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Audrey Nicoll MSP  
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The Scottish Parliament  
Edinburgh  
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9 December 2025

Dear Convener,

### **Prostitution (Offences and Support) (Scotland) Bill**

Thank you for your letter of 27 November 2025 inviting further reflections on the Prostitution (Offences and Support) (Scotland) Bill, particularly in light of Ms Regan's reference to our recent meeting. My officials were able to observe Ms Regan's evidence session on 26 November.

The Crown Office and Procurator Fiscal Service (COPFS) supports the policy objectives of the Bill to reduce the demand for prostitution in Scotland, criminalise the buying of sex "off street", and provide support and assistance to people who are or have been in prostitution. I am acutely aware that women involved in prostitution are disproportionately likely to be victims of serious violent offences, sexual violence, and domestic abuse. Conversely, those who purchase sex, whether on or off the street, are statistically more likely to perpetrate domestic abuse and other forms of violence against women and girls. It is therefore essential that the issue is considered within the broader context of public interest and societal harm.

Having reviewed section 1 of the proposed Bill, I am satisfied that the drafting of the offence is clear and, as it stands, is both enforceable and workable from a prosecutorial perspective. However, it is important to acknowledge that the proposed offence is far-reaching and will be resource-intensive to implement. While the offence is enforceable, the practical reality of raising prosecutions presents challenges. As with other sexual offences and domestic abuse cases, which often occur in private, evidential difficulties are likely to arise. These challenges, though significant, are not insurmountable.



Ms Regan has indicated that she does not anticipate relying on those exploited by prostitution to give evidence in every case but accepts that there will be occasions where such testimony may be required. As highlighted in COPFS's written submission and Dr Emma Forbes's evidence, it may be particularly difficult to prove offences where exploited individuals are unwilling to participate. In such circumstances, police will need to rely on alternative forms of evidence, such as analysis of mobile phones and surveillance. This will inevitably place additional demands on already stretched resources, particularly in relation to cybercrime, where other cases - such as those being prepared for prosecution in the High Court - will take priority.

It is also important to emphasise that securing evidence from exploited women is only realistic if the support provisions within the Bill are fully resourced and accessible. My experience across sexual violence and domestic abuse demonstrates that, without robust support for victims, securing evidence is extremely challenging. Support for women is therefore critical, not only for the practicalities of prosecution, but also to enable them to give evidence safely and with confidence.

While these challenges do not render the offence unenforceable, it is important to manage expectations. The practical reality may be that the number of prosecutions is lower than some might hope.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,

**THE RIGHT HONOURABLE DOROTHY BAIN KC**  
**LORD ADVOCATE**