



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 2

#### SEXUAL OFFENCES AND SEX ESTABLISHMENTS

##### *Prostitution*

#### 14 **Paying for sexual services of a prostitute subjected to force etc: England and Wales**

After section 53 of the [Sexual Offences Act 2003 \(c. 42\)](#) insert—

##### **“53A Paying for sexual services of a prostitute subjected to force etc.**

- (1) A person (A) commits an offence if—
- (a) A makes or promises payment for the sexual services of a prostitute (B),
  - (b) a third person (C) has engaged in exploitative conduct of a kind likely to induce or encourage B to provide the sexual services for which A has made or promised payment, and
  - (c) C engaged in that conduct for or in the expectation of gain for C or another person (apart from A or B).
- (2) The following are irrelevant—
- (a) where in the world the sexual services are to be provided and whether those services are provided,
  - (b) whether A is, or ought to be, aware that C has engaged in exploitative conduct.
- (3) C engages in exploitative conduct if—
- (a) C uses force, threats (whether or not relating to violence) or any other form of coercion, or
  - (b) C practises any form of deception.

---

*Status: This is the original version (as it was originally enacted).*

---

- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

## 15 **Paying for sexual services of a prostitute subjected to force etc: Northern Ireland**

After Article 64 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 1769 (N.I. 2)) insert—

### “64A Paying for sexual services of a prostitute subjected to force etc.

- (1) A person (A) commits an offence if—
- (a) A makes or promises payment for the sexual services of a prostitute (B),
  - (b) a third person (C) has engaged in exploitative conduct of a kind likely to induce or encourage B to provide the sexual services for which A has made or promised payment, and
  - (c) C engaged in that conduct for or in the expectation of gain for C or another person (apart from A or B).
- (2) The following are irrelevant—
- (a) where in the world the sexual services are to be provided and whether those services are provided,
  - (b) whether A is, or ought to be, aware that C has engaged in exploitative conduct.
- (3) C engages in exploitative conduct if—
- (a) C uses force, threats (whether or not relating to violence) or any other form of coercion, or
  - (b) C practises any form of deception.
- (4) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

## 16 **Amendment to offence of loitering etc for purposes of prostitution**

- (1) The [Street Offences Act 1959 \(c. 57\)](#) is amended as follows.
- (2) In subsection (1) of section 1 (loitering or soliciting for purposes of prostitution)—
- (a) for “common prostitute” substitute “person”, and
  - (b) after “female)” insert “persistently”.
- (3) In subsection (4) of that section after “section” insert “—
- (a) conduct is persistent if it takes place on two or more occasions in any period of three months;
  - (b) any reference to a person loitering or soliciting for the purposes of prostitution is a reference to a person loitering or soliciting for the purposes of offering services as a prostitute;
  - (c)”.
- (4) Omit section 2 (application to court by person cautioned for loitering or soliciting).

- (5) In determining for the purposes of section 1 of the [Street Offences Act 1959 \(c. 57\)](#) (as amended by this section) whether a person's conduct is persistent, any conduct that takes place before the commencement of this section is to be disregarded.

## 17 Orders requiring attendance at meetings

- (1) The [Street Offences Act 1959](#) is amended as follows.
- (2) In section 1 (loitering or soliciting for purposes of prostitution) after subsection (2) insert—
- “(2A) The court may deal with a person convicted of an offence under this section by making an order requiring the offender to attend three meetings with the person for the time being specified in the order (“the supervisor”) or with such other person as the supervisor may direct.
- (2B) The purpose of an order under subsection (2A) is to assist the offender, through attendance at those meetings, to—
- (a) address the causes of the conduct constituting the offence, and
- (b) find ways to cease engaging in such conduct in the future.
- (2C) Where the court is dealing with an offender who is already subject to an order under subsection (2A), the court may not make a further order under that subsection unless it first revokes the existing order.
- (2D) If the court makes an order under subsection (2A) it may not impose any other penalty in respect of the offence.”
- (3) After section 1 insert—

