

Cabinet Secretary for Justice and Home Affairs
Rùnaire a' Chaibneit airson Ceartas agus Cùisean
na Dùthcha

Angela Constance MSP
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Kenneth Gibson MSP
Convener
Finance and Public Administration Committee
The Scottish Parliament
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11 March 2026

Dear Convener

Independent Commission on the Criminalisation of the Purchase of Sex in Scotland

I am writing to inform you that today I announced the appointment of the Chair of the Independent Commission on the Criminalisation of the Purchase of Sex in Scotland, Fiona Taylor QPM.

This is a temporary appointment and follows the commitment made by the Minister for Victims and Community Safety at Stage 1 of the Prostitution (Offences and Support) (Scotland) Bill. The Commission will provide recommendations to Ministers on how to safely and effectively criminalise the purchase of sex in Scotland. Its work will focus on ensuring that any new offence is operationally effective and enforceable, and on identifying the requirements of a deliverable and sustainable support package for those who wish to exit prostitution. The Commission will report to Ministers within 12 months of commencing.

Through Justice and Home Affairs portfolio, the Scottish Ministers will provide funding for the Commission of around £150k, largely incurred in the financial year 2026-27. In addition to this, the Scottish Government will provide the Commission with staffing for a Secretariat to support its work. In the absence of statutory powers to do so, the provision of this funding will be made under Scottish Ministers' common law powers.

Where there is no statutory power to undertake a particular activity, (provided any necessary resultant expenditure is authorised by Budget (Scotland) Act 2026 for the financial year in question) Ministers may use their common law powers to make expenditure, provided the expenditure is not of a continuing nature unless either the sums involved are below £1 million a year or Ministers undertake to seek statutory powers at the first available opportunity. The Budget (Scotland) Act 2026 provides Parliamentary authority for this

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expenditure. There are no plans to seek statutory powers as these are one-off payments for a role of limited duration.

Parliament having not been informed of Ministers' reliance on common law powers for this expenditure previously, I trust that the information in this letter provides the requisite notification. I would of course be more than happy to provide further information should the Committee wish it.

Yours sincerely,

ANGELA CONSTANCE

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