



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART I

SEXUAL OFFENCES

Procuring, prostitution etc.

7 Procuring.

- (1) Any person who procures or attempts to procure—
- (a) any woman under 21 years of age or girl to have unlawful sexual intercourse with any other person or persons in any part of the world; or
 - (b) any woman or girl to become a common prostitute in any part of the world; or
 - (c) any woman or girl to leave the United Kingdom, with intent that she may become an inmate of or frequent a brothel elsewhere; or
 - (d) any woman or girl to leave her usual place of abode in the United Kingdom, with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel in any part of the world,
- shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or on summary conviction to imprisonment for a term not exceeding three months.

(2) ^{F1}

(3) ^{F1}

^{F2}(4)

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Textual Amendments

- F1** S. 7(2)(3) repealed (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(2), 62(2), [sch. 6](#); S.S.I. 2010/357, [art. 2\(a\)](#)
- F2** S. 7(4) repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), [sch. 2 para. 12\(a\)](#); S.S.I. 2017/345, [art. 3](#), [sch.](#)

8 Abduction and unlawful detention.

- (1) ^{F3}
- (2) ^{F3}
- (3) Any person who detains any woman or girl against her will—
- (a) in or upon any premises with intent that she may have unlawful sexual intercourse with men or with a particular man; or
 - (b) in any brothel,
- shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or on summary conviction to imprisonment for a term not exceeding three months.
- (4) Where a woman or girl is in or upon any premises for the purpose of having unlawful sexual intercourse, or is in a brothel, a person shall be deemed to detain such woman or girl in or upon such premises or brothel if, with intent to compel or induce her to remain in or upon the premises or brothel, he withholds from her any wearing apparel or other property belonging to her or, where wearing apparel has been lent or otherwise supplied to the woman or girl by or by the direction of such person, he threatens the woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.
- (5) No legal proceedings, whether civil or criminal, shall be taken against a woman or girl mentioned in subsection (4) above for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel mentioned in that subsection.

Textual Amendments

- F3** S. 8(1)(2) repealed (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), [ss. 19\(2\)\(a\)](#), 89; S.S.I. 2003/288, [art. 2](#), [Sch.](#)

9 Permitting girl to use premises for intercourse.

- (1) Any person who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control of any premises, induces or knowingly suffers any girl of such age as is mentioned in this subsection to resort to or be in or upon such premises for the purpose of having unlawful sexual intercourse with men or with a particular man—
- (a) if such girl is under the age of 13 years, shall be liable on conviction on indictment to imprisonment for life; and
 - (b) if such girl is of or over the age of 13 years and under the age of 16 years, shall be liable on conviction on indictment to imprisonment for a term not

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exceeding two years or on summary conviction to imprisonment for a term not exceeding three months.

(2) It shall be a defence to a charge [^{F4}in proceedings] under this section that the person so charged ^{F5}. . . had reasonable cause to believe that the girl was of or over the age of 16 years.

[^{F6}(2A) But the defence under subsection (2) is not available to the person so charged if—

(a) that person has previously been charged by the police with a relevant sexual offence;^{F7}. . .

[^{F8}(aa) that person has a previous conviction for a relevant foreign offence committed against a person under the age of 16 [^{F9}and the court considers it appropriate for the conviction to have that effect]; or]

(b) there is in force in respect of that person a risk of sexual harm order.]

(3) In subsection [^{F10}(2A) above—

(a) “a relevant sexual offence” has the same meaning as in section 39(5)(a) of the Sexual Offences (Scotland) Act 2009 (asp 9); ^{F11}. . .

[^{F12}(aa) “a previous conviction for a relevant foreign offence” has the same meaning as in section 39(5)(aa) of that Act; and]

(b) “a risk of sexual harm order” has the same meaning as in section 39(5)(b) of that Act.]

Textual Amendments

- F4** Words in s. 9(2) inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [sch. 5 para. 1\(4\)\(a\)\(i\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)
- F5** Words in s. 9(2) omitted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [sch. 5 para. 1\(4\)\(a\)\(ii\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)
- F6** S. 9(2A) inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [sch. 5 para. 1\(4\)\(b\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)
- F7** Word in s. 9(2A)(a) repealed (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 71(1), 206(1), [sch. 4 para. 11\(2\)\(a\)](#); S.S.I. 2010/413, [art. 2](#), Sch.
- F8** S. 9(2A)(aa) inserted (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 71(1), 206(1), [sch. 4 para. 11\(2\)\(b\)](#); S.S.I. 2010/413, [art. 2](#), Sch.
- F9** Words in s. 9(2A)(aa) inserted (31.12.2020) by [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(3), [12](#) (with reg. 16)
- F10** Words in s. 9(3) substituted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [sch. 5 para. 1\(4\)\(c\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)
- F11** Word in s. 9(3)(a) repealed (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 71(1), 206(1), [sch. 4 para. 11\(3\)\(a\)](#); S.S.I. 2010/413, [art. 2](#), Sch.
- F12** S. 9(3)(aa) inserted (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 71(1), 206(1), [sch. 4 para. 11\(3\)\(b\)](#); S.S.I. 2010/413, [art. 2](#), Sch.

