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—

(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).