

Criminal Justice Committee  
Wednesday 4 March 2026  
9th Meeting, 2025 (Session 6)

## Note by the Clerk on the Human Trafficking and Exploitation (Duty to Notify) (Scotland) Regulations 2026 (SSI 2026/60)

### Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

**Title of instrument:** [The Human Trafficking and Exploitation \(Duty to Notify\) \(Scotland\) Regulations 2026](#)

**Laid under:** section 38(3),(4) and (6) of the [Human Trafficking and Exploitation \(Scotland\) Act 2015](#)

**Laid on:** 6 February 2026

**Procedure:** Negative

**Deadline for committee consideration:** 16 March 2026 (Advisory deadline for any committee report to be published)

**Deadline for Chamber consideration:** 17 March 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

**Commencement:** 1 February 2027

### Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
  - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
  - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.

5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).
6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

## **Delegated Powers and Law Reform Committee consideration**

7. The DPLR Committee (DPLRC) considered the instrument on 24 February 2026 and reported on it in its [21st Report, 2026](#).
8. The DPLRC's report notes that the instrument is made under [section 38](#) of the Human Trafficking and Exploitation (Scotland) Act 2015 which was commenced for the purpose of making regulations in May 2016. These regulations have been made nearly 10 years later, and will not come into force until next year (on 1 February 2027).
9. The DPLRC [asked the Scottish Government](#) about the time that has passed between the regulation-making power being commenced and exercised.
10. This DPLRC's interest is in whether enabling powers are being exercised as Parliament expected when conferring them. This includes considering whether they have been exercised in an unexpectedly limited way, or unexpectedly slowly, which may engage reporting ground (g) (unusual or unexpected use of powers).
11. The Scottish Government indicated that, among other things, the work was paused due to the COVID-19 pandemic and competing priorities, and that additional regulations will be laid on 5 March 2026 which will further partially commence the provision.
12. **The DPLRC's report draws this instrument to the attention of the Parliament on the general reporting ground, due to the length of time that has passed between Parliament enacting section 38 of the Human Trafficking and Exploitation (Scotland) Act 2015, and the Scottish Government exercising the powers to make these regulations and to bring section 38 fully into force.**
13. **The DPLRC also highlights the Scottish Government's explanation to the lead committee.**

## **Purpose of the instrument**

14. The purpose of the instrument is to specify the public authorities who will be required to notify the Chief Constable of Police Scotland of a person who is or appears to be a victim of human trafficking, slavery, servitude and forced or compulsory labour.

15. The Regulations also specify those persons to whom the chief constable will in turn be required to provide information about victims of these offences.
16. 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.
17. 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.
18. 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.
19. The Policy Note accompanying the instrument is included in the **Annexe**. It includes a summary of consultation undertaken on the instrument, any impact assessments carried out and the anticipated financial effects.

## **Committee consideration**

20. So far, no motion recommending annulment has been lodged.
21. Members are invited to consider the instrument and decide whether there are any points they wish to raise.
22. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
23. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee**  
**February 2026**

## **Annexe B: Scottish Government Policy Note**

### **Human Trafficking and Exploitation (Duty to Notify) (Scotland) Regulations 2026 (SSI 2026/60)**

The above instrument was made in exercise of the powers conferred on them by section 38(3), (4) and (6) of the Human Trafficking and Exploitation (Scotland) Act 2015 (the '2015 Act'). The instrument is subject to a negative procedure.

#### **Summary Box**

The purpose of the instrument is to specify the public authorities who will be required to notify the Chief Constable of the Police Service of Scotland of a person who is or appears to be a victim of human trafficking, slavery, servitude and forced or compulsory labour; make provisions about information to be included in these notifications; specify the bodies or organisations whom the chief constable must then notify and the information to be contained in that notification.

#### **Policy Objectives**

The statistics from the National Referral Mechanism (NRM), published by the Home Office on quarterly and annual bases, serve as the primary source of data on slavery, human trafficking and exploitation in the UK and in Scotland. The NRM is the UK's framework for identifying and supporting potential victims of human trafficking and exploitation. Only designated "First Responders" (such as Police, Local Authorities, and certain Non- Governmental Organisations) can refer individuals into the NRM in Scotland. Adults must give consent before referral, while children are referred automatically. These statistics serve as the main source of data that informs and assists with human trafficking and exploitation strategies across all administrations in the UK.

Section 38 of the 2015 Act makes it a duty for specified Scottish public authorities to notify the Chief Constable of the Police Service of Scotland, and for the Chief Constable to thereafter notify other specified bodies about a person who is or appears to be a victim of human trafficking or slavery, servitude, or forced/compulsory labour. Section 38 allows Scottish Ministers to specify by regulations which Scottish public authorities must notify the Chief Constable and which specified bodies the Chief Constable must notify upon receiving information. Additionally, Section 38 allows Scottish Ministers to specify what information should be contained in both types of notifications. These regulations specifying who must make and receive notifications, and specifying the information contained within these notifications, are referred to as the 'Duty to Notify Regulations'.

The purpose of these notifications is to capture information about potential victims of human trafficking. By collating this data, a more accurate picture of trafficking trends can be provided and this will support the early identification of emerging trends and patterns and strengthen Scotland's ability to develop evidence-based policies on human trafficking. The duty to notify therefore does not have any impact on individual cases where the victim is referred into the NRM.

