Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

PART 4

TRAFFICKING AND EXPLOITATION PREVENTION AND RISK ORDERS

Offences and supplementary provision

34 Interpretation of Part 4

(1) In this Part—

"the 1995 Act" means the Criminal Procedure (Scotland) Act 1995,

"chief constable" means chief constable of the Police Service of Scotland,

"interim trafficking and exploitation prevention order" means an order made under section 24,

"interim trafficking and exploitation risk order" means an order made under section 30,

"passport" means—

(a) a United Kingdom passport within the meaning of the Immigration Act 1971,

(b) a passport issued by or on behalf of the authorities of a country outwith the United Kingdom, or by or on behalf of an international organisation,

(c) a document that can be used (in some or all circumstances) instead of a passport,

"relevant offender" has the meaning given by section 19,

"relevant trafficking or exploitation offence" means an offence listed in section 16(1),

"trafficking and exploitation prevention order" means an order made under section 17 or 18 or varied or renewed under section 22 or 23,

"trafficking and exploitation risk order" means an order made under section 26 or varied or renewed under section 29.

(2) In this Part, a reference to a conviction includes a conviction for an offence in respect of which an order for—

(a) absolute discharge is made under section 246(2) of the 1995 Act, despite section 247(1) of the 1995 Act,

(b) conditional discharge is made, despite—

(i) section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (conviction with conditional discharge deemed not to be a conviction),

(ii) article 6(1) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160) (effect of discharge).

(3) Subsection (2) applies only to convictions after this Part comes into force.

(4) In this Part, a reference to a conviction includes a finding of a court in summary proceedings that the accused did the act charged, where the court makes an order under—

(a) section 37(3) of the Mental Health Act 1983 (hospital or guardianship),

(b) section 58(3) of the 1995 Act (hospital or guardianship), or

(c) article 44(4) of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595) (hospital admission or guardianship).

(5) In relation to an offence under the law of England and Wales or Northern Ireland, a reference in this Part to a person being acquitted by reason of the special defence in section 51A of the 1995 Act is to be treated as a reference to a person being found not guilty by reason of insanity.

(6) In this Part, a reference to a finding that a person is under a disability and has done the act charged against the person in respect of an offence includes a finding (under section 53F of the 1995 Act or otherwise) that a person is insane or unfit to be tried and has done the act charged against the person in respect of an offence.