



The Scottish Parliament  
Pàrlamaid na h-Alba

## JUSTICE COMMITTEE

### AGENDA

20th Meeting, 2017 (Session 5)

Tuesday 30 May 2017

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Subordinate legislation:** The Committee will take evidence on the Criminal Justice (Scotland) Act 2016 (Consequential and Transitional Provisions) Regulations 2017 [draft] from—

Michael Matheson, Cabinet Secretary for Justice, David Dickson, Criminal Justice Delivery Unit, and Kevin Gibson, Solicitor, Directorate for Legal Services, Scottish Government.

2. **Subordinate legislation:** Michael Matheson (Cabinet Secretary for Justice) to move—

S5M-05624—That the Justice Committee recommends that the Criminal Justice (Scotland) Act 2016 (Consequential and Transitional Provisions) Regulations 2017 [draft] be approved.

3. **Subordinate legislation:** The Committee will take evidence on the Human Trafficking and Exploitation (Scotland) Act 2015 (Relevant Trafficking or Exploitation Offences and Relevant UK Orders) Regulations 2017 [draft] from—

Michael Matheson, Cabinet Secretary for Justice, Anna Donald, Head of Victims and Witnesses Unit, Susan Young, Human Trafficking Policy Officer, and Kevin Gibson, Solicitor, Directorate for Legal Services, Scottish Government.

4. **Subordinate legislation:** Michael Matheson (Cabinet Secretary for Justice) to move—

S5M-05625—That the Justice Committee recommends that the Human Trafficking and Exploitation (Scotland) Act 2015 (Relevant Trafficking or Exploitation Offences and Relevant UK Orders) Regulations 2017 [draft] be approved.

5. **Domestic Abuse (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

Clare Connolly, Faculty of Advocates;

Grazia Robertson, Member, Criminal Law Committee, Law Society of Scotland;

Andrew Tickell, Lecturer in Law, Glasgow Caledonian University.

6. **Railway Policing (Scotland) Bill:** The Committee will consider the Bill at Stage 2 (Day 1).
7. **Justice Sub-Committee on Policing:** The Committee will consider a report back from the Sub-Committee meeting on 25 May 2017.

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The papers for this meeting are as follows—

**Agenda items 1 and 2**

Paper by the clerk - Criminal Justice SSI J/S5/17/20/1

**Agenda items 3 and 4**

Paper by the clerk - Human Trafficking and Exploitation SSI J/S5/17/20/2

Police Scotland Briefing on Human Trafficking J/S5/17/20/3

**Agenda item 5**

Paper by the clerk - Domestic Abuse (Scotland) Bill J/S5/17/20/4

Private paper - Domestic Abuse (Scotland) Bill J/S5/17/20/5 (P)

Private paper - SPICe briefing J/S5/17/20/6 (P)

[Domestic Abuse \(Scotland\) Bill and associated documents](#)

[Written submission from the Faculty of Advocates](#)

[Written submission from the Law Society of Scotland](#)

[Written submission from Andrew Tickell](#)

[All written submissions received on the Bill](#)

**Agenda item 6**

[Railway Policing \(Scotland\) Bill and all associated documents](#)

[Police Scotland's response to the Committee's Stage 1 Report](#)

**Agenda item 7**

Paper by the clerk - Justice Sub-Committee on Policing J/S5/17/20/7

## Justice Committee

20<sup>th</sup> Meeting, 2017 (Session 5), Tuesday 30 May 2017

### Subordinate legislation

#### Note by the clerk

#### Purpose

1. This paper invites the Committee to consider the following affirmative instrument:
  - [Criminal Justice \(Scotland\) Act 2016 \(Consequential and Transitional Provisions\) Regulations 2017 \[draft\]](#)

#### Introduction

2. This instrument is made under section 115(1) of the Criminal Justice (Scotland) Act 2016.
3. The Regulations make consequential changes to the Criminal Procedure (Scotland) Act 1995 in relation to the reform of solemn procedure in the sheriff court provided for in Part 3 of the Criminal Justice (Scotland) Act 2016 (“the 2016 Act”). These amendments reflect the change in solemn procedure in the sheriff court which requires the court to appoint trial diets at first diets, when previously the prosecutor would have done so at the stage of indictment.
4. Further details on the purpose of the instrument can be found in the policy note attached at **Annexe A**.

