Consultation

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

1. The SCS did not take part in the consultation exercise preceding the Bill and did not comment on the financial assumptions made.

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

2. N/A

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

3. N/A

Costs

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.

4. The financial memorandum does in part reflect the financial implications for the SCS. The FM notes in relation to Part 1 of the Bill (offences) that the Scottish Government does not anticipate significant additional cost implications for law enforcement agencies or courts, as cases will often proceed with a trafficking offence alongside or in place of other related offences. It does go on to note that if it is assumed that the number of successful trials proceeding in a single year doubles from two to four, there would be some additional costs on the SCS. Estimated unit costs for additional trial procedures in the Sheriff Court solemn procedure and the High Court are provided within the FM. On the basis of these assumptions, the FM accurately reflects the day to day financial impacts on the SCS. However it should also be noted that the SCS will incur one off costs of around £12k to amend its criminal case management system to allow it to record statutory aggravators for offences connected with human trafficking and for when the offence is committed in connection with the accused’s position as a public official.
It is noted in the FM that Part 3 of the Bill (confiscation of property) will not result in additional costs being placed on the Scottish Administration. It should however be noted that the SCS will incur costs for any vehicle, aircraft, ship that is ordered to be forfeited. The SCS are currently a party to the police contract on recovery and disposal of vehicles. SCS incur charges from the date of the order for forfeiture, and these include: an initial uplift charge, an administration charge, storage charges and, in suitable cases, charges for obtaining a V5 document from DVLA. Forfeited vehicles can be scrapped/auctioned which offsets these costs, with any proceeds being remitted to the Consolidated Fund. If responsibility was to lie with the SCS for forfeited aircraft and ships, however, then we would require to procure a service which would provide for the transport, storage and disposal of these items. We would expect that charges incurred for transporting, storing and ultimately disposing of any forfeited ships or aircraft would be substantially higher than any charges incurred for vehicles. We would also expect that the process of disposing of such a vessel would be far more complex than that of a vehicle.

Until the Bill provisions are finalised, the SCS cannot estimate costs with any certainty. It is not clear for example what the process for disposal of the forfeited items will be, or the likely length or the period of secure retention of the property by SCS.

_Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?_

5. Yes, with the exception of the points made above.

_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?_

6. SCS is content that the non-recurring capital costs detailed in the Bill may be met from within current resources. However, costs associated with forfeiture of ships an aircraft may not be able to be met from existing resources.

_Do 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?_

7. The figures in the Financial Memorandum represent an informed estimate of the costs, with the exception of the points raised above. The costs will of course vary depending on the volume of cases which are brought before the court.
**Wider Issues**

*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?*

8. SCS believes that the Financial Memorandum reasonably captures costs associated with the Bill, insofar as they relate to SCS, with the exception of the points raised above.

*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?*

9. SCS is not aware of any future costs associated with the Bill.