

HUMAN TRAFFICKING AND EXPLOITATION (SCOTLAND) ACT 2015

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part 6 – Final Provisions

Section 39: Offences by bodies corporate etc.

152. **Section 39** provides that where an offence under the Act was committed by a body corporate or a Scottish partnership or other unincorporated association and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, a relevant individual or someone purporting to be acting in the capacity of a relevant individual, that individual, as well as the body corporate, partnership or unincorporated association, commits the offence and is liable to be proceeded against and punished accordingly.
153. Subsection (2) defines what is meant by a “relevant individual” for the purpose of this section.

Section 40: Interpretation

154. Section 40 defines certain terms for the purposes of the Act.

Section 41: Regulations

155. The Scottish Ministers are given various powers under this Act to make regulations. Section 41 provides for the parliamentary procedure which is to be applicable in relation to each of those powers.

Section 42: Ancillary provision

156. **Section 42** provides that the Scottish Ministers may make regulations containing such incidental, supplementary, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, or in connection with, the provisions of the Act.

Section 43: Minor and consequential amendments

157. **Section 43** introduces the schedule, which makes minor amendments and amendments consequential on the provisions of the Act. Given their replacement in Part 1 of the Act, the schedule repeals the current offences in relation to human trafficking (section 22 of the 2003 Act and section 4 and 5 of the 2004 Act) and slavery, servitude and forced or compulsory labour (section 47 of the 2010 Act).

Section 44: Crown application

158. [Section 44\(1\)](#) provides that none of the provisions made by or under the Act are capable of making the Crown criminally liable. In accordance with subsection (2), enforcement of offences against the Crown is to be done by the Scottish Ministers or any other public body or office-holder with responsibility for enforcing the provision applying to the Court of Session for a civil declarator of non-compliance. This provision does not apply to persons in the public service of the Crown.

Section 45: Commencement

159. [Section 45](#) provides that sections 40, 41, 42, 44, and 46 of the Act come into force on the day after Royal Assent. All other provisions are to come into force on a day appointed by regulations made by the Scottish Ministers.

Section 46: Short title

160. The short title of this Act is the Human Trafficking and Exploitation (Scotland) Act 2015.

Section 47: Parliamentary History

161. The following table sets out, for each Stage of the proceedings in the Scottish Parliament on the Bill for this Act, the dates on which the proceedings at that Stage took place, and the references to the official report of those proceedings.

<i>Proceedings and Reports</i>	<i>References</i>
Bill as Introduced – 12 December 2014	SP Bill 57A (2014)
Stage 1	
(a) Justice Committee	
1 st Meeting, 13 January 2015	Official Report
2 nd Meeting, 20 January 2015	Official Report
3 rd Meeting, 3 March 2015	Official Report
4 th Meeting, 10 March 2015 (Evidence)	Official Report
5 th Meeting, 17 March 2015 (Evidence)	Official Report
6 th Meeting, 24 March 2015 (Evidence)	Official Report
7 th Meeting, 21 April 2015	Official Report
Delegated Powers and Law Reform Committee	
27 January 2015	Official Report
17 February 2015	Official Report
Finance Committee	
18 March 2015	Official Report
24 April 2015, Justice Committee report published	Justice Committee Report
Consideration by Parliament	
Stage 1 Debate – 12 May 2015	Official Report
Stage 2	
Justice Committee Debate - 23 June 2015	Official Report

These notes relate to the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) which received Royal Assent on 4 November 2015

<i>Proceedings and Reports</i>	<i>References</i>
Stage 3	
Consideration by the Parliament	
Stage 3 Debate – 1 October 2015	Official Report
Bill as Passed – 2 October 2015	Bill as Passed
Royal Assent	
4 November 2015	Royal Assent