#### Justice Committee consideration

5. The Justice Committee is required to report to the Parliament on the instrument by 16 June 2017. The Cabinet Secretary for Justice has lodged motion S5M-05624 proposing that the Committee recommends approval of the instrument. The Cabinet Secretary is due to attend the meeting on 30 May to answer any questions on the instrument and to move the motion for approval.
6. It is for the Committee to decide whether or not to agree to the motion, and then to report to the Parliament by 16 June 2017. Thereafter, the Parliament will be invited to approve the instrument.
7. **The Committee is asked to delegate to the Convener authority to approve the report on the instrument for publication.**

#### Delegated Powers and Law Reform Committee consideration

8. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 16 May 2017 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

## Policy Note

### **Criminal Justice (Scotland) Act 2016 (Consequential and Transitional Provisions) Regulations 2017 [draft]**

#### **Purpose of this instrument**

1. The 2016 Act introduces a number of reforms to the Scottish criminal justice system, including, in Part 3, and specifically in sections 79, 80, and 81, many of the recommendations of the Independent Review of Sheriff and Jury procedure by Sheriff Principal Edward F. Bowen.
2. This instrument makes certain consequential amendments to sections 81 and 82 of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”), as well as transitional provisions in respect of those amendments. These provisions are considered necessary or expedient for the purposes of or in connection with sections 79 and 81 of the 2016 Act.

#### **Amendments to the 1995 Act**

3. In relation to sheriff and jury procedure, the provisions in Part 3 of the 2016 Act will change the way that cases are indicted in sheriff court solemn proceedings, and will modify first diet procedure accordingly. Once the provisions of the 2016 Act have been fully commenced, the Crown will no longer notify the accused of a trial diet, as is presently the case. Instead, a trial diet will be fixed by the court, and it will only do so when it is satisfied that the case has been adequately prepared by all parties and is likely to proceed to trial on the appointed date.
4. Regulation 2 of this instrument therefore amends section 81 of the 1995 Act, which deals with the procedure where a trial diet does not proceed. This change reflects the change in procedure effected by the 2016 Act, by removing references to the Crown citing, or otherwise giving notice to, the accused in respect of a trial diet, ensuring that a person re-indicted in accordance with that section is required to appear at a first diet only. If the trial diet was originally due to take place in the High Court, the amendment to section 81(5) ensures that if the case is re-indicted to a first diet in the sheriff court, the new first diet must take place at least 21 days after the giving of notice under section 81 (reflecting the fact that sheriff and jury procedure and High Court procedure are now to be similar).
5. Regulation 2 also amends section 82 of the 1995 Act, which ensures that a warrant of committal does not fall simply because the location of a trial changes. Section 82 deals with both sheriff court and High Court proceedings, and this amendment again reflects the fact that in both High Court and sheriff court proceedings the court will fix the trial diet.

#### **Transitional provisions**

6. The provisions in sections 79, 80 and 81 of the 2016 Act are to be commenced in stages, allowing for the transition from the current system (in which the

Crown indicts the accused to a first diet and a trial diet) to the new system (in which the Crown will indict to a first diet only). There will be a transitional period during which the Crown can indict under either system.

7. Regulation 3 of this instrument therefore makes transitional provision in relation to cases which come within the terms of section 81(4) of the 1995 Act, where these cases have been indicted under the current system, in which the Crown indicts the accused to both a first diet and a trial diet. The effect of the transitional provision is to ensure that the provision in section 81(4) will apply to such cases on and after 31 July 2017, notwithstanding the fact that the amendments in this instrument come into force on 31 July 2017.
8. And regulation 4 makes transitional provision in relation to cases indicted by the Crown to a first diet and a trial diet under the current system, by providing that at a first diet in such a case, although the court need not appoint a trial diet under section 71B of the 1995 Act (as inserted by section 81 of the 2016 Act), where it does so that will have the effect of discharging the trial diet of which the accused was previously given notice. This ensures that cases can move from the existing process to the new process established by Part 3 of the 2016 Act.

