Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

PART 1

OFFENCES

Aggravation as to human trafficking

7 Aggravation involving public official

(1) This subsection applies where it is—

(a) libelled in an indictment or specified in a complaint that the offence of human trafficking is aggravated by an abuse of a public position, and

(b) proved that the offence is so aggravated.

(2) The offence of human trafficking is aggravated by an abuse of a public position if the offender is, at the time of committing the offence—

(a) a public official, and

(b) acting or purporting to act in the course of official duties.

(3) Evidence from a single source is sufficient to prove that the offence is aggravated by an abuse of a public position.

(4) Where subsection (1) applies, the court must—

(a) state on conviction that the offence is aggravated by an abuse of a public position,

(b) record the conviction in a way that shows that the offence is so aggravated,

(c) take the aggravation into account in determining the appropriate sentence, and

(d) state—

(i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or

(ii) otherwise, the reasons for there being no such difference.

Changes to legislation: *Human Trafficking and Exploitation (Scotland) Act 2015, Section 7 is up to date with all changes known to be in force on or before 13 September 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*

(5) In this section "a public official" means an individual who (whether in Scotland or elsewhere)—

(a) holds a legislative or judicial position of any kind,

(b) exercises a public function in an administrative or other capacity, or

(c) is an official or agent of an international organisation.

(6) For the purpose of subsection (5)(c), "an international organisation" means an organisation whose members are—

(a) countries or territories,

(b) governments of countries or territories,

(c) other international organisations, or

(d) a mixture of any of the above.

(7) The Scottish Ministers may by regulations modify subsections (5) and (6).

Commencement Information

I1 S. 7 in force at 31.5.2016 by S.S.I. 2016/128, reg. 2, **Sch.**

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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)