



Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

PART 2

PROTECTION OF VICTIMS

Support and assistance for child victims

12 Presumption of age

- (1) This section applies where—
 - (a) a relevant authority has reasonable grounds to believe that a person may be a victim of an offence of human trafficking, and
 - (b) the authority is not certain of the person's age but has reasonable grounds to believe that the person may be a child.
- (2) Until an assessment of the person's age is carried out by a local authority, or the person's age is otherwise determined, the relevant authority must assume that the person is a child for the purposes of exercising its functions under the relevant enactments.
- (3) The “relevant enactments” are—
 - (a) an enactment which applies to a child who is looked after by a local authority within the meaning of section 17(6)(a) of the Children (Scotland) Act 1995 (child for whom a local authority is providing accommodation),
 - (b) section 22 of the Children (Scotland) Act 1995 (promotion by a local authority of welfare of children in need),
 - (c) section 25 of the Children (Scotland) Act 1995 (provision by a local authority of accommodation for children),
 - (d) Part 4 of the Children and Young People (Scotland) Act 2014 (provision of named persons),
 - (e) Part 5 of the Children and Young People (Scotland) Act 2014 (child's plan), and
 - (f) section 11.

Changes to legislation: Human Trafficking and Exploitation (Scotland) Act 2015, Section 12 is up to date with all changes known to be in force on or before 31 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) In this section, “relevant authority” means—
- (a) a Health Board constituted under section 2(1) of the National Health Service (Scotland) Act 1978, and
 - (b) a local authority.
- (5) The Scottish Ministers may by regulations modify subsections (3) and (4).

Commencement Information

- I1** S. 12 in force at 31.5.2016 for specified purposes by S.S.I. 2016/128, reg. 2, Sch.
I2 S. 12 in force at 31.1.2018 in so far as not already in force by S.S.I. 2018/9, reg. 2(a)

Changes to legislation:

Human Trafficking and Exploitation (Scotland) Act 2015, Section 12 is up to date with all changes known to be in force on or before 31 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(10) inserted by [2023 c. 37 s. 28\(3\)](#)
- s. 10(3) inserted by [2023 c. 37 s. 28\(4\)](#)