### **Consultation**

9. The Act further develops the majority of the recommendations of two independent reviews of key aspects of the criminal justice system. It includes provisions which have been developed from the recommendations of Lord Carloway's Review of Scottish Criminal Law and Practice, and provisions which have been developed from the recommendations of Sheriff Principal Bowen's Independent Review of Sheriff and Jury Procedure. Formal consultations were carried out by the Scottish Government with regard to the recommendations of Lord Carloway and Sheriff Principal Bowen's reviews.
10. Extensive consultation with criminal justice partners and stakeholders was undertaken during the Bill process, and continues in relation to implementation of the 2016 Act. In particular, Scottish Courts and Tribunals Service and the Crown Office and Procurator Fiscal Service provided significant input in relation to the policy intention underpinning the provisions in this instrument.

### **Impact Assessment**

11. An Equality Impact Assessment (EQIA) was carried out for the purposes of the Criminal Justice (Scotland) Bill, which did not identify any areas in which there would be a negative impact on any of the protected categories as a result of the policies contained in the Bill.

## Justice Committee

20<sup>th</sup> Meeting, 2017 (Session 5), Tuesday 30 May 2017

### Subordinate legislation

#### Note by the clerk

#### Purpose

1. This paper invites the Committee to consider the following affirmative instrument:
  - [Human Trafficking and Exploitation \(Scotland\) Act 2015 \(Relevant Trafficking or Exploitation Offences and Relevant UK Orders\) Regulations 2017 \[draft\]](#)

#### Introduction

2. This instrument is made under sections 16(2) and 33(1) of the Human Trafficking and Exploitation (Scotland) Act 2015 (“the 2015 Act”).
3. Part 4 of the 2015 Act introduces two new court orders, namely Trafficking and Exploitation Prevention Orders (TEPOs) and Trafficking and Exploitation Risk Orders (TEROs). The instrument makes amendments to section 16(1) (relevant trafficking or exploitation offences) and section 32(2) (offences committed by breaching an order) of the 2015 Act. These amendments are aimed at ensuring that Scotland remains a hostile place to traffickers convicted elsewhere in the UK.
4. Further details on the purpose of the instrument can be found in the policy note attached at **Annexe A**.

#### Justice Committee consideration

5. The Justice Committee is required to report to the Parliament on the instrument by 12 June 2017. The Cabinet Secretary for Justice has lodged motion S5M-05625 proposing that the Committee recommends approval of the instrument. The Cabinet Secretary is due to attend the meeting on 30 May to answer any questions on the instrument and to move the motion for approval.
6. It is for the Committee to decide whether or not to agree to the motion, and then to report to the Parliament by 12 June 2017. Thereafter, the Parliament will be invited to approve the instrument.
7. **The Committee is asked to delegate to the Convener authority to approve the report on the instrument for publication.**

#### Delegated Powers and Law Reform Committee consideration

8. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 16 May 2017 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

## Policy Note

### Human Trafficking and Exploitation (Scotland) Act 2015 (Relevant Trafficking or Exploitation Offences and Relevant UK Orders) Regulations 2017 [draft]

#### Background

1. Part 4 of the 2015 Act introduces two new court orders, namely Trafficking and Exploitation Prevention Orders (TEPOs) and Trafficking and Exploitation Risk Orders (TEROs). This instrument makes amendments to section 16(1) (relevant trafficking or exploitation offences) and section 32(2) (offences committed by breaching an order), of the 2015 Act.
2. TEPOs can be made by the court in two sets of circumstances. Firstly, a TEPO can be made at the conclusion of criminal proceedings, by the High Court or the sheriff (as the case may be), at its own instance or on the motion of the prosecutor, where a person has been:
  - a. convicted of a “relevant trafficking or exploitation offence”,
  - b. acquitted of such an offence by reason of the special defence in section 51A of the Criminal Procedure (Scotland) Act 1995 (criminal responsibility of a person with a mental disorder) or,
  - c. found to be unfit for trial under section 53F of that Act but the court has found that the person has carried out the act which constitutes such an offence.
3. In addition, the court has to be satisfied that there is a risk that the person may commit a “relevant trafficking and exploitation offence” and that each prohibition or requirement within the TEPO is necessary to protect particular persons, or persons generally, from physical or psychological harm.
4. Secondly the court may make a TEPO in consequence of an application to the sheriff by the chief constable of the Police Service of Scotland where the person who is to be the subject of the TEPO is a “relevant offender”. In these circumstances the court has to be satisfied that, since the person became a “relevant offender” the person has acted in a way which means there is a risk they might commit a “relevant trafficking or exploitation offence”. Again, the court has to be satisfied that each prohibition or requirement within the TEPO is necessary to protect particular persons, or persons generally, from physical or psychological harm. In assessing risk the court may take into account any behaviour which occurred before the commencement of the 2015 Act.
5. Relevant offenders are defined in section 19 of the Act. This includes persons who have been convicted of a “relevant trafficking or exploitation offence”, those acquitted by reason of the special defence under section 51A of the Criminal Procedure (Scotland) Act 1995 or its predecessor by reason of insanity, and those found unfit for trial but to have carried out the act which constitutes such an offence. The definition extends to those convicted of equivalent offences (or acquitted in similar circumstances) out with the UK.

