

Human Trafficking and Exploitation (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 39
Sections 40 to 42

Schedule
Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Note: The line numbering on page 28 of the Bill is incorrect from line 9 onward. Amendment 11 affects the line that should be line 15 rather than the line numbered 16 in the Bill. Amendments 36 and 37 affect the line that should be line 17 rather than the line numbered 19 in the Bill. Amendment 38 affects the line that should be line 20 rather than the line numbered 22 in the Bill.

Section 1

Michael Matheson

13 In section 1, page 1, leave out lines 9 to 14 and insert—

- <(a) takes a relevant action, and
- (b) does so with a view to another person being exploited.

(1A) In this Part, “relevant action” means an action which is any of the following—

- (a) the recruitment of another person,
- (b) the transportation or transfer of another person,
- (c) the harbouring or receiving of another person,
- (d) the exchange or transfer of control over another person, or
- (e) the arrangement or facilitation of any of the actions mentioned in paragraphs (a) to (d).>

Michael Matheson

14 In section 1, page 1, line 15, leave out <arrangement or facilitation of the travel> and insert <relevant action>

Michael Matheson

15 In section 1, page 1, line 17, leave out <arranges or facilitates travel with a view to the other> and insert <takes a relevant action with a view to another>

Michael Matheson

16 In section 1, page 1, line 20, leave out <travel> and insert <relevant action>

Michael Matheson

- 17 In section 1, page 1, line 22, leave out <travel> and insert <relevant action>

Section 2

Michael Matheson

- 18 In section 2, page 2, leave out lines 8 and 9 and insert <where the relevant action takes place.>

Elaine Murray

- 40 In section 2, page 2, line 13, at end insert—

<() a person who at the time of the offence was temporarily in the United Kingdom.>

Michael Matheson

- 19 In section 2, page 2, line 15, leave out <arranging or facilitating> and insert <relevant action>

Michael Matheson

- 20 In section 2, page 2, leave out lines 16 and 17 and insert—

<(b) the relevant action is taken with a view to a person arriving in or entering into, departing from, or travelling within, the United Kingdom.>

Section 3

Rhoda Grant

- 1 In section 3, page 3, line 7, at end insert—

<(vi) section 4A, or>

Jenny Marra

- 49 In section 3, page 3, line 24, leave out from <having> to second <that> and insert <where>

Michael Matheson

- 21 In section 3, page 3, line 25 leave out from <mentally> to <relationship> in line 27 and insert <—

(i) a child, or

(ii) an adult whose ability to refuse to be used for a purpose within subsection (7)(a), (b) or (c) is impaired through mental or physical illness, disability, old age or any other reason (a “vulnerable adult”), and

(b) a person who is not a child or a vulnerable adult>

Jenny Marra

- 50 In section 3, page 3, leave out lines 27 and 28

Section 4

Michael Matheson

22 In section 4, page 4, line 8, at end insert—

<() The consent of a person to any of the acts alleged to constitute holding the person in slavery or servitude or requiring the person to perform forced or compulsory labour, does not preclude a determination that the person is being held in slavery or servitude or required to perform forced or compulsory labour.>

After section 4

Rhoda Grant

2 After section 4, insert—

<Paying for sexual services

4A Paying for sexual services

- (1) A person commits an offence if—
 - (a) the person obtains sexual services from another person, and
 - (b) before obtaining those services, the person—
 - (i) makes or promises payment for those services to the other person or a third person, or
 - (ii) knows that a third person has made or promised such payment.
- (2) In subsection (1)(b), “payment” means any financial advantage, including the discharge of an obligation to pay or provision of goods or services (including sexual services) gratuitously or at a discount.
- (3) For the purposes of subsections (1) and (2), “sexual services” are—
 - (a) the performance of sexual activity, or
 - (b) the performance of any activity that a reasonable person would, in all the circumstances, consider to be for the purpose of providing sexual gratification,and a person’s sexual services are obtained where what is obtained is the performance of such an activity by the person.
- (4) A person who commits an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (5) The person providing the sexual services does not commit an offence by doing anything which would amount to—
 - (a) aiding, abetting, counselling or procuring the commission of an offence under this section by the person obtaining the sexual services, or
 - (b) conspiring with that person to commit an offence under this section.
- (6) Before this section may come into force, the Scottish Ministers must—

