



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 3

SEXUAL OFFENCES ETC.

22 Traffic in prostitution etc.

- (1) A person commits an offence who arranges or facilitates—
- (a) the arrival in the United Kingdom of, or travel there (whether or not following such arrival) by, an individual and—
 - (i) intends to exercise control over prostitution by the individual or to involve the individual in the making or production of obscene or indecent material; or
 - (ii) believes that another person is likely to exercise such control or so to involve the individual, there or elsewhere; or
 - (b) the departure from there of an individual and—
 - (i) intends to exercise such control or so to involve the individual; or
 - (ii) believes that another person is likely to exercise such control or so to involve the individual, outwith the United Kingdom.
- (2) For the purposes of subsection (1), a person exercises control over prostitution by an individual if the person exercises control, direction or influence over the prostitute's movements in a way which shows that the person is aiding, abetting or compelling the prostitution.
- (3) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding fourteen years, to a fine or to both; or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.
- (4) Subsection (1) applies to anything done—
- (a) in the United Kingdom; or
 - (b) outwith the United Kingdom—

Status: This is the original version (as it was originally enacted).

- (i) by an individual to whom subsection (6) applies; or
 - (ii) by a body incorporated under the law of a part of the United Kingdom.
- (5) If an offence under this section is committed outwith the United Kingdom, proceedings may be taken in any place in Scotland; and the offence may for incidental purposes be treated as having been committed in that place.
- (6) This subsection applies to—
 - (a) a British citizen;
 - (b) a British overseas territories citizen;
 - (c) a British National (Overseas);
 - (d) a British Overseas citizen;
 - (e) a person who is a British subject under the British Nationality Act 1981 (c. 61);
and
 - (f) a British protected person within the meaning of that Act.
- (7) In this section, “material” has the same meaning as in section 51 of the Civic Government (Scotland) Act 1982 (c. 45) and includes a pseudo-photograph within the meaning of section 52 of that Act, a copy of a pseudo-photograph and data stored on a computer disc or by any other electronic means which is capable of conversion into a photograph or pseudo-photograph.