

Referral of draft proposal

Prostitution (Offences and Support) (Scotland) (Scotland) Bill

1. A draft proposal for a Prostitution (Offences and Support) (Scotland) Bill was lodged on Tuesday 18 June 2024 by Ash Regan MSP.
2. The draft proposal is for a Bill to create an offence of paying for sexual services, to repeal the offence of soliciting or importuning by prostitutes, to repeal previous convictions for soliciting or importuning by prostitutes and to support those in or exiting prostitution.
3. The draft proposal is accompanied by a consultation document.
4. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee (or committees) within whose remit(s) the subject-matter falls.
5. This referral is for information only – there is no expectation that the committee will scrutinise or report on the draft proposal at this stage.

Discussion

1. The draft proposal appears to engage the remits of the Criminal Justice Committee, the Equalities, Human Rights and Civil Justice Committee and the Social Justice and Social Security Committee.
2. The remit of the Criminal Justice Committee is to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.
3. The remit of the Equalities, Human Rights and Civil Justice Committee is to consider and report on the following:
 - a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
 - b. matters relating to human rights.
 - c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Home Affairs.
4. The remit of the Social Justice and Social Security Committee is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights.
5. While the Equalities, Human Rights and Civil Justice Committee and Social Justice and Social Security Committees will clearly have an interest in the implications of the proposed Bill, the substantive provisions relate to criminal law

(including the creation of an offence), which is within the remit of the Criminal Justice Committee.

Decision

6. Based on the above the Bureau is invited to refer the draft proposal to the Criminal Justice Committee.

Non-Government Bills Unit
June 2024