in the sheriffdom in which—
 - (i) the adult in respect of whom the trafficking and exploitation risk order was made is resident at the time of the application,
 - (ii) the chief constable believes that adult to be,
 - (iii) the chief constable believes that adult intends to come to.
- (4) Before determining an application under this section, the sheriff must give an opportunity to make representations to—
 - (a) the adult in respect of whom the order is made, and
 - (b) the chief constable.

Changes to legislation: Human Trafficking and Exploitation (Scotland) Act 2015, Section 29 is up to date with all changes known to be in force on or before 26 November 2023. 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

- (5) After taking into account any such representations, the sheriff may make such order as the sheriff thinks appropriate.
- (6) The sheriff may—
 - (a) vary, renew or add a prohibition or requirement under subsection (1)(a) or renew an order under subsection (1)(b) only if the sheriff is satisfied that—
 - (i) there is a risk that the adult in respect of whom the order is to have effect may commit a relevant trafficking or exploitation offence, and
 - (ii) each prohibition or requirement in the order (as it is to have effect following the renewal, variation or addition) is necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the adult committed such an offence,
 - (b) discharge a prohibition or requirement under subsection (1)(a) or discharge an order under subsection (1)(c) only if the sheriff is satisfied that—
 - (i) there is no longer a risk that the adult in respect of whom the order was made may commit a relevant trafficking or exploitation offence, or
 - (ii) the prohibition or requirement or, as the case may be, the order is no longer necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the adult committed such an offence.
- (7) Sections 27 and 28 apply to a trafficking and exploitation risk order (and a prohibition or requirement in an order) as varied or renewed under this section as they apply to the making of a trafficking and exploitation risk order.

Commencement Information

II [S. 29](#) in force at 31.10.2017 by [S.S.I. 2017/140](#), [reg. 2](#), [sch.](#)

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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\(4\)](#)