6. TEROs can only be made on application by the chief constable of Police Scotland and do not require a conviction. An order may be made if the sheriff is satisfied that the adult in respect of whom the order is sought has acted in a way that there is a risk they may commit a “relevant trafficking or exploitation offence” and that the order is necessary to protect persons generally, or particular persons, from physical or psychological harm. The sheriff may take into consideration actions which took place before the 2015 Act came into force.
7. It is an offence if a person who is subject to a TEPO or TERO, or an interim order, does or fails to do anything required of him/her by such an order.
8. Both TEPOs and TEROs may only be made against a person aged 18 or over.

#### **Amendment of section 16(1) of the Human Trafficking and Exploitation (Scotland) Act 2015**

9. The relevant trafficking and exploitation offences are listed in section 16(1) of the 2015 Act. Presently the list at section 16(1) does not contain certain, more recent relevant trafficking or exploitation offences in force elsewhere in the UK. This instrument will amend section 16(1) by inserting relevant trafficking or exploitation offences from elsewhere in the UK allowing TEPOs and TEROs to be made in respect of those offences in the circumstances described above.

#### **Policy Objective**

10. The main policy objective of this instrument is to ensure that Scotland remains a hostile place to traffickers convicted elsewhere in the UK. If such a person is active or resident in Scotland then the amendments to section 16(1) of the 2015 Act will have the effect that such a person can be made subject to a TEPO.

#### **Amendment of section 33(2) of the Human Trafficking and Exploitation (Scotland) Act 2015**

11. Section 32(1) of the 2015 Act provides that it is an offence for a person to do anything they are prohibited from doing, or fail to do something they are obliged to do, by an order listed in section 32(2). Section 32(2) currently lists TEPOs, TEROs and the interim versions of such orders. Presently the list at section 32(2) does not contain relevant equivalent orders in force from elsewhere in the UK under the Modern Slavery Act 2015 and the Human Trafficking (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. This instrument will amend section 32(2) by inserting reference to relevant orders which can be imposed elsewhere in the UK.

#### **Policy Objective**

12. The main policy objective of this instrument is to ensure that Scotland remains a hostile environment to traffickers who are subject to an order made against them elsewhere in the UK. If such a person is active or resident in Scotland then the amendments to section 32(2) of the 2015 Act will have the effect that a breach of the terms of that order can be enforced as a criminal offence in Scotland.

## **Consultation**

13. Informal consultation has taken place with the Crown Office, the Modern Slavery Unit in the Home Office and the Organised Crime Branch of the Department for Justice, Northern Ireland. The amendments this instrument will make were positively received by both the Home Office and Department for Justice to ensure a joined up and collaborative approach to this crime across the UK.

## **Impact Assessment**

14. An Equality Impact Assessment and a Child Impact Assessment were carried out in relation to the Bill as a whole. It was not considered necessary to carry out further assessments in relation to this instrument.

**Justice Committee**

**20<sup>th</sup> Meeting, 2017 (Session 5) Tuesday 30 May 2017**

**Human Trafficking and Exploitation (Scotland) Act 2015 (Relevant Trafficking or Exploitation Offences and Relevant Uk Orders) Regulations 2017 [Draft]**

**Briefing from Police Scotland – National Human Trafficking Unit**

**1 INTRODUCTION**

- 1.1 This paper has been prepared by Police Scotland for the information of Scottish Parliament's Justice Committee, following the topic of Human Trafficking arising during the round table evidence session discussing the role of local police commanders on 11 May 2017.