### “1A Orders under section 1(2A): supplementary

- (1) This section applies to an order under section 1(2A).
- (2) The order may not be made unless a suitable person has agreed to act as supervisor in relation to the offender.
- (3) In subsection (2) “suitable person” means a person appearing to the court to have appropriate qualifications or experience for helping the offender to make the best use of the meetings for the purpose mentioned in section 1(2B).
- (4) The order must specify—
- (a) a date (not more than six months after the date of the order) by which the meetings required by the order must take place;
- (b) the local justice area in which the offender resides or will reside while the order is in force.
- (5) The supervisor must determine—
- (a) the times of the meetings required by the order and their duration, and
- (b) the places at which they are held.
- (6) The supervisor must—
- (a) make any arrangements that are necessary to enable the meetings required by the order to take place; and

---

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

---

- (b) once the order has been complied with, notify the court which made the order of that fact.
- (7) The court making the order must provide copies of it to the offender and the supervisor.
- (8) Subsection (9) applies where—
  - (a) the order is made by the Crown Court, or
  - (b) the order is made by a magistrates’ court but specifies a local justice area for which the court making the order does not act.
- (9) The court must provide to a magistrates’ court acting for the local justice area specified in the order—
  - (a) a copy of the order, and
  - (b) any documents and information relating to the case that it considers likely to be of assistance to that court in the exercise of any functions in relation to the order.
- (10) The order ceases to be in force (unless revoked earlier under section 1(2C) or under the Schedule to this Act)—
  - (a) at the end of the day on which the supervisor notifies the court that the order has been complied with, or
  - (b) at the end of the day specified in the order under subsection (4)(a), whichever first occurs.
- (11) The Schedule to this Act (which relates to failure to comply with orders under section 1(2A) and to the revocation or amendment of such orders) has effect.”
- (4) At the end of the Act insert the Schedule set out in Schedule 1 to this Act.

## **18 Rehabilitation of offenders: orders under section 1(2A) of the Street Offences Act 1959**

- (1) The [Rehabilitation of Offenders Act 1974 \(c. 53\)](#) is amended as follows.
- (2) In section 5 (rehabilitation periods for particular sentences) after subsection (4C) insert—
  - “(4D) The rehabilitation period applicable to an order under section 1(2A) of the Street Offences Act 1959 shall be six months from the date of conviction for the offence in respect of which the order is made.”
- (3) In section 6 of that Act (the rehabilitation period applicable to a conviction) after subsection (3) insert—
  - “(3A) Without prejudice to subsection (2), where—
    - (a) an order is made under section 1(2A) of the Street Offences Act 1959 in respect of a conviction,
    - (b) after the end of the rehabilitation period applicable to the conviction the offender is dealt with again for the offence for which that order was made, and
    - (c) the rehabilitation period applicable to the conviction in accordance with subsection (2) (taking into account any sentence imposed when

so dealing with the offender) ends later than the rehabilitation period previously applicable to the conviction,  
the offender shall be treated for the purposes of this Act as not having become a rehabilitated person in respect of that conviction, and that conviction shall for those purposes be treated as not having become spent, in relation to any period falling before the end of the new rehabilitation period.”

## **19 Soliciting: England and Wales**

Before section 52 of [Sexual Offences Act 2003 \(c. 42\)](#) (but after the italic heading, which becomes “Prostitution”) insert—

### **“51A Soliciting**

- (1) It is an offence for a person in a street or public place to solicit another (B) for the purpose of obtaining B’s sexual services as a prostitute.
- (2) The reference to a person in a street or public place includes a person in a vehicle in a street or public place.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In this section “street” has the meaning given by section 1(4) of the Street Offences Act 1959.”

## **20 Soliciting: Northern Ireland**

For Articles 60 and 61 of the Sexual Offences (Northern Ireland) Order 2008 ([S.I. 1769 \(N.I. 2\)](#)) (kerb-crawling and persistent soliciting) substitute—

### **“60 Soliciting**

- (1) It is an offence for a person in a street or public place to solicit another (B) for the purpose of obtaining B’s sexual services as a prostitute.
- (2) The reference to a person in a street or public place includes a person in a vehicle in a street or public place.
- (3) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”