



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 1

#### PROVISIONS FOR COMBATTING CRIME AND DISORDER

### CHAPTER 3

#### OTHER PROVISIONS FOR COMBATTING CRIME AND DISORDER

##### *Advertisements relating to prostitution*

#### **46 Placing of advertisement relating to prostitution**

- (1) A person commits an offence if—
  - (a) he places on, or in the immediate vicinity of, a public telephone an advertisement relating to prostitution, and
  - (b) he does so with the intention that the advertisement should come to the attention of any other person or persons.
- (2) For the purposes of this section, an advertisement is an advertisement relating to prostitution if it—
  - (a) is for the services of a prostitute, whether male or female; or
  - (b) indicates that premises are premises at which such services are offered.
- (3) In any proceedings for an offence under this section, any advertisement which a reasonable person would consider to be an advertisement relating to prostitution shall be presumed to be such an advertisement unless it is shown not to be.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or both.
- (5) In this section—

*Status: Point in time view as at 01/10/2002.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Cross Heading: Advertisements relating to prostitution. (See end of Document for details)*

“public telephone” means—

- (a) any telephone which is located in a public place and made available for use by the public, or a section of the public, and
- (b) where such a telephone is located in or on, or attached to, a kiosk, booth, acoustic hood, shelter or other structure, that structure; and

“public place” means any place to which the public have or are permitted to have access, whether on payment or otherwise, other than—

- (a) any place to which children under the age of 16 years are not permitted to have access, whether by law or otherwise, and
- (b) any premises which are wholly or mainly used for residential purposes.

(6) <sup>F1</sup>.....

**Textual Amendments**

**F1** S. 46(6) repealed (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 107, [Sch. 8](#); S.I. 2002/2306, [art. 2\(g\)\(iii\)\(j\)](#)

**47 Application of section 46 by order to public structures**

- (1) The Secretary of State may, by order, provide for section 46 to apply in relation to any public structure of a description specified in the order as it applies in relation to a public telephone.
- (2) In this section—
  - “public structure” means any structure that—
    - (a) is provided as an amenity for the use of the public or a section of the public, and
    - (b) is located in a public place; and
  - “public place” and “public telephone” have the same meaning as in section 46.
- (3) At any time when an order under this section has effect, the reference in section 24(2) of the Police and Criminal Evidence Act 1984 (c. 60) to an offence under section 46 of this Act shall be construed as including an offence under that section by virtue of the order.
- (4) The power to make an order under this section is exercisable by statutory instrument.
- (5) No order may be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

**Status:**

Point in time view as at 01/10/2002.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001,  
Cross Heading: Advertisements relating to prostitution.