Regulation 3 of the Duty to Notify Regulations provides for specified bodies who must notify the Chief Constable that a person is a victim, beyond traditional First Responders. This reflects a strategic aim to capture a fuller picture of human trafficking and exploitation in Scotland. Placing the duty on those specified Scottish public authorities captures information and data about potential victims in diverse settings, such as health services, local authorities, and other agencies.

Regulation 4 of the Duty to Notify Regulations ensures a standardised approach in notifications sent to the Chief Constable, with Schedule 1 identifying what information held by the specified public authority should be part of the notification. The information to be included in a notification was determined during consultation on the Duty to Notify Regulations, and is designed to provide consistent high-level information to support analysis regarding the forms of exploitation being encountered, shifts in trafficking routes or methods, geographical hotspots, and changes in the demographic profile of victims.

Regulation 5 specify those persons the Chief Constable must notify about the information. These are organisations who can play a role in Scotland's wider strategic and operational response to human trafficking. Schedule 2 provides for the information to be included in the notifications by the Chief Constable. This will ensure the information received by third parties is consistent, anonymised, and provide high-level indicators. Sharing this information supports robust trend analysis, identification of emerging risks, and strengthens Scotland's capacity for informed decision-making regarding human trafficking.

Regulation 7 ensures the confidentiality of victims so they cannot be identified in any information included in either of the notifications. The Duty to Notify Regulations do not have an impact on any individual case where the victim has been referred to the NRM, whether it is a child who is automatically referred or an adult who has consented to being referred into the NRM.

## **UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 the Scottish Ministers certify that, in their view, the Human Trafficking and Exploitation (Scotland) Act 2015 (Duty to Notify) Regulations is compatible with the UNCRC requirements as defined by section 1(2).

Section 11 of the Human Trafficking and Exploitation (Scotland) Act requires Scottish Ministers to appoint an independent child trafficking guardian for any child who is believed to be a victim (or potential victim) of trafficking and has no parent or guardian in the UK. Once a local authority makes that determination, they must quickly refer the child so a guardian can be appointed. The guardian must be completely independent, act in the child's best interests, and public bodies must cooperate and share relevant information with them.

Section 12 requires authorities to treat a person as a child if they may be a victim of trafficking and there are reasonable grounds to believe they might be under 18, until a formal age assessment is completed. This ensures immediate access to child-specific protections and support. It applies to local authorities and Health Boards, and covers duties under key child-welfare legislation. Ministers can update which authorities and laws are included through regulations.

The Duty to Notify Regulations does not amend, replace, or otherwise impact these arrangements, nor does it introduce, remove, or modify any rights, entitlements, or services relating to children. On this basis, the proposal does not constitute a “decision of a strategic nature relating to the rights and wellbeing of children” within the meaning of the UNCRC (Incorporation) (Scotland) Act 2024.

## **EU Alignment Consideration**

Directive 2011/36/EU on preventing and combating trafficking in human beings established the standards expected for EU Member States on prosecution, victim protection, and data collection. Article 19a was inserted into Directive (by Directive 2024/1712/EU) with a provision relating to data collection and statistics:

“Member States shall ensure that a system is in place for the recording, production and provision of anonymised statistical data to monitor the effectiveness of their systems to combat offences referred to in this Directive”.

The 2015 Act is the primary legislation through which Scotland maintains its alignment with Directive 2011/36/EU as amended. The Duty to Notify Regulations will deliver ongoing alignment with Article 19a in this specific area, by ensuring a robust and EU-consistent approach to the collection of statistical data, leading to delivery of a broader strategic understanding of trafficking and exploitation in Scotland.

## **Consultation**

The content of these Duty to Notify Regulations has been subject to consultation and engagement with stakeholders. A public consultation was launched on 16 June 2019 and closed on 6 September 2019, supported by a range of engagement activities including consultation events, letters, online surveys, a trial implementation of the duty, and a victim and survivor questionnaire.

A further targeted consultation was undertaken in 2025 with the public bodies most directly affected, and partners in the trafficking sector. This exercise focused on confirming which bodies should be named in the regulations, the information to be recorded, onward sharing arrangements, and the content of onward notifications. Views were also sought on guidance and training requirements to ensure implementation would be proportionate, practical, and effective. The regulations were informed by feedback from respondents during the consultation.

The Duty to Notify Regulations will initially be commenced to apply to those adults who have not consented to being referred to the NRM. This will ensure that data about them is obtained which is not currently obtained and it will complement the

statistics already produced by the Home Office on the victims who have entered the NRM.

## Impact Assessment

For the laying of the Duty to Notify Regulations, the following impact assessments have been undertaken.

- [Equalities Impact Assessment \(EQIA\)](#)
- Legislation Data Protection Impact Assessment (DPIA)
- [Children's Rights and Wellbeing Impact Assessment \(CRWIA\)](#)

## Financial Effect

The commencement of the Duty to Notify Regulations is not expected to generate significant additional costs. As an administrative information-sharing requirement, it will be delivered through existing platforms and established operational processes. The Duty to Notify Regulations do not introduce new statutory obligations around workforce training or service delivery. Current training materials and operational guidance already support the relevant functions across public bodies and can be updated as required to reflect the new duty. Any further guidance needed to ensure consistent implementation will be developed collaboratively between the Scottish Government and affected public bodies, making use of existing resources and established channels.

The Minister for Victims and Community Safety has confirmed that no Business and regulatory impacts assessment is necessary as the Duty to Notify Regulations has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Justice Directorate  
*February 2026*