

Dear Convener,

Panel on the Prostitution (Offences and Support) (Scotland) Bill

I write with reference to the evidence session on 5 November and your email of 14 November requesting further information on charges reported to COPFS by Police Scotland under section 46 of the Civic Government (Scotland) Act 1982.

During the evidence session, I incorrectly stated that 46 charges were reported by Police Scotland between 1 April 2020 and August 2025 and that two prosecutions were on indictment. To clarify, there were **10 charges across 10 cases** reported under section 46 during this period.

In 7 cases, no prosecutorial action was taken. The remaining 3 cases were marked for Summary court proceedings.

All 10 individuals reported were women.

	Charges reported	No Action	Summary Court Proceedings
2020/21	1	1	
2021-22	3	1	2
2022-23	2	1	1
2023-24	1	1	
2024-25	2	2	
2025-26	1	1	
TOTAL	10	7	3

Of the three cases marked for Summary proceedings, 2 involved additional offences and, in both, not guilty pleas were accepted to the section 46 charges. The remaining case involved a single section 46 charge and was discontinued prior to trial.

This reflects a principled approach by Police Scotland and the Crown not to criminalise the seller.

COPFS supports proposals to decriminalise the offence of soliciting, loitering and importuning a person in a public place for the purposes of prostitution. This aligns with recognising prostitution as a form of commercial sexual exploitation and violence against woman and girls.