Human Trafficking and Exploitation (Scotland) Bill

Introduction

The Human Trafficking and Exploitation (Scotland) Bill (“the Bill”) was introduced on behalf of the Scottish Government by Michael Matheson MSP on 11 December 2014.

The estimated financial implications of the Bill’s provisions are set out in the Financial Memorandum (FM). The FM can be accessed via the following link: (page 23 of the Explanatory Notes).

The Financial Memorandum

The FM states that the Bill’s purpose is to “consolidate and strengthen the existing criminal law against human trafficking and exploitation and enhance the status and support provided to victims.” It then explains that the Bill makes provisions in six parts, which are considered in turn—

- **Part 1 (Offences)** includes provision on the creation of a single offence of human trafficking for all types of exploitation of both adults and children; establishes statutory aggravators of human trafficking for use with other crimes; and reframes the current standalone offence of slavery, servitude and forced or compulsory labour.

- **Part 2 (Protection of victims)** includes provision on prosecutorial guidelines for the prosecution of victims and provision about the support and assistance to which adult victims are entitled.

- **Part 3 (Confiscation of property)** includes provision on detention and forfeiture of property and proceeds of crime.

- **Part 4 (Trafficking and exploitation prevention and risk orders)** includes provision on two new preventive orders, the trafficking and exploitation prevention order and the trafficking and exploitation risk order.

- **Part 5 (Strategy and reporting)** includes provision on the trafficking and exploitation strategy and the duty on specified Scottish public authorities to notify and provide information about victims.

- **Part 6** contains general and ancillary provisions.

A table setting out the total estimated costs of each element of the Bill is provided after paragraph 60 of the FM. This is reproduced below.
Table 7: Summary table of costs for each aspect of the Bill (£000)

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarifying &amp; Strengthening the Criminal Law – Para. 28</td>
<td>£20-£353</td>
<td>£190-£693</td>
<td>£360-£900</td>
<td>£360-£1,073</td>
</tr>
<tr>
<td>Ensure the rights of victims to access and support - Para 36</td>
<td>£70-£140</td>
<td>£140-£280</td>
<td>£220-£430</td>
<td>£290-£580</td>
</tr>
<tr>
<td>Introduce new measures to disrupt and prevent trafficking</td>
<td>£0¹ᵉ</td>
<td>£0</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Ensure a strategic, cross agency approach to tackling trafficking – Para 56</td>
<td>£125-£275</td>
<td>£100-£250</td>
<td>£100-£250</td>
<td>£125-£275</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>£215-£768</strong></td>
<td><strong>£430-£1,223</strong></td>
<td><strong>£680-£1,580</strong></td>
<td><strong>£775-£1,928</strong></td>
</tr>
</tbody>
</table>

How to submit evidence

For information, the Justice Committee is the lead committee with responsibility for considering the Bill’s policy provisions. It has issued a separate call for evidence and expects to hold its final oral evidence session in late March 2015.

To facilitate the parliamentary timetabling of the Bill, the Finance Committee invites you to respond to the attached questions by Friday 27 February 2015. All responses should be sent electronically (in MS Word - no confirmatory hard copy required) to finance.committee@scottish.parliament.uk. Written responses will be handled in accordance with the Parliament’s policy for handling written evidence received in response to calls for evidence.

Should you have any queries in relation to this, please do not hesitate to contact the Committee clerking team on Tel: 0131 348 5451
Finance committee questionnaire

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by, the Human Trafficking and Exploitation (Scotland) Bill (FM) (page 23 of the Explanatory Notes).

In addition to the questions below, please add any other comments you may have which would assist the Finance Committee’s scrutiny of the FM.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

3. Did you have sufficient time to contribute to the consultation exercise?

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?