



Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

PART 4

TRAFFICKING AND EXPLOITATION PREVENTION AND RISK ORDERS

Offences and supplementary provision

34 Interpretation of Part 4

(1) In this Part—

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995,

“chief constable” means chief constable of the Police Service of Scotland,

“interim trafficking and exploitation prevention order” means an order made under section 24,

“interim trafficking and exploitation risk order” means an order made under section 30,

“passport” means—

(a) a United Kingdom passport within the meaning of the Immigration Act 1971,

(b) a passport issued by or on behalf of the authorities of a country outwith the United Kingdom, or by or on behalf of an international organisation,

(c) a document that can be used (in some or all circumstances) instead of a passport,

“relevant offender” has the meaning given by section 19,

“relevant trafficking or exploitation offence” means an offence listed in section 16(1),

“trafficking and exploitation prevention order” means an order made under section 17 or 18 or varied or renewed under section 22 or 23,

“trafficking and exploitation risk order” means an order made under section 26 or varied or renewed under section 29.

Changes to legislation: Human Trafficking and Exploitation (Scotland) Act 2015, Section 34 is up to date with all changes known to be in force on or before 14 December 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

- (2) In this Part, a reference to a conviction includes a conviction for an offence in respect of which an order for—
- (a) absolute discharge is made under section 246(2) of the 1995 Act, despite section 247(1) of the 1995 Act,
 - (b) conditional discharge is made, despite—
 - (i) [F1section 82 of the Sentencing Code] (conviction with conditional discharge deemed not to be a conviction),
 - (ii) article 6(1) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160) (effect of discharge).
- (3) Subsection (2) applies only to convictions after this Part comes into force.
- (4) In this Part, a reference to a conviction includes a finding of a court in summary proceedings that the accused did the act charged, where the court makes an order under—
- (a) section 37(3) of the Mental Health Act 1983 (hospital or guardianship),
 - (b) section 58(3) of the 1995 Act (hospital or guardianship), or
 - (c) article 44(4) of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595) (hospital admission or guardianship).
- (5) In relation to an offence under the law of England and Wales or Northern Ireland, a reference in this Part to a person being acquitted by reason of the special defence in section 51A of the 1995 Act is to be treated as a reference to a person being found not guilty by reason of insanity.
- (6) In this Part, a reference to a finding that a person is under a disability and has done the act charged against the person in respect of an offence includes a finding (under section 53F of the 1995 Act or otherwise) that a person is insane or unfit to be tried and has done the act charged against the person in respect of an offence.

Textual Amendments

F1 Words in s. 34(2)(b)(i) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 310](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

Commencement Information

I1 S. 34(1) in force at 31.5.2016 by [S.S.I. 2016/128](#), reg. 2, [Sch.](#)

I2 S. 34(2)-(6) in force at 30.6.2017 by [S.S.I. 2017/140](#), reg. 2, [sch.](#) (with [art. 3](#))

Changes to legislation:

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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\(4\)](#)