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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 140 (C. 11)**

**CRIMINAL LAW**

**The Human Trafficking and Exploitation  
(Scotland) Act 2015 (Commencement No. 3  
and Transitional Provisions) Regulations 2017**

<i>Made</i>	- - - -	<i>2nd May 2017</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>4th May 2017</i>
<i>Coming into force</i>	- -	<i>29th June 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 45(2) and (4) of the Human Trafficking and Exploitation (Scotland) Act 2015<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Human Trafficking and Exploitation (Scotland) Act 2015 (Commencement No. 3 and Transitional Provisions) Regulations 2017 and come into force on 29th June 2017.

(2) In these Regulations “the Act” means the Human Trafficking and Exploitation (Scotland) Act 2015.

**Appointed days**

2. The provisions of the Act specified in column 1 of the schedule come into force on the day appointed in column 2.

**Transitional provision**

3.—(1) This regulation applies where—

- (a) a person is convicted of a relevant trafficking or exploitation offence between 30th June 2017 and 30th October 2017; and
- (b) an order for—

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(i) absolute discharge under section 246(2) of the Criminal Procedure (Scotland) Act 1995(2); or

(ii) conditional discharge,

is made in respect of that conviction.

(2) Where this regulation applies, the conviction is to be treated, for the purposes of section 34(2) and (3) of the Act, as if it occurred after Part 4 of the Act came into force.

(3) In this regulation, “relevant trafficking or exploitation offence” has the meaning given by section 34(1) of the Act.

St Andrew’s House,  
Edinburgh  
2nd May 2017

*MICHAEL MATHESON*  
A member of the Scottish Government

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(2) 1995 c.46. Section 246(2) was amended by paragraph 26 of schedule 2 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

## SCHEDULE

Regulation 2

## Provisions of the Act coming into force

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of the Act</i>	<i>Appointed day</i>
Section 16 (relevant trafficking or exploitation offence)	29th June 2017
Section 17 (prevention orders on sentencing)	30th June 2017
Section 18 (prevention orders on application)	30th June 2017
Section 19 (meaning of relevant offender)	30th June 2017
Section 20 (contents of prevention order)	30th June 2017
Section 21 (prohibitions on foreign travel)	30th June 2017
Section 22 (orders on sentencing: variation, renewal and discharge)	30th June 2017
Section 23 (orders on application: variation, renewal and discharge)	30th June 2017
Section 24 (interim prevention orders)	30th June 2017
Section 25 (appeals: prevention orders)	30th June 2017
Section 34(2) to (6) (interpretation of Part 4)	30th June 2017
Section 26 (risk orders)	31st October 2017
Section 27 (contents of risk orders)	31st October 2017
Section 28 (prohibitions on foreign travel)	31st October 2017
Section 29 (variation, renewal and discharge of risk orders)	31st October 2017
Section 30 (interim risk orders)	31st October 2017
Section 31 (appeals: risk orders)	31st October 2017

**EXPLANATORY NOTE***(This note is not part of the Regulations)*

These Regulations bring into force provisions of the Human Trafficking and Exploitation (Scotland) Act 2015 (“the Act”) on various appointed dates.

Section 16, which comes into force on 29th June 2017, provides a list of offences that may be considered a relevant trafficking or exploitation offence for the purposes of the Act and empowers the Scottish Ministers to amend this list by regulations.

Sections 17 to 25, which come into force on 30th June 2017, make provision in relation to trafficking and exploitation prevention orders. These orders can be made on sentencing by the court at the instance of the court or on the motion of the prosecutor (section 17(3)) or after application to

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the sheriff by the chief constable (section 18(1)). Provisions about the content of those orders, arrangements for variation, renewal or discharge of those orders, interim orders and appeals also come into force on that date.

Section 34(2) to (6), which also comes into force on 30th June 2017, provides for the interpretation of Part 4 of the Act. Sections 34(2) and (3) are subject to transitional provisions. These provisions apply when a person is convicted of a relevant trafficking or exploitation offence in the period between the commencement of sections 17 to 25 and sections 26 to 31 and receives an absolute discharge on indictment or a conditional discharge. For the purposes of section 34(2) and (3), this conviction is to be treated as if it occurred after Part 4 came into force.

Sections 26 to 31, which come into force on 31st October 2017, make provision in relation to trafficking and exploitation risk orders. An application for an order may be made to the sheriff by the chief constable (section 26(1)). Provisions about the content of those orders, arrangements for variation, renewal or discharge of those orders, interim orders and appeals also come into force on that date.

The Bill for the Act received Royal Assent on 4th November 2015. Section 45(1) of the Act brought into force sections 40, 41, 42, 44, 45 and 46 on the day after Royal Assent.

#### **NOTE AS TO EARLIER COMMENCEMENT REGULATIONS**

*(This note is not part of the Regulations)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Part 1	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 8	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 9 (partially)	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 10	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 11 (partially)	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 12 (partially)	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Part 3	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 32	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 33	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 34(1)	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 35	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 36	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 37	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 38 (partially)	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 39	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Section 43	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Schedule, paragraphs 1, 3 and 6	31st May 2016	<a href="#">S.S.I. 2016/128</a>
Schedule, paragraphs 2, 4 and 5	17th December 2017	<a href="#">S.S.I. 2016/385</a>