



# Human Trafficking and Exploitation (Scotland) Act 2015

2015 asp 12

## PART 5

### STRATEGY AND REPORTING

#### **35 Trafficking and exploitation strategy**

- (1) The Scottish Ministers must prepare a trafficking and exploitation strategy.
- (2) A trafficking and exploitation strategy is a strategy which sets out such actions, arrangements and outcomes as the Scottish Ministers consider appropriate in relation to the conduct which constitutes an offence under this Act.
- (3) The strategy may in particular set out—
  - (a) actions to raise awareness of the conduct which constitutes an offence under this Act,
  - (b) arrangements to facilitate the detection and prevention of that conduct, and
  - (c) support and assistance which is, or is to be, available (whether under section 9, 10 or otherwise) to adults or children who are, or appear to be, victims of an offence under this Act.

#### **36 Review and publication of strategy**

- (1) The Scottish Ministers must review the strategy prepared under section 35 before the end of the period of 3 years beginning with—
  - (a) the date on which the strategy was last published, or
  - (b) if subsequent to that date a report was prepared under subsection (2)(a) but the strategy was not revised under subsection (2)(b), the date of the most recent report.
- (2) Following a review under subsection (1), the Scottish Ministers—
  - (a) must prepare a report on the review, including in particular Ministers' assessment of the extent to which the strategy has been complied with, and
  - (b) may revise the strategy.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) If, following a review, the Scottish Ministers decide not to revise the strategy under subsection (2)(b), the report prepared under subsection (2)(a) must set out their reasons for not doing so.
- (4) Before preparing or reviewing the strategy, the Scottish Ministers must consult such persons as they consider likely to have an interest in the strategy.
- (5) The Scottish Ministers must—
  - (a) publish the strategy within 1 year of section 1 coming into force,
  - (b) publish each revision of the strategy,
  - (c) publish each report prepared under subsection (2)(a), and
  - (d) lay before the Scottish Parliament—
    - (i) a copy of the strategy and each revision of the strategy, and
    - (ii) each report prepared under subsection (2)(a).

### **37      Duty to co-operate on strategy**

- (1) A specified Scottish public authority must—
  - (a) provide such information and assistance to the Scottish Ministers as they may reasonably require, and
  - (b) otherwise co-operate with the Scottish Ministers,
 in the preparation of the strategy under section 35 and the review of the strategy under section 36.
- (2) The Scottish Ministers may by regulations specify a Scottish public authority for the purposes of subsection (1).

### **38      Duty to notify and provide information about victims**

- (1) A specified Scottish public authority must notify the chief constable of the Police Service of Scotland about a person who is, or appears to be, a victim of an offence of human trafficking or an offence under section 4.
- (2) A notification under subsection (1) relating to an adult must not include information that—
  - (a) identifies the adult, or
  - (b) enables the adult to be identified (either by itself or in combination with other information),
 unless the adult consents to the inclusion of that information.
- (3) The Scottish Ministers may by regulations—
  - (a) specify a Scottish public authority for the purposes of subsection (1),
  - (b) make provision about information to be included in a notification.
- (4) After receiving a notification under subsection (1), the chief constable of the Police Service of Scotland must notify a person who may be specified by regulations made by the Scottish Ministers about the person who is, or appears to be, a victim of an offence of human trafficking or an offence under section 4.
- (5) A notification under subsection (4) relating to an adult must not include information that—

- (a) identifies the adult, or
  - (b) enables the adult to be identified (either by itself or in combination with other information),
- unless the adult consents to the inclusion of that information.
- (6) Regulations under subsection (4) may make provision about information to be included in a notification.