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Stuart McMillan MSP
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Delegated Powers and Law Reform Committee
The Scottish Parliament
Edinburgh
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15 October 2025

Dear Convener,

Prostitution (Offences and Support) (Scotland) Bill

Thank you for your letter of 2 October 2025, addressed to the Cabinet Secretary for Justice and Home Affairs.

You will be aware that the Scottish Government has not reached a final position on the Bill and is awaiting the outcome of the Stage 1 considerations before doing so. We do however have some concerns about the absence of detail regarding the provision of assistance and support under section 6(1) and the related regulation making power under section 7 (1).

I note that, under section 6(2)(b), the provisions at section 6 are to apply retrospectively if a person 'was in prostitution any time before or after coming into force of this section.' In addition, section 6(6) provides that 'where assistance and support has been provided to any person under this section, it may continue to be provided even if that person leaves Scotland.'

There are of course inherent challenges in the provision of statutory services if not implemented correctly. Consequently, consideration should be given to the kind of delivery of the assistance and support referred to in section 6 (including how that would work in practice, for how long and the associated costs involved) before a duty to provide these services is imposed on Scottish Government Ministers under this Bill.

At this stage and without further detailed consideration or explanation, the Scottish Government remains concerned at the breadth of uncoded and potentially open-ended responsibility envisaged being placed on support services and the wider public sector where we know the challenges from the current economic climate are having an impact.

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Finally, I would also refer you to [Prostitution \(Offences and Support\) \(Scotland\) Bill | Scottish Parliament Website](#), and the correspondence I have had with the Convener of the Criminal Justice Committee, which provides more detail on the concerns that I identified earlier.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Siobhian Brown', with a long horizontal flourish extending to the right.

SIOBHIAN BROWN

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