

# Prostitution (Offences and Support) (Scotland) Bill

[AS INTRODUCED]

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**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:  
Explanatory Notes (SP Bill 69-EN), a Financial Memorandum (SP Bill 69-FM), a Policy  
Memorandum (SP Bill 69-PM), a Delegated Powers Memorandum (SP Bill 69-DPM) and  
statements on legislative competence (SP Bill 69-LC).**

# Prostitution (Offences and Support) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make it an offence to obtain the performance of sexual acts by a person; to repeal offences of solicitation and provide for the quashing of certain convictions for offences of solicitation; to provide for support for persons in prostitution; and for connected purposes.

5                                    *Offence of paying for the performance of a sexual act by a person*

## 1        **Offence of paying for the performance of a sexual act by a person**

(1) A person (“A”) commits an offence if it can be reasonably inferred that A has obtained or intended to obtain for themselves the performance of a sexual act by another person (“B”) and—

10                                    (a) A makes or promises payment for the performance of that act to B or to a third person, or

(b) another person makes or promises payment for the performance of that act to B or to a third person and before obtaining the performance of that act A knows that another person has made or promised such a payment.

15        (2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both,

(b) on conviction on indictment, to imprisonment for a term not exceeding 12 months or a fine or both.

20        (3) B does not commit an offence by doing anything which (apart from this subsection) would amount to—

(a) the commission of an offence under this section by B as art and part, or

(b) aiding, abetting, counselling, procuring or inciting the commission of an offence under this section by A.

*Repeals of certain offences relating to prostitution***2 Repeal of the offence of soliciting and importuning by prostitutes**

Section 46 of the 1982 Act is repealed.

**3 Repeals: further provision**

(1) Despite sections 16 and 23A of the Interpretation Act 1978, on or after the relevant date—

(a) no person can be convicted of or found to have committed a relevant offence, and

(b) no penalty may be imposed on a person in respect of a relevant offence of which that person was convicted prior to the relevant date.

(2) Subsection (1) applies, but is not limited, to any prosecution brought (whether before, on or after the relevant date) under section 119 or section 185 of the Criminal Procedure (Scotland) Act 1995.

(3) In proceedings for a relevant offence begun before, but not determined by, the relevant date, the person charged in the proceedings may be convicted of a different offence if the facts proved in the proceedings amount to that different offence.

(4) In subsection (3), “different offence” means a statutory offence other than a relevant offence.

(5) In this section—

“relevant date” means the date on which this section comes into force,

“relevant offence” means an offence under section 46 of the 1982 Act.

*Quashing of historic convictions for certain offences relating to prostitution***4 Quashing of convictions for relevant historic offences**

(1) A conviction to which this section applies is quashed on the coming into force of this section.

(2) This section applies to a conviction in Scotland which—

(a) is for a relevant historic offence, and

(b) took place before the coming into force of this section.

(3) In this section, “relevant historic offence” means an offence under section 46 of the 1982 Act.

**5 Quashing convictions: further provision**

(1) The Scottish Ministers must require Police Scotland and the Scottish Courts and Tribunals Service to amend any official criminal record or database under their control that contains information about the conviction to reflect the quashing of convictions under section 4(1).

(2) Police Scotland or, as the case may be, the Scottish Courts and Tribunals Service, must provide the Scottish Ministers with confirmation that any record or database (as the case may be) has been amended to reflect the quashing of convictions under section 4(1).

- (3) On receipt of a request from an individual who has had a conviction under section 46 of the 1982 Act, the Scottish Ministers must send a letter of confirmation to the individual.
- (4) The letter of confirmation must state that the individual's conviction has been quashed in accordance with the provisions of this Act.

*Right to assistance and support*

**6 Right to support**

- (1) The Scottish Ministers must ensure that a person falling within subsection (2) is provided with assistance and support in accordance with this section.
- (2) A person falls within this subsection if—
- (a) the person is in prostitution, or
  - (b) the person was in prostitution at any time before or after the coming into force of this section.
- (3) The assistance and support provided to a person under this section—
- (a) may not be made conditional on the person acting as a witness in any criminal proceedings,
  - (b) may be provided only with the agreement of that person, and
  - (c) must be provided in a manner which takes due account of the needs of that person as regards safety and protection from harm.
- (4) Nothing in this section affects the entitlement of any person to assistance and support under any other statutory provision.
- (5) The assistance and support which may be provided under this section includes, but is not to be restricted to, the provision of—
- (a) appropriate and safe accommodation,
  - (b) material assistance (including financial assistance),
  - (c) assistance in obtaining healthcare services (including counselling),
  - (d) appropriate information on any matter of relevance or potential relevance to the particular circumstances of the person,
  - (e) translation and interpretation services,
  - (f) assistance in obtaining legal advice or representation.
- (6) 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.
- (7) For the purposes of this section, a person is in prostitution if, on at least one occasion and whether or not compelled to do so, that person has been in the position of “B” for the purposes of section 1(1).

**7 Regulations about assistance and support**

- (1) The Scottish Ministers may by regulations make provision for or in connection with the provision of assistance and support in accordance with section 6.

- (2) Regulations under this section may, in particular, make provision about—
- (a) eligibility criteria for the receipt of assistance and support,
  - (b) conditions that may or must be imposed when providing assistance and support,
  - (c) conferring functions on the following bodies—
    - (i) the Agency,
    - (ii) a Health Board,
    - (iii) an integration joint board,
    - (iv) a local authority,
    - (v) a Special Health Board,
  - (d) such administrative and procedural matters in connection with the provision of assistance and support as the Scottish Ministers consider appropriate, and
  - (e) the publication of information about support that is being or has been provided.
- (3) Before making regulations under this section, the Scottish Ministers must consult such persons as they consider likely to be interested in or affected by provisions in this section.
- (4) A power of the Scottish Ministers to make regulations under section 7(1) includes the power to make—
- (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
  - (b) different provision for different purposes.
- (5) Regulations under section 7(1) are subject to the affirmative procedure.

### *Final provisions*

## **8 Ancillary provision**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act.
- (2) Regulations under this section may make different provision for different purposes.
- (3) Regulations under this section are subject to the negative procedure.

## **9 Interpretation**

- (1) In this Act, unless the contrary intention appears—
- “the 1982 Act” means the Civic Government (Scotland) Act 1982,
  - “payment” means any financial or material benefit, whether given directly or indirectly, including but not limited to money, goods, services, the discharge of a debt provided or promised in exchange for a sexual act,
  - “performance of a sexual act” means—
    - (a) engaging in or procuring the in-person performance of any act intended to cause sexual arousal, gratification, or stimulation of any person, in exchange for payment as defined in this Act,

(b) but does not include activities such as striptease, pole dancing, lap dancing, or other erotic performances.

(2) In this Act, unless the contrary intention appears, the following terms have the meaning given by section 108 of the National Health Service (Scotland) Act 1978—

“the Agency”,

“Health Board”,

“integration joint board”,

“local authority”,

“Special Health Board”.

## **10 Commencement**

(1) This section and sections 2, 8, 9 and 11 come into force on the day after Royal Assent.

(2) The remaining provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

(3) Regulations under this section may—

(a) include transitional, transitory or saving provision,

(b) make different provision for different purposes.

## **11 Short title**

The short title of this Act is the Prostitution (Offences and Support) (Scotland) Act 2025.

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[AS INTRODUCED]

An Act of the Scottish Parliament to make it an offence to obtain the performance of sexual acts by a person; to repeal offences of solicitation and provide for the quashing of certain convictions for offences of solicitation; to provide for support for persons in prostitution; and for connected purposes.

Introduced by: Ash Regan  
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