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Criminal Justice Committee
Scottish Parliament
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Dear Convener,

Prostitution (Offences and Support) (Scotland) Bill and Prevention of Domestic Abuse (Scotland) Bill

Following the recent evidence session from Ash Regan MSP I wanted to provide some further information to the committee. I do not believe that fundamental concerns I raised have been answered including primarily the safety of women, but also around key components of the Bill and the ability of Police Scotland to effectively enforce the legislation given the complexities of criminal activity both on-street and online.

Regarding the statutory right to support which is a key element of the bill, the Scottish Government would remind the Committee this is a members' bill, so it is not for the Scottish Government to determine what the make up of that support would constitute and how it should be delivered.

In addition as I said clearly at the Committee if we were to do so we would need time to engage and consult with stakeholders, agencies, and women in, and who have exited, prostitution to develop what such support should look like, what the eligibility would be and what the costs would be – which are vital for the Committee to understand. That is not something the government can do in the time ahead of Stage 2 given the short time left in the parliamentary session. If this was a Scottish Government bill, this would have been done in advance and within the original bill so that the Committee and public could understand what was involved and what would be delivered. Given the very wide scope and longevity of support that is suggested, with no detail as to how eligibility would be defined or assessed, this is not an area that requires simple amending of legislation but rather development of an entire system of support.

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Without such detail it is difficult to comment with certainty on the assertion that a delivery and implementation plan be presented to the Parliament within three months of Royal Assent, as Ms Regan said she would be bringing in an amendment to state, but this appears to be incredibly ambitious and unrealistic for the next government which would need to deliver within weeks of being formed, given the need for wide engagement with a range of stakeholders on this issue, and a number of others raised during scrutiny to date.

I also noted Ms Regan's comment that this Bill was 'on the slate to be a Government Bill'. While the potential for legislation has and continues to be discussed, there has not been any development of an actual Bill and therefore the specific drafting issues have not been considered and no commitment to a Government Bill was ever made.

I am happy to provide the Committee with any further information as part of your deliberations over Stage 1.

Yours sincerely,



SIOBHIAN BROWN