- (a) take steps, as appropriate, to raise public awareness of the change in the law to be effected by this section,
- (b) make provision for a programme of support and assistance in accordance with section 8A.>

Rhoda Grant

3 After section 4, insert—

<4B Review of operation of section 4A

- (1) The Scottish Ministers must review the operation of section 4A and lay before the Parliament a report on that review—
 - (a) at the end of the period of 3 years beginning with the day of coming into force of section 4A,
 - (b) no later than 2 years after the date on which the previous report is laid.
- (2) The report must include in particular—
 - (a) information on the number of arrests and convictions during the reporting period in respect of an offence under section 4A,
 - (b) the Scottish Ministers' assessment of the impact of section 4A on the safety and wellbeing of persons who are the victims of conduct which involves the commission of an offence under section 4A or would constitute an offence were it done in Scotland,
 - (c) information on the number of arrests and convictions in the reporting period in respect of offences under section 1 committed with a view to exploitation that consists of or includes behaviour within section 3(5)(a)(vi), and
 - (d) the Scottish Minister's assessment of the extent to which section 4A has operated to reduce human trafficking for the purpose of sexual exploitation.
- (3) In this section, the "reporting period" means—
 - (a) in the case of the first report, the period of time from the date on which section 4A comes into force until the date on which the first report is laid,
 - (b) in the case of the second report, the period of time from the date on which the first report is laid until the date on which the second report is laid.>

After section 5

Alison McInnes

51 After section 5, insert—

<Aggravation involving a child

- (1) This subsection applies where it is—
 - (a) libelled in an indictment or specified in a complaint that the offence of human tracking is aggravated by being committed against a child, and
 - (b) proved that the offence is so aggravated.
- (2) Evidence from a single source is sufficient to prove that the offence is aggravated by being committed against a child.

- (3) Where subsection (1) applies, the court must—
- (a) state on conviction that the offence is aggravated by being committed against a child,
 - (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 reason for that difference, or
 - (ii) otherwise, the reasons for there being no difference.>

Section 7

Michael Matheson

- 23** In section 7, page 5, line 35, leave out <make and publish guidelines> and insert <issue and publish instructions>

Michael Matheson

- 24** In section 7, page 6, line 2, leave out <guidelines> and insert <instructions>

Elaine Murray

- 41** In section 7, page 6, line 4, leave out <where—> and insert <mentioned in subsection (2A) or (2B).>

Elaine Murray

- 42** In section 7, page 6, leave out lines 5 to 8 and insert—
- <(2A) Those 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 is attributable to the adult being, or appearing to be, a victim of an offence mentioned in subsection (1).
- (2B) Those circumstances are where—
- (a) a person is a child at the time when the act which constitutes an offence was done, and
 - (b) the act was done as a direct consequence of the child being, or appearing to be, a victim of an offence under subsection (1).>

Jenny Marra

- 52** In section 7, page 6, line 9, leave out subsection (3) and insert—
- <(3) The Lord Advocate must review the instructions as soon as practicable after the end of each relevant period.

- (3A) Before conducting a review under subsection (3), the Lord Advocate must consult the persons specified in subsection (3C).
- (3B) On completing a review under subsection (3), the Lord Advocate must—
- (a) publish the conclusions of the review and any revised instructions,
 - (b) take such steps as appear to the Lord Advocate to be appropriate to ensure that, in preparing a trafficking and exploitation strategy under section 31, or reviewing such a strategy under section 32, the Scottish Ministers have due regard to the instructions or, as the case may be, the review and revised instructions.
- (3C) Those persons are—
- (a) the chief constable of the Police Service of Scotland,
 - (b) Her Majesty’s Chief Inspector of Prosecution in Scotland,
 - (c) Her Majesty’s Chief Inspector of Constabulary,
 - (d) such other prosecution authorities in the United Kingdom as the Lord Advocate thinks fit,
 - (e) the Lord President of the Court of Session,
 - (f) the Scottish Criminal Cases Review Commission,
 - (g) the Faculty of Advocates,
 - (h) the Law Society of Scotland,
 - (i) the Scottish Human Rights Commission,
 - (j) Scotland’s Commissioner for Children and Young People, and
 - (k) such bodies as appear to the Lord Advocate to be representative of the interests of, or having particular expertise in the needs of, persons who have been victims of an offence—
 - (i) of human trafficking,
 - (ii) under section 4.
- (3D) In subsection (3), “relevant period” means—
- (a) in the case of the first review under subsection (3), the period of 3 years beginning with the date of the publication of the first instructions under subsection (1),
 - (b) in the case of each subsequent review, each subsequent period of 3 years.>

