

Audrey Nicoll MSP
Criminal Justice Committee
The Scottish Parliament

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By email only: prostitutionoffencesandsupportbill@parliament.scot,
justice.committee@parliament.scot, Sean.Wixted@parliament.scot

Re: Prostitution Statistics

Dear Ms. Nicoll

I refer to your letter of 11 November 2025 and note that the Scottish Parliament is considering legislation which would criminalise the buyer of sexual acts and no longer criminalise the seller.

The [Criminal Law \(Sexual Offences\) Act 2017](#) introduced a new criminal offence in Ireland, namely the offence of “*Payment etc. for sexual activity with prostitute*”. This is a summary only offence (a minor offence which may only be prosecuted in the District Court) and is prosecuted under [section 7A](#) of the [Criminal Law \(Sexual Offences\) Act 1993](#), as amended by the 2017 legislation. This section was enacted on 27 March 2017.

Since its enactment in 2017, our records indicate 78 prosecutions were initiated under section 7A in respect of 113 individuals. Due to the summary only nature of the offence which may be prosecuted by members of our police service (An Garda Síochána), this Office does not have data regarding how many of these individuals were convicted. The Courts Service of Ireland may have these figures. It is also possible that there are further prosecutions that may not have been captured by our case management system, where this offence may have been prosecuted as part of a suite of offences and the specificity of this minor offence might be missed. For example, this offence may be prosecuted with other more serious sexual offences or human trafficking offences.

It is noted that the submission of An Garda Síochána references challenges in prosecuting offences in the absence of an admission by the suspect. Such an admission is not required under the legislation, and it is not a pre-requisite for directing a prosecution, but in practice it can be difficult to pursue these cases in the absence of an admission. Evidence of the offence can also be obtained through witness statements.

As you will be aware, the Department of Justice in Ireland published an extensive review of section 7A in March 2025. A representative of this Office was interviewed as part of the review and we refer you to pages 58-59 of the report for the following summary of the interview:

"The dialogue with the Office of the Director of Public Prosecutions (ODPP) highlighted their view that, as currently drafted, s.7A is a difficult offence to prove, resulting in a low number of prosecutions relative to the number of incidents investigated. Cases encountered refer to the person engaged in the sexual activity for payment as women, with, to date, no minors encountered.

The necessary 'proofs' for a purchase of sex offence include the offer of the sexual activity, the exchange of money or other remuneration by the purchaser and the fact of subsequent sexual activity. The missing 'proof' is the establishment of the fact that the offer and activity is from and with a person selling sex. However corroborative evidence can be presented if a Garda can establish a profile picture of the person selling sex sourced on an online 'escort' website or that there is an admission from the person offering the sexual activity that s/he is involved in the sale of sex. Also, the duration of the visit by the purchaser, noting the time that the purchaser entered the premises and the time of exiting it can be corroborative.

The interviewee from the ODPP stated that An Garda Síochána are permitted to place a premises under surveillance, where they have gathered information that the sale of sexual services is occurring within it. The alleged purchaser is stopped by the Gardaí carrying out the surveillance and 'cautioned' that the purchase of sexual services is an offence. However, if the suspected purchaser of sexual services refuses to admit or confirm the allegations put to them by Gardaí the latter have no power to stop them walking away. Without an admission, the evidence available to the investigating Garda is factual only and does not have the 'mental element' of the offence i.e., the alleged purchaser's 'intent' to commit the offence. The collection of evidence causes difficulties. For instance, in relation to directing or controlling the activities of a prostitute. It is very difficult to establish the necessary coercion element, especially if the person spoken to states that they are not coerced.

Section 7A is a summary offence and is not what is defined as 'an arrestable offence'¹⁰⁵. Questions may be and are raised by defence representatives of persons accused of being a purchaser of sexual services, where the reliability of any admissions given by the alleged purchaser when stopped by Gardaí are challenged. Where any admissions in such circumstances arise, they must be recorded by the questioning Garda 'under caution' as per the law emanating from the Judges Rules¹⁰⁶. An Garda Síochána noted that it is not ideal for such exchanges and admissions to take place on the roadside or in a public street setting."

Please do not hesitate to contact me if you have any further questions.

Yours sincerely,


Marion Berry
Deputy Director

