

# HUMAN TRAFFICKING AND EXPLOITATION (SCOTLAND) ACT 2015

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## EXPLANATORY NOTES

### THE STRUCTURE AND A SUMMARY OF THE ACT

#### Part One – Offences

##### Human trafficking

##### *Section 1: Offence of human trafficking*

13. [Section 1](#) provides for a single offence of human trafficking for the purpose of all forms of exploitation of adults and children. See paragraph 5 above for existing offence legislation.
14. Subsection (1) defines the conduct which constitutes the offence of human trafficking. A person commits an offence if the person takes a relevant action with a view to the other person being exploited. It is irrelevant whether that other person consents to any part of the relevant action (subsection (2)). Subsection (2) defines “relevant action” as meaning—
  - recruiting another person;
  - transporting or transferring another person;
  - harbouring or receiving another person
  - exchanging or transferring control of another person;
  - arranging or facilitating of any of those actions.
15. Subsection (4) provides that the person takes a relevant action with a view to the other person being exploited only if the person intends to exploit the other person or 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.
16. Subsection (6)(a) provides that on summary conviction of the offence, the maximum penalty is imprisonment for a term not exceeding 12 months, a fine not exceeding the statutory maximum or both. Subsection (6)(b) provides that on conviction of the offence on indictment, the maximum penalty is imprisonment for life, or a fine, or both.