EXPLANATORY MEMORANDUM TO

THE TRAFFICKING PEOPLE FOR EXPLOITATION (AMENDMENT) REGULATIONS 2026

2026 No. 295

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Jess Phillips, Minister for Safeguarding and Violence Against Women and Girls, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Hannah Pooley, Deputy Director for Modern Slavery policy, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Policy officials at the Home Office can be contacted by email at the following address with any queries regarding the instrument:Sam.Lee8@homeoffice.gov.uk or Suzelle.Dickson@homeoffice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will remove the five-year review requirement from the Trafficking People for Exploitation Regulations 2013, and the Electronic Commerce Directive (Trafficking People for Exploitation) Regulations 2013 ("E-Commerce Directive").

4.2 This instrument will also remove the European Union's 'Country of Origin Principle' from the E-Commerce Directive, which allowed online service providers based in the European Economic Area (EEA) to only follow the rules of the country in which they are established, not the country they are operating in.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 The Trafficking People for Exploitation Regulations 2013 sets out protections to prevent secondary victimisation during police investigations. The E-Commerce

Directive combats human trafficking where the arranging or enabling is conducted over the internet, by providing online platforms liability protections in relation to human trafficking offences.

5.2 This instrument will remove the statutory five-year review requirement in both the Trafficking People for Exploitation Regulations 2013 and the E-Commerce Directive. The review requirement places unnecessary demands on government and external partners, including law enforcement, who are also required to participate in the reviews, and is thus disproportionate to retain. The purpose of this instrument is to relieve government of the requirement to conduct further reviews, given that previous Post Implementation Reviews of the Trafficking People for Exploitation Regulations 2013 and the E-Commerce Directive (published in 2025)[1] provided limited evidence to measure their effectiveness, and to set out how both of these Regulations will continue to be monitored through ongoing policy workstreams.

5.3 This instrument will also seek to remove the E-Commerce Directive Regulation 4, which is the EU's 'Country of Origin principle'. This allows online service providers based in the European Economic Area (EEA) to only follow the rules of the country in which they are established. Since EU-Exit, online service providers based in England and Wales no longer benefit from this principle, creating an uneven regulatory environment. The purpose of removing this is to bring EEA service providers in scope of UK regulations, ensuring a fair regulatory system for online service providers whilst not increasing the regulatory burden. This change will also ensure that the wider Electronic Commerce Regulations are consistent, as the Government intends to fully remove the 'Country of Origin principle' from UK legislation.

What was the previous policy, how is this different?

5.4 The previous policy required the Government to conduct reviews of the Trafficking People for Exploitation Regulations and E-Commerce Directive every five-years. Under the new policy, the Government will not conduct formal reviews of the Trafficking People for Exploitation Regulations and the E-Commerce Directive but will continue to monitor the measures. This new policy will reduce the administrative burdens of conducting separate unnecessary and disproportionate reviews and streamline monitoring effectiveness of the measures in the Trafficking People for Exploitation Regulations and the E-Commerce Directive, through ongoing workstreams for modern slavery and human trafficking.

5.5 The previous policy included the 'Country of Origin principle'. This principle is not necessary following the UK's exit from the EU. Under the new policy, EEA online service providers are in scope of UK regulations, which aligns the position of UK online service providers following EU-Exit s EEA online service providers will be required to follow UK regulations.

6. Legislative and Legal Context

How has the law changed?

6.1 As part of EU-Exit, the Retained EU Law (Revocation and Reform) Act 2023 assimilated EU regulations into the UK, or part of the UK's, legal system. Both sets of

[1] Post Implementation Review of The Trafficking People for Exploitation Regulations 2013 https://www.legislation.gov.uk/uksi/2013/554/pdfs/uksiod_20130554_en_001.pdf and Post Implementation Review of The Electronic Commerce Directive (Trafficking People for Exploitation) Regulations 2013: https://www.legislation.gov.uk/uksi/2013/817/pdfs/uksiod_20130817_en_001.pdf

regulations were assimilated into law in January 2024. This instrument exercises the power in section 14(1) of the Retained EU Law (Revocation and Reform) Act 2023 to revoke three individual regulations, which are no longer necessary to the functioning of the statute book, without replacing them.

6.2 Regulation 6 of the Trafficking People for Exploitation Regulations 2013 has been revoked.

6.3 Regulation 4 and 8 of the Electronic Commerce Directive (Trafficking People for Exploitation) Regulations 2013 has been revoked.

6.4 The overall effect of the changes made by this instrument do not increase the regulatory burden of the subject area.

Why was this approach taken to change the law?

6.5 These changes could have been made through primary legislation, but as the powers to revoke, reform and restate assimilated law are still available through the Retained EU Law (Revocation and Reform) Act 2023 until 23 June 2026, it was deemed the most efficient way to make the necessary changes and clear the statute book of inconsistent and undesirable law.

7. Consultation

Summary of consultation outcome and methodology

7.1 No formal consultation has been undertaken for the changes to the Trafficking People for Exploitation Regulations 2013 and the E-Commerce Directive, as it is not a legal requirement. To fulfil the five-year statutory review requirement, post implementation reviews were conducted with law enforcement, the Crown Prosecution Service and online companies and published in September 2025.[2]

7.2 The Trafficking People for Exploitation Regulations 2013 post implementation review was informed by a survey that was sent to police officers who have attended Victim Liaison Officer (VLO) training and a Theory of Change was developed. The review could not draw definitive conclusions. This is partly because an impact assessment was not completed prior to the introduction of the regulations, as there was no impact on the business or voluntary sector and the impact on the public sector was low, so the review found it difficult to assess the impact the measures had. There was also difficulty in discerning the impacts of the regulations from wider developments in modern slavery policy.

