



# Prostitution (Public Places) (Scotland) Act 2007

2007 asp 11

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 28th February 2007 and received Royal Assent on 5th April 2007**

An Act of the Scottish Parliament to make new provision in relation to prostitution in public places; and for connected purposes.

VALID FROM 15/10/2007

## **1 Offences relating to prostitution**

- (1) A person (“A”) who, for the purpose of obtaining the services of a person engaged in prostitution, solicits in a relevant place commits an offence.
- (2) For the purposes of subsection (1) it is immaterial whether or not—
  - (a) A is in or on public transport,
  - (b) A is in a motor vehicle which is not public transport,
  - (c) a person solicited by A for the purpose mentioned in that subsection is a person engaged in prostitution.
- (3) A person (“B”) who loiters in a relevant place so that in all the circumstances it may reasonably be inferred that B was doing so for the purpose of obtaining the services of a person engaged in prostitution commits an offence.
- (4) For the purposes of subsection (3) it is immaterial whether or not—
  - (a) B is in or on public transport,
  - (b) B is in a motor vehicle which is not public transport.
- (5) A person guilty of an offence under subsection (1) or (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this section—
  - “motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988 (c. 52),
  - “public transport” means a vehicle, train, tram, ship, hovercraft, aircraft or other thing designed, adapted or used for the carriage of persons provided in

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connection with any of those services on which members of the public rely for getting from place to place when not relying on facilities of their own,

“relevant place” means—

- (a) a public place within the meaning of section 133 of the Civic Government (Scotland) Act 1982 (c. 45),
- (b) a place to which at the material time the public are permitted to have access (whether on payment or otherwise),

and in subsection (1) includes a place which is visible from a place mentioned in paragraph (a) or (b).

VALID FROM 15/10/2007

## **2 Arrest for offences under section 1**

- (1) Where a constable reasonably believes that a person is committing or has committed an offence under subsection (1) or (3) of section 1, the constable may arrest the person without warrant.
- (2) Subsection (1) is without prejudice to any power of arrest conferred by law apart from that subsection.

## **3 Short title and commencement**

- (1) This Act may be cited as the Prostitution (Public Places) (Scotland) Act 2007.
- (2) The provisions of this Act (except this section) come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.
- (3) An order under subsection (2) may include such transitional and saving provision as the Scottish Ministers consider necessary or expedient in connection with the coming into force of the provisions brought into force.

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