**2 BACKGROUND**

- 2.1 The National Human Trafficking Unit (NHTU) was formed on 1 April 2013, to fulfil a critical role in regards to Human Trafficking in Scotland. The unit has seen unprecedented change in regards to Human Trafficking policy, intelligence development and operational activity, which has placed significant demands on the department.
- 2.2 It cannot be over emphasised that the unit has grown in stature in the past four years and has been moulded from the operations it has now successfully ran as well as the changing demands of the organisation, Scottish Government, UK Government and partners.

**3 ROLE OF THE UNIT**

- 3.1 The role of the NHTU is to ensure a co-ordinated and effective response to Human Trafficking incidents across Police Scotland. The unit provides investigative and intelligence development support across Scotland and supports a network of Human Trafficking Champions in each division.
- 3.2 The unit also conducts the following functions:
- Tactical advice and support to Senior Investigating Officers.
  - Conduct Human Trafficking investigations as directed.
  - Management and oversight of all Police Scotland referrals to the National Referral Mechanism and liaison with the National Crime Agency Modern Slavery Human Trafficking Unit (MSHTU).
  - Maintaining oversight of Human Trafficking incidents to ensure effective victim identification and care.
  - Engagement and information sharing with national partner agencies.

- National intelligence assessment package development to the relevant Police Scotland tasking and co-ordination forum for allocation to operational investigation and enforcement teams.
  - Development of Human Trafficking policy and action plans for Police Scotland.
  - Committed to training delivery for police officers and partner agencies across the country.
- 3.3 The unit is led by a Detective Inspector, with 2 Detective Sergeants and 4 Detective Constables. One of the Detective Sergeants is line managed within Public Protection Support to develop training and policy. Oversight of the unit is provided by a Detective Superintendent and Detective Chief Inspector who also have oversight of the National Rape Task Force.

#### **4 CURRENT DAILY BUSINESS**

- 4.1 As the single point of contact for the Modern Slavery Human Trafficking Centre and its administration of the National Referral Mechanism (NRM), the unit has a huge part to play in ensuring that all NRM's are consistently recorded, investigated and following the Independent Anti-Slavery Commissioners' report, ensure that crimes are also recorded.
- 4.2 In 2016 the unit managed, assessed and allocated for investigation 159 NRM's. To date in 2017, the unit has already processed 75 NRM's and with the advent of Duty to notify, this level of administration work will only increase.

#### **5 OTHER ROLES**

- 5.1 In addition to the daily business and investigations the unit also undertake engagement with partner agencies, both at an operational level in providing training to law enforcement partners, but also engagement with NGO's who support victims.
- 5.2 As stated above, a DS post within Public Protection Support currently conducts some of the partner engagement but all members are able to carry out training.
- 5.3 The unit also administers and provides secretariat duties for the quarterly Divisional Champions meetings. Previously this was a meeting attended by only Police Scotland staff, but due to the introduction of the Scottish Government Human Trafficking Strategy this meeting will be extended and form part of action area two of the strategy, where Police Scotland hold responsibility for 'identifying perpetrators and disrupting their activity.'
- 5.4 It is proposed that this meeting will now be re-branded as an Action Area Group in line with the strategy and will be chaired by the Detective

Superintendent or DCI NHTU with new members to include TARA, Migrant Help, COPFS, UKVI, Border Force, NCA, GLAA and Scottish Government.

## **6 OPERATIONAL ACTIVITY**

- 6.1 In addition to the administration roles and intelligence development the unit, where resources have permitted, have undertaken some significant investigations which has seen Joint Investigation Team funding from Eurojust for four separate operations all of which have had significant impact both in Scotland and Europe.
- 6.2 The work conducted in March 2016 for Operation Arecerro, saw an Organised Crime Group controlling prostitution dismantled in both Glasgow and Romania which was significant and brought praise from Crown Office and Procurator Fiscal Service and the Independent Anti-Slavery Commissioner who highlighted the work of the unit.
- 6.3 Over recent months there has been significant activity in Scotland which is summarised in the following:

### Local Day of Action – Anti-slavery Day 18th October 2016

This was a multi-agency operation which featured visits to business premises across Scotland, including food production companies, agricultural firms, car washes and beauty bars. Officers were also involved with awareness raising work in transport hubs, ports and railway stations in Aberdeen, Dundee, Glasgow and Edinburgh.

