

[Prostitution Tolerance Zones \(Scotland\) Bill](#)

Bill Number: SP Bill 7
Introduced on: 8 September 2003
Introduced by: Margo MacDonald (Member's Bill)
Withdrawn: 30 November 2005

Passage of the Bill

The [Prostitution Tolerance Zones \(Scotland\) Bill](#) [SP Bill 7] was introduced in the Parliament on 8 September 2003. Stage 1 commenced on 2 March 2004 with the Local Government and Transport Committee as the lead committee. There was no Stage 1 debate on the general principles of the Bill. The Bill was withdrawn on 30 November 2005

Purpose and objectives of the Bill

The Bill proposed to give local authorities the power to designate 'tolerance zones' within which soliciting, loitering or importuning by prostitutes for the purposes of prostitution would not be an offence under the Civic Government (Scotland) Act 1982.

Other stated objectives of the Bill were:

- to enable the police, health boards and local authorities to ensure that prostitution is practised in as orderly, secure and tolerable a manner as possible
- to minimise the opportunities for associated criminal behaviour
- to maximise the practice of safer sex and to promote public health policies

The objectives of the Bill were the same as those for the [Prostitution Tolerance Zones \(Scotland\) Bill](#) [SP Bill 67], introduced by Margo MacDonald on 28 October 2002.

Provisions of the Bill

The main provision of the Bill was to allocate power to local authorities to designate areas as tolerance zones. In order to do this a local authority would have to go through the specified consultation process.

Provisions were made to allow for appeals to be made by anyone aggrieved by the making of a tolerance zone designation, and for the police working within an area where the tolerance zone is located to apply to the local authority to have the zone suspended or modified.

The Bill also specified that nothing done in a public place lying within a prostitution tolerance zone, during such times as that zone is in operation, would lead to an offence being committed under Section 46 of the Civic Government (Scotland) Act 1982.

Parliamentary consideration

An expert group on prostitution was set up by the Scottish Executive in 2003 as a result of an earlier Bill introduced by Margo MacDonald in 2002. Margo MacDonald was a member of the expert group. Evidence at stage 1 began in March 2004. A key issue for consideration of the Bill was when the expert group would report and what the Scottish Executive response to the group's findings would be. The Local Government and Transport Committee resolved to consider all information before agreeing to the general principles of the Bill at stage 1.

The expert group published its report, fully supported by Margo MacDonald, for consultation in March 2005. It recommended that criminalisation of soliciting should be replaced by a legal focus on offensive behaviour arising from a prostitution-related sexual transaction. In response to the expert group, on 1 November 2005 the Scottish Executive undertook to create a new offence focusing on the nuisance or harm arising from street prostitution-related activities, whether caused by seller or purchaser. This offence was to replace the existing soliciting offence.

As a consequence, the Member's Bill was withdrawn on 30 November 2005.