



Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

PART 1

OFFENCES

Human trafficking

3 Exploitation for purposes of offence of human trafficking

- (1) For the purposes of section 1, a person is exploited only if one or more of the following subsections apply in relation to that person.

Slavery, servitude and forced or compulsory labour

- (2) The person is the victim of conduct which—
- (a) involves the commission of an offence under section 4, or
 - (b) would constitute such an offence were it done in Scotland.

Prostitution and sexual exploitation

- (3) Another person exercises control, direction or influence over prostitution by the person in a way which shows that the other person is aiding, abetting or compelling the prostitution.
- (4) Another person involves the person in the making or production of obscene or indecent material (material is to be construed in accordance with section 52(1)(a) of the Civic Government (Scotland) Act 1982 and includes images within the meaning of section 51A of that Act).
- (5) The person is the victim of conduct which—
- (a) involves the commission of an offence under—
 - (i) sections 1, 2 or 7 to 10 of the Criminal Law (Consolidation) (Scotland) Act 1995 (sexual offences),

Status: This is the original version (as it was originally enacted).

- (ii) sections 9 to 12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (sexual services of children and child pornography),
 - (iii) Part 1 of the Sexual Offences (Scotland) Act 2009 (rape etc.),
 - (iv) Part 4 of the Sexual Offences (Scotland) Act 2009 (children), or
 - (v) Part 5 of the Sexual Offences (Scotland) Act 2009 (abuse of a position of trust), or
- (b) would constitute such an offence were it done in Scotland.

Removal of organs etc.

- (6) The person is encouraged, required or expected to do anything—
- (a) which involves the commission, by the person or another person, of an offence under Part 1 of the Human Tissue (Scotland) Act 2006 (transplantation etc.),
 - (b) in connection with the removal of any part of a human body as a result of which the person or another person would commit an offence under the law of Scotland (other than an offence mentioned in paragraph (a)), or
 - (c) which would constitute an offence mentioned in paragraph (a) or (b) were it done in Scotland.

Securing services and benefits

- (7) The person is subjected to force, threats or deception designed to induce the person—
- (a) to provide services of any kind,
 - (b) to provide another person with benefits of any kind, or
 - (c) to enable another person to acquire benefits of any kind.
- (8) Another person uses or attempts to use the person for any purpose within subsection (7) (a), (b) or (c), where—
- (a) the person is—
 - (i) a child, or
 - (ii) an adult whose ability to refuse to be used for a purpose within subsection (7)(a), (b) or (c) is impaired through mental or physical illness, disability, old age or any other reason (a “vulnerable adult”), and
 - (b) a person who is not a child or a vulnerable adult would be likely to refuse to be used for that purpose.