
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 90

**The Human Trafficking and Exploitation (Scotland)
Act 2015 (Support for Victims) Regulations 2018**

Support and assistance: victims of an offence under section 4 of the Act

3.—(1) This regulation applies where there are reasonable grounds to believe that an adult is a victim of an offence under section 4 (slavery, servitude and forced or compulsory labour) of the Act.

(2) Where this regulation applies, the Scottish Ministers must, during the relevant period, secure for the adult the provision of such support and assistance as they consider necessary given the adult's needs.

(3) For the purposes of this regulation the relevant period—

(a) begins on the date it is determined that there are reasonable grounds to believe that the adult is a victim of an offence under section 4; and

(b) ends on the earlier of the following—

(i) the end of the period of 90 days from that date; or

(ii) the date on which there is a conclusive determination that the adult is or is not a victim of an offence under section 4.

(4) The Scottish Ministers may also secure the provision of such support and assistance as they consider necessary given the adult's needs—

(a) during the period in which a competent authority is determining whether or not there are reasonable grounds to believe that the adult is a victim of an offence under section 4;

(b) where the relevant period in relation to the adult ends by virtue of sub-paragraph (3)(b) (i), during the period until there is a conclusive determination that the adult is or is not a victim of an offence under section 4;

(c) for such period as they think appropriate after there is a conclusive determination.

(5) Support and assistance may be provided under this regulation in connection with (but is not limited to) the following—

(a) accommodation;

(b) day to day living;

(c) medical advice and treatment (including psychological assessment and treatment);

(d) language translation and interpretation;

(e) counselling;

(f) legal advice;

(g) information about other services available to the adult;

(h) repatriation.

(6) In securing the provision of support and assistance under this regulation to an adult, the Scottish Ministers must ensure that—

(a) support and assistance is only provided where the adult consents; and

- (b) the provision of support and assistance is not made conditional on the adult assisting with a criminal investigation or prosecution.
- (7) For the purposes of this regulation—
 - (a) there are reasonable grounds to believe that the adult is a victim of an offence under section 4 if a competent authority has determined that there are such grounds;
 - (b) there is a conclusive determination that an adult is or is not a victim of an offence under section 4 when a competent authority concludes that the adult is or is not such a victim.
- (8) In this regulation “competent authority” means a person who is a competent authority of the United Kingdom for the purposes of the Council of Europe Convention on Action against Trafficking in Human Beings (done at Warsaw on 16th May 2005).