



# Human Trafficking and Exploitation (Scotland) Act 2015

## 2015 asp 12

### PART 5

#### STRATEGY AND REPORTING

#### **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.

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*Changes to legislation: Human Trafficking and Exploitation (Scotland) Act 2015, Section 38 is up to date with all changes known to be in force on or before 05 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(6) Regulations under subsection (4) may make provision about information to be included in a notification.

**Commencement Information**

**II** S. 38 in force at 31.5.2016 for specified purposes by S.S.I. 2016/128, reg. 2, Sch.

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(10) inserted by [2023 c. 37 s. 28\(3\)](#)
- s. 10(3) inserted by [2023 c. 37 s. 28\(4\)](#)