



# Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

## PART 1

### OFFENCES

#### *Human trafficking*

#### **1 Offence of human trafficking**

- (1) A person commits an offence if the person—
  - (a) takes a relevant action, and
  - (b) does so with a view to another person being exploited.
- (2) In this Part, “relevant action” means an action which is any of the following—
  - (a) the recruitment of another person,
  - (b) the transportation or transfer of another person,
  - (c) the harbouring or receiving of another person,
  - (d) the exchange or transfer of control over another person, or
  - (e) the arrangement or facilitation of any of the actions mentioned in paragraphs (a) to (d).
- (3) It is irrelevant whether the other person consents to any part of the relevant action.
- (4) For the purposes of subsection (1), a person takes a relevant action with a view to another person being exploited only if—
  - (a) the person intends to exploit the other person (in any part of the world) during or after the relevant action, or
  - (b) the person knows or ought to know the other person is likely to be exploited (in any part of the world) during or after the relevant action.
- (5) An offence under this section is to be known as the offence of human trafficking.
- (6) A person who commits an offence of human trafficking is liable—

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*Status: This is the original version (as it was originally enacted).*

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- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
- (b) on conviction on indictment, to imprisonment for life or a fine (or both).