



Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

PART 2

PROTECTION OF VICTIMS

Prosecution of victims

8 Lord Advocate's instructions on prosecution of victims of offences

- (1) The Lord Advocate must issue and publish instructions about the prosecution of a person who is, or appears to be, the victim of an offence—
 - (a) of human trafficking,
 - (b) under section 4.
- (2) The instructions must in particular include factors to be taken into account or steps to be taken by the prosecutor when deciding whether to prosecute a person in the circumstances mentioned in subsections (3) and (4).
- (3) The circumstances are where—
 - (a) an adult does an act which constitutes an offence because the adult has been compelled to do so, and
 - (b) the compulsion appears to be directly attributable to the adult being a victim of an offence mentioned in subsection (1).
- (4) The circumstances are where—
 - (a) a child does an act which constitutes an offence, and
 - (b) the act appears to be done as a consequence of the child being a victim of an offence mentioned in subsection (1).
- (5) The Lord Advocate may from time to time revise the instructions.
- (6) In this section “prosecutor” means Lord Advocate, Crown Counsel or procurator fiscal (and any person duly authorised to represent or act for them).

Changes to legislation: Human Trafficking and Exploitation (Scotland) Act 2015, Section 8 is up to date with all changes known to be in force on or before 02 March 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](#)

Commencement Information

II S. 8 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\(4\)](#)