Michael Matheson

25 In section 7, page 6, line 9, leave out <guidelines> and insert <instructions>

After section 7

Rhoda Grant

4 After section 7, insert—

<Soliciting and importuning by prostitutes

Section 46 of the Civic Government (Scotland) Act 1982 is repealed.>

Elaine Murray

43 After section 7, insert—

<Defence for victims

- (1) An adult does not commit an offence if—
 - (a) the adult does an act which constitutes an offence because the adult has been compelled to do so,
 - (b) the compulsion is attributable to human trafficking or to slavery, servitude or forced or compulsory labour, and
 - (c) a reasonable adult in the same situation as the adult and having the adult's relevant characteristics would have no realistic alternative to doing that act.
- (2) An adult may be compelled to do something by another person or by the adult's circumstances.
- (3) Compulsion is attributable to human trafficking, slavery, servitude or forced or compulsory labour only if—
 - (a) it is, or is part of, conduct which constitutes an offence of human trafficking or under section 4, or
 - (b) it is a direct consequence of the adult being, or having been, a victim of human trafficking or of slavery, servitude or forced or compulsory labour.
- (4) A person does not commit an offence if—
 - (a) the person is a child at the time when the act is done which constitutes the offence,
 - (b) the child does that act as a direct consequence of the child being, or having been, a victim of human trafficking or slavery, servitude or forced or compulsory labour, and
 - (c) a reasonable child in the same situation as the child and having the child's relevant characteristics would do that act.
- (5) For the purposes of this section, "relevant characteristics" means age, sex and any physical or mental illness or disability.
- (6) In this section, references to an act include an omission.
- (7) The Scottish Ministers may by regulations specify offences to which subsections (1) and (4) do not apply.>

Section 8

Jenny Marra

53 In section 8, page 6, line 14, after <Where> insert <a reference has been, or is about to be, made to a competent authority to determine if>

Jenny Marra

54 In section 8, page 6, leave out lines 19 to 25 and insert—

- <(c) begins on the date a reference is made to a competent authority to determine if that adult is a victim of an offence of human trafficking, and

- (d) ends—
- (i) on the date on which there is a determination that there are not reasonable grounds to believe that the adult is a victim of an offence of human trafficking,
 - (ii) on the date on which there is a conclusive determination that the adult is not a victim of an offence of human trafficking, or
 - (iii) on the latest of the following—
 - (A) 45 days after the date on which it is determined that there are reasonable grounds to believe that the adult is a victim of an offence of human trafficking,
 - (B) at the end of the period specified in regulations made by the Scottish Ministers, or
 - (C) on the date on which there is a conclusive determination that the adult is a victim of an offence of human trafficking.>

Jenny Marra

- 55 In section 8, page 6, leave out lines 28 to 33

Jenny Marra

- 56 In section 8, page 6, line 34, at end insert <for the purpose of enabling—
- (i) the adult’s fullest possible recovery,
 - (ii) the adult’s involvement in any criminal investigation or proceedings related to an offence of human trafficking,
- regardless of whether the adult has any form of leave to remain in the United Kingdom.>

Jayne Baxter

- 44 In section 8, page 6, line 37, at beginning insert <appropriate and secure>

Michael Matheson

- 26 In section 8, page 6, line 39, after <treatment> insert <(including psychological assessment and treatment)>

Michael Matheson

- 27 In section 8, page 7, line 23, at end insert—
- <(8) The Scottish Ministers may by regulations modify subsections (6) and (7) to make provision about the circumstances in which—
 - (a) there are reasonable grounds to believe that the adult is a victim of an offence of human trafficking,
 - (b) there is a conclusive determination that an adult is or is not a victim of an offence of human trafficking.
 - (9) Regulations under subsection (8) may in particular make provision about—

- (a) the procedure to be followed by a person in making a determination,
- (b) the criteria to be applied by a person in making a determination, and
- (c) the persons who may make a determination or take any step in the procedure.>

