
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in terms of sections 9(2)(b)(i) and 10(1) of the Human Trafficking and Exploitation (Scotland) Act 2015 (“the Act”).

Section 9(2)(b)(i) empowers the Scottish Ministers to specify the period during which the Scottish Ministers must secure for the adult the provision of such support and assistance as they consider necessary given the adult’s needs, where there are reasonable grounds to believe that that adult is a victim of an offence of human trafficking. Regulation 2 specifies the period as 90 days.

Section 10(1) empowers the Scottish Ministers to make provision about providing support and assistance to an adult who is, or appears to be, a victim of an offence under section 4 of the Act (slavery, servitude and forced or compulsory labour). In terms of section 10(2), these Regulations may contain provision about the method of determining whether an adult is, or appears to be, a victim of an offence under section 4, the period during which support and assistance must be provided, the period during which support and assistance may be provided, the types of support and assistance to be provided, and the manner in which the support and assistance is to be provided.

Regulation 3 provides that where the Scottish Ministers are satisfied that there are reasonable grounds to believe that an adult is a victim of an offence under section 4, then a suite of support and assistance must be provided for up to 90 days. The Scottish Ministers may provide further support and assistance for such a period as they think appropriate.