SCOTTISH STATUTORY INSTRUMENTS

2026 No. 129 (C. 16)

CRIMINAL LAW

The Human Trafficking and Exploitation (Scotland) Act 2015 (Commencement No. 6) Regulations 2026

Made - - - -	*5th March 2026*
Laid before the Scottish Parliament	*9th March 2026*
Coming into force - -	*1st February 2027*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 45(2) and (3) of the Human Trafficking and Exploitation (Scotland) Act 2015(**a**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Human Trafficking and Exploitation (Scotland) Act 2015 (Commencement No. 6) Regulations 2026 and come into force on 1 February 2027.

(2) In these Regulations—

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

"competent authority" has the same meaning as specified in section 9(7) of the Act,

"National Referral Mechanism" means the process by which a competent authority determines whether there are reasonable grounds to believe that a person is a victim,

"offence of human trafficking" has the same meaning as specified in section 1 of the Act,

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

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

Appointed Day

2.—(1) For the purpose defined in paragraph (2), 1 February 2027 is the day appointed for the coming into force of section 38 (duty to notify and provide information about victims) of the Act, in so far as it is not already in force.

(**a**) 2015 asp 12.

(2) The purpose is giving notifications under section 38(1) and (4) of the Act in relation to adults who are or who appear to be victims, and who have not consented to enter the National Referral Mechanism.

SIOBHIAN BROWN
Authorised to sign by the Scottish Ministers

St Andrew's House
Edinburgh
5th March 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force on 1 February 2027 (so far as not already in force) section 38 of the Human Trafficking and Exploitation (Scotland) Act 2015 ("the Act") for the purpose of making notifications in relation to adults who have not consented to enter the National Referral Mechanism (as defined in regulation 1(2)). Notifications under section 38 will be a key source of statistical information about victims of the offences of human trafficking and slavery, servitude and forced or compulsory labour. Such information is already available from the National Referral Mechanism in respect of children, since children are automatically referred to the National Referral Mechanism, and in respect of adults who consent to be referred to the National Referral Mechanism. Commencement of section 38 in respect of adults who have not agreed to be referred will therefore close a gap in the information that is available.

The Bill for the Act received Royal Assent on 4 November 2015. Section 45(1) brought into force sections 40, 41, 42, 44, 45 and 46 on the day after Royal Assent.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Act have been brought into force by commencement regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.S.I. No.*
Part 1	31 May 2016	S.S.I. 2016/128
Sections 1 to 8	31 May 2016	S.S.I. 2016/128
Section 9 (partially)	31 May 2016	S.S.I. 2016/128
Section 9 (fully)	1 April 2018	S.S.I. 2018/9
Section 10	31 May 2016	S.S.I. 2016/128
Section 11 (partially)	31 May 2016	S.S.I. 2016/128
Section 11 (fully)	1 April 2023	S.S.I. 2023/17
Section 12 (partially)	31 May 2016	S.S.I. 2016/128
Section 12 (fully)	31 January 2018	S.S.I. 2018/9
Sections 13 to 15	31 May 2016	S.S.I. 2016/128
Section 16	29 June 2017	S.S.I. 2017/140
Sections 17 to 25	30 June 2017	S.S.I. 2017/140
Section 26 to 31	31 October 2017	S.S.I. 2017/140
Sections 32 and 33	31 May 2016	S.S.I. 2016/128
Section 34(1)	31 May 2016	S.S.I. 2016/128
Section 34(2) to (6)	30 June 2017	S.S.I. 2017/140
Sections 35 to 37	31 May 2016	S.S.I. 2016/128
Section 38 (partially)	31 May 2016	S.S.I. 2016/128

Section 39	31 May 2016	S.S.I. 2016/128
Section 43	31 May 2016	S.S.I. 2016/128
Schedule, paragraphs 1, 3 and 6	31 May 2016	S.S.I. 2016/128
Schedule, paragraphs 2, 4 and 5	17 December 2016	S.S.I. 2016/385

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