7.3 The E-Commerce Directive 2013 post implementation review was informed by semi-structured interviews with online service providers and a Theory of Change was developed. The review found that the outcomes and benefits of the E-Commerce Directive could not be isolated from wider developments in modern slavery policies. However, these findings should be treated with caution as only three online service providers agreed to be interviewed for the review. An impact assessment was not completed prior to the introduction of the regulations in 2013, as there was minimal impact on the business sector, the voluntary sector and the public sector, so there is difficulty discerning the impacts of the regulations from wider developments in modern slavery policy.

[2] Post Implementation Review of The Trafficking People for Exploitation Regulations 2013 https://www.legislation.gov.uk/uksi/2013/554/pdfs/uksiod_20130554_en_001.pdf and Post Implementation Review of The Electronic Commerce Directive (Trafficking People for Exploitation) Regulations 2013: https://www.legislation.gov.uk/uksi/2013/817/pdfs/uksiod_20130817_en_001.pdf

7.4 The Home Office has also consulted with Department for Science, Innovation and Technology (DSIT) on the removal of regulation 4 of the E-Commerce Directive, as DSIT intend to remove the 'Country of Origin principle' from UK legislation.

7.5 As the Trafficking People for Exploitation Regulations 2013 and the E-Commerce Directive extends to Wales, Home Office officials have engaged with the Head of Modern Slavery in the Welsh Government, who is content with the changes.

8. Applicable Guidance

8.1 No guidance has been produced, as this instrument is removing requirements for government to review the regulations and the 'Country of Origin Principle' has already been removed for UK online service providers, this change was communicated in 2021.[3]

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because of the low level of impact per business. Post implementation reviews for both sets of regulations were conducted and published in September 2025, and found the regulations had limited impacts, particularly for businesses. The post implementation review for the E-Commerce Directive found the Regulations did have a positive impact for businesses, noting the Regulations gave the online service providers confidence to operate online, which is why the Regulations have been retained, and we intend to remove the inoperable 'Country of Origin Principle'.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the changes are removing a government review requirement. Removing the 'Country of Origin Principle' for EEA online service providers will ensure there is not a negative impact to UK online service providers. This instrument will bring EEA online service providers in scope of UK laws to eliminate preferential market access for EEA online service providers in the UK, which is not reciprocated for UK businesses operating within the EEA. The removal of the 'Country of Origin Principle' will have no direct impact on UK businesses.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector costs because this instrument is removing an onerous review requirement, which will relieve administrative duties, which can be conducted through ongoing workstreams.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is through ongoing workstreams for modern slavery and human trafficking. This provides suitable routes for assessing the continued effectiveness of these regulations and the response to modern slavery and human trafficking in the long-term.

[3] https://www.gov.uk/guidance/the-ecommerce-directive-and-the-uk#full-publication-update-history

10.2 Since the Trafficking People for Exploitation Regulations were introduced in 2013, there has been considerable policy and legislative development, including the Modern Slavery Act 2015. The Home Office continues to work closely with law enforcement agencies and the Crown Prosecution Service to strengthen the operational response to modern slavery and human trafficking, the Home Office has invested in improving the police response to modern slavery through funding to the National Police Chief Council-led Modern Slavery and Organised Immigration Crime Unit. The work of the Unit has built national capability for police forces, including bespoke centralised training for police officers and a specialist Victim Liaison Officer course to ensure early identification using a trauma informed approach. The Home Office will monitor compliance with the measures in Trafficking People for Exploitation Regulations 2013 through this work.

10.3 Also, since the E-Commerce Directive was introduced in 2013, considerable work to tackle human trafficking enabled or facilitated online has been undertaken, including the Online Safety Act 2023. We will continue to monitor how effective government policy and law enforcement response is to tackling human trafficking and sexual exploitation facilitated online. This includes assessing the impact of the Online Safety Act, working closely with law enforcement partners on their response and as the E-Commerce Regulations are complementary to the online harms workstream, the Home Office will assess the use of the E-Commerce Directive through this ongoing work to tackle online enablers, without the need of a statutory five-year review.

10.4 As this instrument is only made under the relevant European Union Acts (as defined at 13.1), no review clause is required.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument was laid in draft for sifting under its current title on 24th February 2026. The Sifting Committees approved the instrument should proceed as a negative SI.

11.2 The powers being exercised in this instrument are those conferred to revoke secondary assimilated law in section 14(1) of the Retained EU Law (Revocation and Reform) Act 2023.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is made under section 14(1) of the Retained EU Law (Revocation and Reform) Act 2023 and therefore relates to the reform of assimilated law. The Electronic Commerce Directive (Trafficking People for Exploitation) Regulations 2013 and the Trafficking People for Exploitation Regulations 2013 were assimilated into law in January 2024. The Minister has made any relevant statement, below, under the 2023 Act.

13.2 The Minister for Safeguarding and Violence Against Women and Girls, Jess Phillips, has made the following statement regarding use of legislative powers in the Retained EU Law (Revocation and Reform) Act 2023:

"In my view the Trafficking People for Exploitation (Amendment) Regulations 2026 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure)".

13.3 This is the case because this instrument simply revokes pieces of secondary assimilated law that are obsolete, redundant or inoperable following the United Kingdom's exit from the European Union. The instrument is expected to have no, or no significant, impact.