After section 8

Michael Matheson

28 After section 8, insert—

<Support and assistance: victims of an offence under section 4

- (1) The Scottish Ministers may by regulations make provision about providing support and assistance to an adult who is, or appears to be, a victim of an offence under section 4.
- 5 (2) Regulations under subsection (1) may in particular make provision about—
 - (a) the method of determining whether an adult is, or appears to be, a victim of an offence under section 4,
 - (b) the period during which support and assistance must be provided,
 - (c) the period during which support and assistance may be provided,
 - 10 (d) the types of support and assistance to be provided, and
 - (e) the manner in which the support and assistance is to be provided.>

Alison McInnes

28A As an amendment to amendment 28, line 8, after <provided,> insert <which must be a period of no less than 90 days,>

Christina McKelvie

12 After section 8, insert—

<Support and assistance for child victims

Independent child trafficking guardians

- 5 (1) The Scottish Ministers must make such arrangements as they consider reasonable to enable a person (an “independent child trafficking guardian”) to be appointed to assist, support and represent a child to whom subsection (2) applies.
- (2) This subsection applies to a child if a local authority determines that—
 - (a) there are reasonable grounds to believe that the child may be a victim of the offence of human trafficking, and
 - 10 (b) no person in the United Kingdom is a person with parental rights or responsibilities in relation to the child.
- (3) A local authority making a determination that subsection (2) applies in relation to a child must, as soon as reasonably practicable after doing so, take steps to bring that child to the attention of the person mentioned in subsection (4)(a).
- 15 (4) The arrangements made under subsection (1) must—
 - (a) provide for a person to appoint an independent child trafficking guardian for a child to whom subsection (2) applies,

- 20 (b) provide for an independent child trafficking guardian to be appointed as soon as reasonably practicable after a local authority brings the child to the attention of the person mentioned in paragraph (a), and
- (c) ensure that the independent child trafficking guardian appointed is independent of any person who will be responsible for exercising functions under any enactment in relation to the child.
- 25 (5) An independent child trafficking guardian appointed in relation to a child must at all times act in the best interests of the child.
- (6) A person responsible for exercising functions under any enactment in relation to a child for whom an independent child trafficking guardian has been appointed under this section must recognise, and pay due regard to, the guardian's functions.
- 30 (7) The Scottish Ministers may by regulations make further provision about independent child trafficking guardians appointed under this section, including, in particular, provision about—
- (a) the appointment of an independent child trafficking guardian,
- (b) the termination of that appointment,
- 35 (c) the conditions (including conditions as to training, qualifications and experience) to be satisfied for a person to be eligible for appointment as an independent child trafficking guardian,
- (d) payments to be made to, or in respect of, an independent child trafficking guardian,
- (e) the functions of an independent child trafficking guardian,
- 40 (f) the records that should be maintained by any person in relation to the appointment of an independent child trafficking guardian (including arrangements to maintain a register of independent child trafficking guardians),
- (g) the circumstances in which—
- 45 (i) an independent child trafficking guardian appointed in relation to a person may continue to act after that person is no longer a child, and
- (ii) the person who is no longer a child is to be treated as a child for the purposes of this section.
- (8) In this section, “person with parental rights or responsibilities”, in relation to a child, means—
- 50 (a) a parent or guardian having parental responsibilities or parental rights in relation to the child under Part 1 of the Children (Scotland) Act 1995,
- (b) a person in whom parental responsibilities or parental rights are vested by virtue of section 11(2)(b) of the Children (Scotland) Act 1995,
- 55 (c) a person having parental responsibilities or parental rights by virtue of section 11(12) of the Children (Scotland) Act 1995,
- (d) a parent having parental responsibility for the child under Part 1 of the Children Act 1989,
- (e) a person having parental responsibility for the child by virtue of—
- 60 (i) section 12(2) of the Children Act 1989,
- (ii) section 14C of that Act, or

(iii) section 25(3) of the Adoption and Children Act 2002,

(f) a parent having parental responsibility for the child under Part 2 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755),

65

(g) a person having parental responsibility for the child by virtue of Article 12(2) of the Children (Northern Ireland) Order 1995 (S.I. 1995/755),

(h) a person in whom parental responsibilities or parental rights are vested by virtue of a permanence order (as defined in section 80(2) of the Adoption and Children (Scotland) Act 2007),

70

(i) any other person with rights or responsibilities anywhere in the world which are, in relation to a child, analogous to those described in paragraphs (a) to (h), and

(j) any other person specified by regulations made by the Scottish Ministers.>

Alison McInnes

12A As an amendment to amendment 12, line 7, leave out <local> and insert <relevant>

