SCOTTISH STATUTORY INSTRUMENTS

2026 No. 60

CRIMINAL LAW

The Human Trafficking and Exploitation (Duty to Notify) (Scotland) Regulations 2026

Made - - - -	*4th February 2026*
Laid before the Scottish Parliament	*6th February 2026*
Coming into force - -	*1st February 2027*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 38(3), (4) and (6) of the Human Trafficking and Exploitation (Scotland) Act 2015(**a**), and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Human Trafficking and Exploitation (Duty to Notify) (Scotland) Regulations 2026 and come into force on 1 February 2027.

Interpretation

2. In these Regulations—

"the Act" means the Human Trafficking and Exploitation (Scotland) Act 2015,

"chief constable" means the chief constable of the Police Service of Scotland,

"exploitation" means exploitation for the purposes of an offence of human trafficking under section 1 of the Act, as defined in section 3 of the Act,

"offence" means the offence of human trafficking or the offence of slavery, servitude and forced or compulsory labour,

"offence of human trafficking" means the offence of human trafficking as specified in section 1 of the Act,

"offence of slavery, servitude and forced or compulsory labour" means the offence of slavery, servitude and forced or compulsory labour as specified in section 4 of the Act,

"specified person" means a person specified in regulation 5,

"specified Scottish public authority" means a Scottish public authority specified in regulation 3,

"victim" means a victim of an offence.

(**a**) 2015 asp 12.

Specification of Scottish public authorities

3. The following Scottish public authorities are specified for the purposes of section 38(1) of the Act—

(a) a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978(**a**),

(b) NHS 24(**b**),

(c) the Scottish Ambulance Service Board(**c**),

(d) a local authority,

(e) the Scottish Environment Protection Agency,

(f) the Scottish Fire and Rescue Service,

(g) the Scottish Ministers.

Information to be notified to the chief constable

4. Subject to section 38(2) of the Act and regulation 7, a notification under section 38(1) of the Act is to include the information listed in schedule 1, where that information is held by the specified Scottish public authority making the notification.

Specified persons

5. The following persons are specified for the purposes of section 38(4) of the Act—

(a) a local authority,

(b) a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,

(c) NHS 24,

(d) the Scottish Ambulance Service Board,

(e) the Secretary of State for the Home Department,

(f) the Chief Constable of the British Transport Police Force,

(g) the Convention of Scottish Local Authorities,

(h) the European Union Agency for Law Enforcement Cooperation,

(i) the Gangmasters and Labour Abuse Authority,

(j) the International Criminal Police Organization,

(k) the National Crime Agency,

(l) the Scottish Environment Protection Agency,

(m) the Scottish Fire and Rescue Service,

(n) the Scottish Ministers.

(**a**) 1978 c. 29. Section 2(1)(a) was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) schedule 7 paragraph 1, the National Health Service and Community Care Act 1990 (c. 19) section 28(a), the National Health Service Reform (Scotland) Act 2004 (asp 7) schedule 1 paragraph 1(2)(a) and the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) schedule 2 paragraph 2(2).

(**b**) NHS 24 is a Special Health Board for the whole of Scotland constituted under the NHS (Scotland) Order 2001 (S.S.I. 2001/137).

(**c**) The Scottish Ambulance Service Board is a Special Health Board for the whole of Scotland constituted under the Scottish Ambulance Service Board Order 1999 (S.I. 1999/686).

Information to be notified to specified persons

6. Subject to section 38(5) of the Act and regulation 7, a notification under section 38(4) of the Act is to include the information listed in schedule 2, where that information is held by the chief constable.

Confidentiality

7. A specified Scottish public authority or the chief constable is not required to include in a notification under section 38(1) or (4) of the Act any information that would enable the identification of a victim whether on its own or in combination with other information.

SIOBHIAN BROWN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
4th February 2026

SCHEDULE 1

Regulation 4

Information to be notified to the chief constable

1. The specified Scottish public authority making the notification.

2. The sex of the victim.

3. The nationality of the victim.

4. Whether the specified Scottish public authority believes the victim was under the age of 18 when the offence first occurred.

5. The offence of which the specified Scottish public authority believes the person is a victim.

6. The location where the specified Scottish public authority believes the offence first occurred.

7. Any organisation the victim has been referred to for purposes of entry into the National Referral Mechanism.

8. The local authority area in which the victim has been recovered.

9. Type of exploitation for the purposes of the offence of human trafficking—

(a) labour exploitation,

(b) sexual exploitation,

(c) domestic servitude,

(d) commission of a criminal offence,

(e) removal of organs or tissue,

(f) unknown,

(g) other.

10. Any reason given by the victim for not entering the National Referral Mechanism.

SCHEDULE 2

Regulation 6

Information to be notified to specified persons

1. The number of victims notified under section 38(1) of the Act to the chief constable.

2. The countries of origin of victims.

3. The sexes of victims.

4. The nationalities of victims.

5. Locations where reported exploitations took place.

6. The local authority areas where victims were recovered.

7. The offences believed to have been committed against the victims.

8. Types of exploitation for the purposes of the offence of human trafficking—

(a) labour exploitation,

(b) sexual exploitation,

(c) domestic servitude,

(d) commission of a criminal offence,

(e) removal of organs or tissue,

(f) unknown,

(g) other.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify Scottish public authorities which will be required to notify the chief constable of the Police Service of Scotland of victims of offences of human trafficking and slavery, servitude and forced or compulsory labour. They also specify those persons to whom the chief constable will in turn be required to provide information about victims of these offences.

Schedule 1 lists the information that is to be included in a notification given by a specified Scottish public authority to the chief constable where the public authority holds that information.

Schedule 2 lists the information that is to be included in a notification given by the chief constable to a specified person where the chief constable holds that information. It is envisaged that the chief constable may make these notifications to specified persons on a periodic basis, incorporating details relating to all victims over the period since the last notification.

Regulation 7 provides that a notification is not required to contain any information which would enable the identification of an individual victim. This is to be read alongside section 38(2) and (5) of the Human Trafficking and Exploitation (Scotland) Act 2015, which provides that notifications must not include such details where the victim is an adult and does not consent to their inclusion.

The National Referral Mechanism is the process for establishing whether there are reasonable grounds to believe that an individual is a victim of a human trafficking offence or an offence of slavery. servitude and forced or compulsory labour.

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