10 Seduction, prostitution, etc., of girl under 16.

(1) If any person having parental responsibilities (within the meaning of section 1(3) of the ^{M1}Children (Scotland) Act 1995), in relation to, or having charge or care of a girl under the age of 16 years causes or encourages—

(a) the seduction or prostitution of;

(b) unlawful sexual intercourse with; or

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- (c) the commission of an indecent assault upon,
 her he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or on summary conviction to imprisonment for a term not exceeding three months.
- (2) For the purposes of this section, a person shall be deemed to have caused or encouraged the matters mentioned in paragraphs (a) to (c) of subsection (1) above upon a girl who has been seduced or indecently assaulted, or who has had unlawful sexual intercourse or who has become a prostitute, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.
- (3) Subsections (1) and (2) above shall apply to a contravention of [^{F13}sections 19 to 26 and 29 to 36 of the Sexual Offences (Scotland) Act 2009 (asp 9) (certain sexual offences relating to children)] in like manner as they apply to an indecent assault, and any reference to the commission of such an assault or to being indecently assaulted shall be construed accordingly.
- (4) Where on the trial of any offence under this Part of this Act it is proved to the satisfaction of the court that the seduction or prostitution of a girl under the age of 16 years has been caused, encouraged or favoured by her father, mother or guardian it shall be in the power of the court to divest such person of all authority over her, and to appoint any person or persons willing to take charge of such girl to be her guardian until she has attained the age of 21 years, or such lower age as the court may direct.
- (5) The High Court of Justiciary shall have the power from time to time to rescind or vary an order under subsection (4) above by the appointment of any other person or persons as such guardian, or in any other respect.

Textual Amendments

F13 Words in s. 10(3) substituted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [sch. 5 para. 1\(5\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

Marginal Citations

M1 1995 c.36.

11 Trading in prostitution and brothel-keeping.

- (1) Every male person who—
- knowingly lives wholly or in part on the earnings of prostitution; or
 - in any public place persistently solicits or importunes for immoral purposes,
- shall be [^{F14}guilty of an offence and liable to the penalties set out in subsection (1A)].

[^{F15}(1A) A person—

- guilty of the offence set out in subsection (1)(a) is liable—
 - on conviction on indictment, to imprisonment for a term not exceeding seven years, to a fine, or to both,
 - on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum, or to both,
- guilty of the offence set out in subsection (1)(b) is liable—

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- (i) on conviction on indictment, to imprisonment for a term not exceeding two years,
 - (ii) on summary conviction, to imprisonment for a term not exceeding 12 months.]
- (2) If it is made to appear to a court of summary jurisdiction by information on oath that there is reason to suspect that any house or any part of a house is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the court may issue a warrant authorising a constable to enter and search the house and to arrest that male person.
- (3) Where a male person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person, or generally, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.
- (4) Every female who is proved to have, for the purposes of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any other person, or generally, shall be liable to the penalties set out in [F16subsection (1A)(a)] above.
- (5) Any person who—
- (a) keeps or manages or acts or assists in the management of a brothel; or
 - (b) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution; or
 - (c) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel,
- shall be guilty of an offence.
- [F17(6) A person guilty of an offence under subsection (5) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding seven years, to a fine, or to both,
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum, or to both.]

Textual Amendments

- F14** Words in s. 11(1) substituted (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\), ss. 45\(2\)\(a\), 206\(1\); S.S.I. 2010/413, art. 2, Sch.](#)
- F15** S. 11(1A) inserted (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\), ss. 45\(2\)\(b\), 206\(1\); S.S.I. 2010/413, art. 2, Sch.](#)
- F16** Words in s. 11(4) substituted (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\), ss. 45\(2\)\(c\), 206\(1\); S.S.I. 2010/413, art. 2, Sch.](#)
- F17** S. 11(6) substituted (13.12.2010 for specified purposes) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\), ss. 45\(2\)\(d\), 206\(1\); S.S.I. 2010/413, art. 2, Sch.](#)

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12 Allowing child to be in brothel.

- (1) If any person having parental responsibilities (within the meaning of section 1(3) of the ^{M2}Children (Scotland) Act 1995), in relation to, or having charge or care of a child who has attained the age of four years and is under the age of 16 years, allows that child to reside in or to frequent a brothel, he shall be liable on conviction on indictment, or on summary conviction, to a fine not exceeding level 2 on the standard scale or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for a term not exceeding six months.
- (2) Nothing in this section shall affect the liability of a person to be indicted under section 9 of this Act, but upon the trial of a person under that section it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

Marginal Citations

M2 1995 c.36.

[^{F18}12A Sections 11(5) and 12: further provision

- (1) Premises shall be treated for the purposes of sections 11(5) and 12 of this Act as a brothel if people resort to them for the purposes of homosexual acts in circumstances in which resort to them for heterosexual practices would have led to the premises being treated as a brothel for the purposes of those sections.
- (2) For the purposes of this section, a homosexual act is an act of engaging in sexual activity by one male person with another male person; and an activity is sexual in any case if a reasonable person would, in all the circumstances of the case, consider it to be sexual.]

Textual Amendments

F18 S. 12A inserted (1.12.2010) by [Sexual Offences \(Scotland\) Act 2009 \(asp 9\)](#), ss. 61(1), 62(2), [sch. 5 para. 1\(6\)](#); S.S.I. 2010/357, [art. 2\(a\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(8) added by [2010 asp 13 s. 200\(2\)\(a\)](#)
- s. 45(6) added by [2010 asp 13 s. 200\(2\)\(c\)](#)
- s. 46(5) added by [2010 asp 13 s. 200\(2\)\(d\)\(ii\)](#)