During the operation 430 Police Scotland officers across all 13 of the service's geographical divisions were supported by 50 colleagues from HM Revenue and Customs, Immigration Enforcement, British Transport Police and the Gangmasters Licensing and Abuse Authority.

On the day one person was detained for human trafficking offences and two others arrested for immigration offences by Police Scotland, with an additional 12 arrested by Immigration Enforcement. The operation led to the recovery of 11 potential victims, with six children aged under 18 and five adults were found working in Nail bars across Scotland who displayed indicators of trafficking.

### Operation Heathyard – West Lothian 2nd December 2016

Operation Heathyard was led by officers in West Lothian and supported by partners including West Lothian Council, National Crime Agency and Greater Manchester Police. The operation involved males from Slovenia being trafficked for the purposes of labour exploitation and forced criminality.

Four Slovenian nationals were arrested at addresses in Livingston, Bathgate and Salford and were charged with human trafficking offences.

To facilitate victim engagement a Reception centre was established by the National Human Trafficking Unit, Migrant Help and National Crime Agency Victim Team.

#### Operation Synapsis – Day of action – 9th February 2017

Operation Synapsis is an ongoing Human Trafficking investigation, involving Police Scotland, the Metropolitan Police and the Slovakian Police.

The operation relates to the trafficking of a number of Slovakian females aged approximately 18-25 years of age, who have been trafficked from Slovakia to the UK for the purposes of sham marriages.

Between Thursday 9th and Monday 13th February 2017, all agencies carried out enforcement operations to trace and arrest suspects in Scotland and Slovakia.

The Glasgow aspect of the operation took place on Thursday 9th February 2017, four addresses were searched, four Slovakian nationals and one Nepalese male, were detained. Home Office Immigration Enforcement, Slovakian Police officers and the Europol mobile office supported the operation. The arrested persons appeared at Glasgow Sheriff Court on Friday 10th February 2017, charged with offences under Asylum and Immigration Act and Organised Crime as offences pre-date the current legislation.

On Monday 13th February 2017, four further males were arrested in Slovakia and have since appeared in court there in relation to Human Trafficking offences. Further work is ongoing in line with the Joint Investigation Team to gather further evidence and determine the jurisdiction for court proceedings.

#### Operation Acervose – Monday 15th May 2017

A further multi-agency action day to raise awareness of human trafficking and to identify and recover potential trafficking victims was conducted.

Around 500 officers including 50 from partner agencies visited 80 premises and locations in all 13 geographical divisions of Scotland including fisheries, car washes and nail bars.

This formed part of a National Crime Agency coordinated, ongoing response to the threat of modern slavery and human trafficking across the UK.

During the multi-agency operation a child aged 15, who displayed indicators of trafficking, was found working in a nail bar.

Police Scotland officers were supported by colleagues from HM Revenue and Customs, Immigration Enforcement, British Transport Police and the Gangmasters and Labour Abuse Authority.

## **7 ENGAGEMENT WITH SCOTTISH GOVERNMENT**

7.1 From the initial planning and development of the Human Trafficking and Exploitation (Scotland) Act 2015, Police Scotland and in particular the NHTU have played a significant part of the consultation and membership of the Strategy Implementation Group.

7.2 The Act has placed additional legislative requirements on the police which are detailed below.

### **7.3 Duty to notify**

Section 38 (1) of the Human Trafficking and Exploitation (Scotland) Act 2015, duty to notify places a legal requirement on specified Scottish Public Authorities to notify the Chief Constable of the Police Service of Scotland about a person who is, or appears to be a victim of an offence of Human Trafficking or an offence under section 4, even if that person does not wish to engage with the Police.

The NHTU have been assisted by ICT with developing a public facing portal that will allow this information be reported and are members of a SLWG to test the process in City of Edinburgh council later this year.

