



# Criminal Law (Consolidation) (Scotland) Act 1995

## 1995 CHAPTER 39

### PART I

#### SEXUAL OFFENCES

*Procuring, prostitution etc.*

#### **11 Trading in prostitution and brothel-keeping.**

(1) Every male person who—

- (a) knowingly lives wholly or in part on the earnings of prostitution; or
  - (b) in any public place persistently solicits or importunes for immoral purposes,
- shall be [<sup>F1</sup>guilty of an offence and liable to the penalties set out in subsection (1A)].

[<sup>F2</sup>(1A) A person—

- (a) guilty of the offence set out in subsection (1)(a) is liable—
  - (i) on conviction on indictment, to imprisonment for a term not exceeding seven years, to a fine, or to both,
  - (ii) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum, or to both,
- (b) guilty of the offence set out in subsection (1)(b) is liable—
  - (i) on conviction on indictment, to imprisonment for a term not exceeding two years,
  - (ii) on summary conviction, to imprisonment for a term not exceeding 12 months.]

(2) If it is made to appear to a court of summary jurisdiction by information on oath that there is reason to suspect that any house or any part of a house is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the court may issue

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a warrant authorising a constable to enter and search the house and to arrest that male person.

- (3) Where a male person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person, or generally, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.
- (4) Every female who is proved to have, for the purposes of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any other person, or generally, shall be liable to the penalties set out in [<sup>F3</sup>subsection (1A)(a)] above.
- (5) Any person who—
- (a) keeps or manages or acts or assists in the management of a brothel; or
  - (b) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution; or
  - (c) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel,
- shall be guilty of an offence.
- [<sup>F4</sup>(6) A person guilty of an offence under subsection (5) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding seven years, to a fine, or to both,
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum, or to both.]

#### Textual Amendments

- F1** Words in s. 11(1) substituted (13.12.2010 for specified purposes) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 45(2)(a), 206(1); S.S.I. 2010/413, art. 2, Sch.
- F2** S. 11(1A) inserted (13.12.2010 for specified purposes) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 45(2)(b), 206(1); S.S.I. 2010/413, art. 2, Sch.
- F3** Words in s. 11(4) substituted (13.12.2010 for specified purposes) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 45(2)(c), 206(1); S.S.I. 2010/413, art. 2, Sch.
- F4** S. 11(6) substituted (13.12.2010 for specified purposes) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 45(2)(d), 206(1); S.S.I. 2010/413, art. 2, Sch.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(8) added by [2010 asp 13 s. 200\(2\)\(a\)](#)
- s. 45(6) added by [2010 asp 13 s. 200\(2\)\(c\)](#)
- s. 46(5) added by [2010 asp 13 s. 200\(2\)\(d\)\(ii\)](#)