

EXPLANATORY NOTES

HUMAN TRAFFICKING AND EXPLOITATION (SCOTLAND) ACT 2015

INTRODUCTION

THE ACT

THE STRUCTURE AND A SUMMARY OF THE ACT

PART ONE – OFFENCES

Human trafficking

Section 1: Offence of human trafficking

Section 2: Application of offence to conduct in United Kingdom and elsewhere

Section 3: Exploitation for purposes of offence of human trafficking

Slavery, servitude and forced or compulsory labour

Section 4: Slavery, servitude and forced or compulsory labour

Aggravation as to human trafficking

Section 5: General aggravation of offence

Section 6: Aggravation involving a child

Section 7: Aggravation involving public official

PART 2 – PROTECTION OF VICTIMS

Prosecution of victims

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

Support and assistance for adult victims

Section 9: Support and assistance: victims of offence of human trafficking

Section 10: Support and assistance: victims of an offence under section 4

Support and assistance for child victims

Section 11: Independent child trafficking guardians

Section 12: Presumption of age

PART 3 - CONFISCATION OF PROPERTY

Detention and forfeiture

Section 13: Detention of vehicle, ship or aircraft

Section 14: Forfeiture of vehicle, ship or aircraft

Proceeds of crime

Section 15: Proceeds of Crime Act 2002: lifestyle offences

PART 4 – TRAFFICKING AND EXPLOITATION PREVENTION AND RISK ORDERS

Trafficking and exploitation offences

Section 16: Relevant trafficking or exploitation offences

Trafficking and exploitation prevention orders

Section 17: Prevention orders on sentencing

Section 18: Prevention orders on application

Section 19: Meaning of relevant offender

Section 20: Contents of prevention orders

Section 21: Prohibitions on foreign travel

Section 22: Orders on sentencing: variation, renewal and discharge

Section 23: Orders on application: variation, renewal and discharge

Section 24: Interim prevention orders

Section 25: Appeals: prevention orders

Trafficking and exploitation risk orders

Section 26: Risk orders

Section 27: Contents of risk orders

Section 28: Prohibitions on foreign travel

Section 29: Variation, renewal and discharge of risk orders

Section 30: Interim risk orders

Section 31: Appeals: risk orders

Offences and supplementary provision

Section 32: Offences

Section 33: Enforcement of other UK orders

Section 34: Interpretation of Part 4

PART 5 - STRATEGY AND REPORTING

Section 35: Trafficking and exploitation strategy

Section 36: Review and publication of strategy

Section 37: Duty to co-operate on strategy

Section 38: Duty to notify and provide information about victims

PART 6 – FINAL PROVISIONS

Section 39: Offences by bodies corporate etc.

Section 40: Interpretation

Section 41: Regulations

Section 42: Ancillary provision

Section 43: Minor and consequential amendments

Section 44: Crown application

Section 45: Commencement

Section 46: Short title

Section 47: Parliamentary History