



# Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

## PART 4

### TRAFFICKING AND EXPLOITATION PREVENTION AND RISK ORDERS

#### *Trafficking and exploitation prevention orders*

#### **17 Prevention orders on sentencing**

- (1) This section applies where, in Scotland, an adult is—
  - (a) convicted of a relevant trafficking or exploitation offence,
  - (b) acquitted of a relevant trafficking or exploitation offence by reason of the special defence set out in section 51A of the 1995 Act (criminal responsibility of persons with mental disorder), or
  - (c) found to be unfit for trial under section 53F of the 1995 Act and the court determines that the adult has done the act constituting a relevant trafficking or exploitation offence.
- (2) The court may, instead of or in addition to dealing with the adult in any other way, make a trafficking and exploitation prevention order against the adult.
- (3) The court may make a trafficking and exploitation prevention order—
  - (a) at its own instance, or
  - (b) on the motion of the prosecutor.
- (4) The court may make a trafficking and exploitation prevention order under this section only if it is satisfied that—
  - (a) there is a risk that the adult in respect of whom the order is to have effect may commit a relevant trafficking or exploitation offence, and
  - (b) each prohibition or requirement in the order is necessary for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm which would be likely to occur if the adult committed such an offence.

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*Changes to legislation: Human Trafficking and Exploitation (Scotland) Act 2015, Section 17 is up to date with all changes known to be in force on or before 03 January 2024. 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*

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- (5) In this section “the court” means—
- (a) where an indictment has been served on the adult in respect of the High Court, that court,
  - (b) in any other case, the sheriff.

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**Commencement Information**

**II** S. 17 in force at 30.6.2017 by [S.S.I. 2017/140](#), reg. 2, [sch.](#)

**Changes to legislation:**

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[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\(4\)](#)