

*These notes relate to the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) which received Royal Assent on 4 November 2015*

# **HUMAN TRAFFICKING AND EXPLOITATION (SCOTLAND) ACT 2015**

---

## **EXPLANATORY NOTES**

### **THE STRUCTURE AND A SUMMARY OF THE ACT**

#### **Part 3 - Confiscation of Property**

##### **Proceeds of crime**

##### ***Section 15: Proceeds of Crime Act 2002: lifestyle offences***

70. **Section 15** amends Schedule 4 to the Proceeds of Crime Act 2002 (“2002 Act”) to categorise all trafficking and exploitation offences as lifestyle offences for the purposes of that Act. A conviction of a lifestyle offence triggers assumptions under the 2002 Act that the accused has a criminal lifestyle and that the accused’s property is recoverable as criminal proceeds.
71. **Section 11(a)** amends Schedule 4 to the 2002 Act, by substituting paragraph 4 thereof with a list of all offences related to trafficking and thus categorising all such offences as lifestyle offences for the purposes of the 2002 Act. Section 11(b) amends the same Schedule, by inserting a new paragraph 4A to provide that an offence under section 4 of the Act also constitutes a lifestyle offence.