### **7.4 Prevention and Risk Orders**

Part 4, of the Human Trafficking and Exploitation (Scotland) Act 2015 provides details of prevention and risk orders that may be applied for, either at sentencing of an individual for a relevant offence or by the Chief Constable, where a risk of a person committing a relevant trafficking offence is identified.

Part of the act is due to be enacted in two parts with Prevention orders coming into force on 30<sup>th</sup> June 2017 and Risk orders being made available from 31<sup>st</sup> October 2017. The time scales have been determined by Scottish Government.

In order that Police Scotland is able to comply with the legislation a short life working group, chaired by NHTU has been established with National Intelligence Bureau, Organised Crime and Counter Terrorism Unit, Legal Services, Police Scotland, Policy Division, Crown Office and Procurator Fiscal Service, Scottish Courts and Tribunals Service and the Scottish Government Human Trafficking Team.

This group is expected to operate until the orders are in place and allow for a period of review after their enactment, which will be into early 2018.

### **7.5 Training for Public Bodies**

NHTU are also leading a short life working group on training, the purpose of which is to improve and create new Human Trafficking awareness training that all partners and police can deliver to each of their agencies in line with the

implementation of the Human Trafficking and Exploitation (Scotland) Act 2015.

7.6 Action Area 2 of Scottish Government Strategy

As detailed in section 5, the NHTU and the Detective Superintendent role will lead a new enforcement group as part of the new strategy in replacement of the former Human Trafficking Champions meeting. This will be a continuous role for Police Scotland to participate with an option for other agencies to eventually share the duties as chair.

7.7 Child Trafficking Strategy Group

In addition to the Action Area groups for the new strategy, the Scottish Government also chair a Child Trafficking group, which is attended by the National Child Abuse Unit.

**8 CONCLUSION**

8.1 The nature and ongoing Human Trafficking investigations within Scotland are complex and often sensitive, with a huge emphasis on how Police can engage with victims.

8.2 If desired, a visit to the unit or a presentation can be arranged for any Members of the Scottish Parliament who may wish further information.

**Justice Committee**  
**20th Meeting, 2017 (Session 5), Tuesday 30 May 2017**  
**Domestic Abuse (Scotland) Bill**  
**Note by the clerk**

**Introduction**

1. The Scottish Government introduced the Domestic Abuse (Scotland) Bill<sup>1</sup> in the Scottish Parliament on 17 March 2017. The Parliamentary Bureau designated the Justice Committee as lead committee for Stage 1 scrutiny on 29 March 2017.
2. The Committee agreed its overall approach to scrutiny of the Bill at Stage 1 at its meeting on 29 March 2017 and issued a call for evidence. Responses received and accepted as evidence are published on the Committee's [webpage](#).

**Justice Committee consideration**

3. At its meeting on 9 May 2017, the Committee took evidence from Scottish Government officials assisting Ministers in taking the Bill through the Parliament (the "Bill team"). On 16 May, the Committee took private testimony from victims of domestic abuse. The intention is to publish brief notes of those meetings in due course
4. At its 30 May meeting, the Committee will take evidence from representatives of the Faculty of Advocates and of the Criminal Law Committee of the Law Society of Scotland, as well as from Andrew Tickell, Lecturer in Law at Glasgow Caledonian University. Submissions from the witnesses can be found via the link above.
5. At future evidence sessions, the Committee expects to take evidence from third sector organisations, including representatives of victims of crime, representatives of the police and prosecution service, and the Cabinet Secretary for Justice.

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<sup>1</sup> <http://www.parliament.scot/parliamentarybusiness/Bills/103883.aspx>

**Justice Committee**

**20<sup>th</sup> Meeting, 2017 (Session 5), Tuesday 30 May 2017**

**Feedback from the Justice Sub-Committee on Policing**

**Note by the clerk**

1. The Justice Sub-Committee on Policing met on 25 May 2017 to consider its report on the governance of the Scottish Police Authority.
2. The report considered the evidence given by Andrew Flanagan, Chair, and John Foley, Chief Executive of the Scottish Police Authority on 18 May.
3. The Sub-Committee will next meet on 1 June, when it will take evidence from Police Scotland and the Scottish Police Authority on the Auditor General's 2015-16 audit of the Scottish Police Authority and its review of Police Scotland's i6 programme.