



Royal College  
of Nursing  
Scotland

**RCN Scotland's response to the Scottish Parliament call  
for written evidence on the**

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

**2 September 2025**

## Introduction

The Royal College of Nursing (RCN) is the world's largest professional organisation and trade union for nursing staff, with members in the NHS, independent and voluntary sectors. RCN Scotland promotes patient and nursing interests by campaigning on issues that affect our members, shaping national health policies, representing members on practice and employment issues and providing members with learning and development opportunities. With over 52,000 members in Scotland, we are the voice of nursing.

## Background

- Ash Regan MSP has introduced the [Prostitution \(Offences and Support\) \(Scotland\) Bill](#). In summary, the Bill would create a new offence of paying for sexual acts. This would be an offence aimed at those who seek to buy sexual services.
- The Bill would also repeal the existing offence under section 46 of the Civic Government (Scotland) Act 1982 of loitering, soliciting or importuning in a public place for the purposes of prostitution. This is an offence which has been used to prosecute those selling their sexual services. People who have been convicted of this offence in the past would have their convictions quashed.
- Additionally, Scottish Ministers will need to ensure that a person who is, or has been, in prostitution is provided with help and support. That may include accommodation, financial assistance, healthcare or legal advice and representation.

## Consultation questions and RCN Scotland responses

**Q1) The Bill proposes to create a new offence of paying for the performance of a sexual act by a person. The Bill (at section 1) includes details of the circumstances in which an offence would be committed. The Bill (at section 9) includes a definition of “a sexual act”. The Bill states that activities such as striptease, pole dancing, lap dancing, or other erotic performances are not included in the definition of a “sexual act”.**

**What are your views on this proposal?**

### **RCN Scotland response:**

RCN members debated this issue at our annual Congress in 2019 and passed a motion calling for the RCN to lobby for the decriminalisation of both the sellers and buyers of sex; a position that does not align with the proposals in the Bill.

Our members work in all areas of healthcare, and many who participated in the Congress debate gave examples of their direct care of those who have been involved in sex work. Those who spoke in favour of decriminalisation argued that it results in a safer environment for all involved.

However, it is important to note that the vote was not unanimous, with those speaking against the motion arguing that criminalising the purchase of sex is more effective at ending demand for sex work and that buying sex and brothel running are human rights abuses.

**Q2) The Bill proposes to repeal section 46 of the Civic Government (Scotland) Act 1982. Under this section of the 1982 Act, a person who is found guilty of loitering, soliciting or importuning in a public place for the purposes of prostitution commits an offence.**

**What are your views on this proposal?**

### **RCN Scotland response:**

We are in agreement with this proposal to decriminalise prostitution. During the RCN Congress debate, members argued that decriminalisation empowers sex workers to be safer and to access the health services and support they need. One speaker referenced her

experience of the 2012 London Olympics. Prior to the games, brothels were tolerated by police in certain areas but were closed down during the games and moved to other areas of the city. This resulted in a more dangerous working environment, as sex workers are safer in familiar areas where they are known to the police.

Other members highlighted that any model of criminalisation pushed sex workers underground, an opinion corroborated by a 2017 study by the Scottish Government, which found the only consensus in the evidence was the need to decriminalise sex workers.

**Q3) The Bill proposes to repeal section 46 of the Civic Government (Scotland) Act 1982, which relates to the offence of loitering, soliciting or importuning in a public place for the purposes of prostitution.**

**What are your views on this proposal?**

**RCN Scotland response:**

We don't have a view on this.

**Q4) The Bill proposes (at section 6) to place a duty on the Scottish Ministers to ensure that a person who is or has been in prostitution is provided with assistance and support. The Bill sets out a non-exhaustive list of the types of assistance and support that may be provided.**

**What are your views on this proposal?**

**RCN Scotland response:**

RCN Scotland supports the intention behind this provision, but there is little clarity about how the necessary resources will be provided. It could be argued that anyone who has been harmed physically or mentally by sex work is already entitled to access appropriate healthcare and, therefore, this Bill won't require additional resources. However, because the proposal states that the healthcare services include counselling and because it introduces a statutory right to healthcare for any reason (not just issues caused directly by involvement in prostitution), the Bill has the potential to create significant resource needs. While we believe that those involved in prostitution should have access to appropriate healthcare and support, it is important to consider how this need will be met.

**Q5) Do you have any other comments on the Bill which you have not already covered elsewhere?**

**RCN Scotland response:**

No other comments.



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