Alison McInnes

12B As an amendment to amendment 12, line 7, leave out <that—> and insert <—

(a) that—

(i) the child's circumstances suggest that there is a risk that the child may be a victim of an offence of human trafficking, or

(ii)>

Jenny Marra

12C As an amendment to amendment 12, leave out lines 8 and 9

Alison McInnes

12D As an amendment to amendment 12, line 10, at beginning insert <that>

Jenny Marra

12E As an amendment to amendment 12, line 11, after <child> insert <and due to the child's vulnerability, there is a risk that the child may become a victim of an offence of human trafficking or there are reasonable grounds to believe that the child may be a victim of such an offence>

Alison McInnes

12F As an amendment to amendment 12, line 12, leave out <local> and insert <relevant>

Alison McInnes

12G As an amendment to amendment 12, line 19, leave out <local> and insert <relevant>

Jenny Marra

12H As an amendment to amendment 12, line 29, leave out <may> and insert <must>

Alison McInnes

12I As an amendment to amendment 12, line 71, at end insert—

<“relevant authority” means—

- (a) a Health Board constituted under section 2(1) of the National Health Service (Scotland) Act 1978,
- (b) a local authority,
- (c) the chief constable for the Police Service of Scotland,
- (d) the Crown Office and Procurator Fiscal Service, and
- (e) UK Visas and Immigration.>

Michael Matheson

29 After section 8, insert—

<Presumption of age

(1) This section applies where—

- (a) a relevant authority has reasonable grounds to believe that a person may be a victim of an offence of human trafficking, and
- (b) the authority is not certain of the person’s age but has reasonable grounds to believe that the person may be a child.

(2) Until an assessment of the person’s age is carried out by a local authority, or the person’s age is otherwise determined, the relevant authority must assume that the person is a child for the purposes of exercising its functions under the relevant enactments.

(3) The “relevant enactments” are—

- (a) an enactment which applies to a child who is looked after by a local authority within the meaning of section 17(6)(a) of the Children (Scotland) Act 1995 (child for whom a local authority is providing accommodation),
- (b) section 22 of the Children (Scotland) Act 1995 (promotion by a local authority of welfare of children in need),
- (c) section 25 of the Children (Scotland) Act 1995 (provision by a local authority of accommodation for children),
- (d) Part 4 of the Children and Young People (Scotland) Act 2014 (provision of named persons),
- (e) Part 5 of the Children and Young People (Scotland) Act 2014 (child’s plan), and
- (f) section (*independent child trafficking guardians*).

(4) In this section, “relevant authority” means—

- (a) a Health Board constituted under section 2(1) of the National Health Service (Scotland) Act 1978, and
- (b) a local authority.

(5) The Scottish Ministers may by regulations modify subsections (3) and (4).>

Alison McInnes

29A As an amendment to amendment 29, line 26, at end insert—

- <() the chief constable of the Police Service of Scotland,
- () the Crown Office and Procurator Fiscal Service,
- () UK Visas and Immigration.>

Jayne Baxter

45 After section 8, insert—

<Guidance on support and assistance for child victims

Guidance on support for child victims of offences

- (1) The Scottish Ministers must publish guidance on the type of support and assistance that may be available to a child where there are reasonable grounds to believe that the child is a victim of an offence—
 - (a) of human trafficking,
 - (b) under section 4.
- (2) Guidance published under subsection (1) may include reference to support and assistance that may be available in connection with (but is not limited to) the following—
 - (a) appropriate and secure accommodation,
 - (b) day to day living,
 - (c) medical advice and treatment (including psychological assessment and treatment),
 - (d) language translation and interpretation,
 - (e) counselling,
 - (f) legal advice,
 - (g) information about other services available to the child,
 - (h) repatriation.
- (3) Guidance may, in connection with the provision of the support and assistance mentioned in subsection (2), include reference to—
 - (a) the provision of a named person under Part 4 of the Children and Young People (Scotland) Act 2014,
 - (b) the preparation of a child’s plan under Part 5 of the Children and Young People (Scotland) Act 2014,
 - (c) the provision of services under section 22 of the Children (Scotland) Act 1995,
 - (d) the provision of accommodation under section 25 of the Children (Scotland) Act 1995,
 - (e) such other provision of any enactment as appears to the Scottish Ministers to be appropriate.
- (4) The Scottish Ministers must lay a copy of any guidance published under this section before the Scottish Parliament.>

Jayne Baxter

46 After section 8, insert—

<Reporting on local authority support to child victims of offences

- (1) The Children (Scotland) Act 1995 is amended as follows.
- (2) After section 28 there is inserted—

“28A Reporting on support to child victims of offences

- (1) Each local authority must make arrangements to monitor the provision of support of the type mentioned in subsection (2) to a child where there are reasonable grounds to believe that the child is a victim of an offence—
 - (a) of human trafficking under section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015,
 - (b) under section 4 of that Act.
- (2) The support is—
 - (a) the provision of services under section 22,
 - (b) the provision of accommodation under section 25.
- (3) As soon as practicable after the end of each 2 year period, a local authority must publish (in such manner as it considers appropriate) a report setting out—
 - (a) the number of children that have received the support mentioned in subsection (2) during the reporting period,
 - (b) the type of support that has been so provided.
- (4) In this section, “reporting period” means—
 - (a) in the case of the first report, the period of time from the date on which section (*Reporting on local authority support to child victims of offences*) of the Human Trafficking and Exploitation (Scotland) Act 2015 comes into force until the date on which the first report is published,
 - (b) in the case of a subsequent report, the period of time from the date on which the previous report is provided until the date on which the subsequent report is published.”.>

Christina McKelvie

57 After section 8, insert—

<Annual report: support and assistance for child victims of human trafficking

- (1) The Scottish Ministers must, as soon as practicable after the end of the reporting period, lay before the Scottish Parliament a report setting out the support and assistance that has been provided to children who are, or appear to be, victims of human trafficking (“child victims”).
- (2) The report must, in respect of each reporting period, set out—
 - (a) the number of child victims who received support and assistance,
 - (b) the type and levels of support and assistance,

- (c) the number of child victims who required a child’s plan under Part 5 of the Children and Young People (Scotland) Act 2014,
 - (d) the number of child victims who received support and assistance under section 22 of the Children (Scotland) Act 1995,
 - (e) the number of child victims who were accommodated under section 25 of the Children (Scotland) Act 1995,
 - (f) the number of child victims who received support and assistance under section 29 of the Children (Scotland) Act 1995.
- (3) The Scottish Ministers must, as soon as practicable after laying a report under subsection (1), publish the report in such manner as they consider appropriate.
- (4) In this section, “reporting period” means—
- (a) in the case of the first report, the period from the date on which this section comes into force until 1 April 2017,
 - (b) in the case of a subsequent report, one year from the end of the previous reporting period.>

Christina McKelvie

58 After section 8, insert—

<Support and assistance for child victims of human trafficking

Support for child victims of human trafficking

- (1) The Children and Young People (Scotland) Act 2014 is amended as follows.
- (2) In section 33 (child’s plan requirement)—
 - (a) paragraphs (a) and (b) of subsection (1) become sub-paragraphs (i) and (ii) of paragraph (a) including the “that” immediately preceding paragraph (a), and
 - (b) after that paragraph there is inserted—
 - “(b) that there are reasonable grounds to believe that the child is a victim of an offence of human trafficking under section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015.”.
- (3) In section 34 (content of a child’s plan), after subsection (1) there is inserted—
 - “(1A) without prejudice to the generality of subsection (1), a child’s plan in relation to a child mentioned in section 33(1)(b) may include support and assistance in connection with (but is not limited to) the following—
 - (a) secure and appropriate accommodation,
 - (b) day to day living,
 - (c) medical advice and treatment (including psychological assessment and treatment),
 - (d) language translation and interpretation,
 - (e) counselling,
 - (f) legal advice,
 - (g) information about other services available to the child,
 - (h) repatriation.”.>

Rhoda Grant

5 After section 8, insert—

<8A Support and assistance to those exiting the provision of sexual services for payment

- (1) The Scottish Ministers must make provision for a programme of support and assistance to be made available to persons who wish to exit the activity of providing sexual services for payment.
- (2) Provision under subsection (1) must include provision about—
 - (a) the procedure by which such support and assistance may be provided,
 - (b) the eligibility of persons to receive such support and assistance,
 - (c) the type of support and assistance that may be provided,
 - (d) the period of time for which such support and assistance may be provided,
- (3) The Scottish Ministers may by regulations modify subsection (2).
- (4) In securing the provision of support and assistance to a person under this section, the Scottish Ministers must ensure that—
 - (a) support and assistance is only provided where the person consents,
 - (b) the provision of support and assistance is not made conditional on the person assisting with a criminal investigation or prosecution.>

Section 11

Rhoda Grant

6 In section 11, page 10, line 7, at end insert—

<Paying for sexual services

4B An offence under section 4A of the Human Trafficking and Exploitation (Scotland) Act 2015 (paying for sexual services).”>

Section 12

Rhoda Grant

7 In section 12, page 10, line 14, at end insert—

<() under section 4A,>

Section 31

Michael Matheson

30 In section 31, page 24, line 1, after <8> insert <, (*support and assistance: victims of an offence under section 4*)>

Jayne Baxter

47 In section 31, page 24, line 1, after <8> insert <, (*Guidance on support for child victims of offences*)>

Christina McKelvie

- 59 In section 31, page 24, line 1, after <8> insert <, section 25 or 29 of the Children (Scotland) Act 1995>

Rhoda Grant

- 8 In section 31, page 24, line 1, after <8> insert <or 8A>

Section 32

Alison McInnes

- 60 In section 32, page 24, line 21, leave out <and> and insert <within 1 year of Part 1 and 2 coming into force,
() publish>

Section 34

Rhoda Grant

- 9 In section 34, page 24, line 38, after <4> insert <or 4A>

Michael Matheson

- 31 In section 34, page 25, line 9, at end insert—
- <(4) After receiving a notification under subsection (1), the chief constable of the Police Service of Scotland must notify a person who may be specified by regulations made by the Scottish Ministers about the person who is, or appears to be, a victim of an offence of human trafficking or an offence under section 4.
 - (5) A notification under subsection (4) relating to an adult must not include information that—
 - (a) identifies the adult, or
 - (b) enables the adult to be identified (either by itself or in combination with other information),unless the adult consents to the inclusion of that information.
 - (6) Regulations under subsection (4) may make provision about information to be included in a notification.>

Alison McInnes

- 61 In section 34, page 25, line 9, at end insert—
- <() Regulations under subsection (3)—
 - (a) may provide that a Scottish public authority which includes information in accordance with the regulations does not breach any obligation of confidence owed by the Scottish public authority in relation to that information, and
 - (b) may not require or authorise the inclusion of information which contravenes any other restriction on the disclosure of information (however imposed).>

Section 36

Michael Matheson

- 32 In section 36, page 25, line 33, at end insert—
<“child” means a person under 18 years of age,>

Michael Matheson

- 33 In section 36, page 25, line 36, leave out from beginning to end of line 3 on page 26

Section 37

Elaine Murray

- 48 In section 37, page 26, line 19, at end insert—
<() section (*Defence for victims*),>

Michael Matheson

- 34 In section 37, page 26, line 19, at end insert—
<() section 8(2)(b)(i),
() section 8(8),
() section (*support and assistance: victims of an offence under section 4*),
() section (*presumption of age*)(5),>

Rhoda Grant

- 10 In section 37, page 26, line 19, at end insert—
<() section 8A(3),>

Schedule

Michael Matheson

- 35 In the schedule, page 28, line 3, at end insert—
<*Criminal Procedure (Scotland) Act 1995*
In section 271(1)(c) of the Criminal Procedure (Scotland) Act 1995, after sub-paragraph (iii) insert—
“(iiiia)an offence of human trafficking (see section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015),”.>

Rhoda Grant

- 11 In the schedule, page 28, line 15, at end insert—
<(o) an offence under section 4A of the Human Trafficking and Exploitation (Scotland) Act 2015 (paying for sexual services).>

Michael Matheson

- 36 In the schedule, page 28, line 17, leave out <Section 4> and insert <Sections 4 and 5>

Michael Matheson

- 37 In the schedule, page 28, line 17, leave out <is> and insert <are>

Michael Matheson

- 38 In the schedule, page 28, line 20, at end insert—

<*Victims and Witnesses (Scotland) Act 2014*

In section 8(5) of the Victims and Witnesses (Scotland) Act 2014, after paragraph (c) insert—

“(ca) an offence of human trafficking (see section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015),”.>

Section 41

Michael Matheson

- 39 In section 41, page 27, line 13, at end insert—

<() Different days may be appointed for different purposes.>

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