

much of their advice to their staff. Of particular interest is the section on 'Offences Against Public Morals And Decency', including these thoughts:

#### **Prostitution and related offences: Public Interest Considerations**

At all times, you should bear in mind the following general objectives of the legislation involving prostitution, namely:

- To keep prostitutes off the street to prevent annoyance to members of the public;
- To prevent people leading or forcing others into prostitution;
- To penalise those who organise prostitutes and make a living from their earnings;

So clearly escorts working off the streets are not a priority for them.

The same general advice applies to everyone:

- Find out what laws the police are currently enforcing in your area and try to work within those boundaries.
- Keep your activities low-key to avoid attracting attention - *the neighbours can't complain about things they don't know about.*

#### **HIV+?**

The law is changing rapidly in this area. We currently advise everyone with HIV who feels unable or unwilling to disclose their status within sexual negotiations that they should use condoms for anal or vaginal sex, even if their partner does not explicitly ask them to.

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The legal information in this leaflet may apply to England & Wales only - contact SCOT-PEP for advice about Scotland. It is believed to be correct but it is not legal Advice. For that, you need to speak to a solicitor or some other qualified person.

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SW5, 11 Eardley Crescent, London SW5 9JS ☎ 020 7370 0406

This guide has been adapted from our website:

[www.sw5.info](http://www.sw5.info) - look for the law section

#### **Other useful contact addresses**

St Mary's Hospital in Paddington, West London, has two specialist health clinics, one each for male and female sex workers:

**Working Men Project**    **Praed Street Project**

☎ 020 7886 1524

☎ 020 7886 1549

[www.wmplondon.org.uk](http://www.wmplondon.org.uk)

Jefferiss Wing, St Mary's Hospital, Praed Street,  
Paddington, London W2

#### **Diamond Clinic**

A service for male and transgender sex workers, it is part of the West London Centre for Sexual Health.

Charing Cross Hospital, Fulham Palace Road,  
London S6 8RF ☎ 020 8846 1579 (ask for the health advisors)  
[www.hivgum.demon.co.uk](http://www.hivgum.demon.co.uk)

**CLASH (Central London Action on Street Health)**

Part of the HIV prevention team of Camden & Islington Health Promotion, CLASH works with sex workers in Central London as well as on the gay scene.

11 Warwick Street, London W1B 5NA ☎ 020 7734 1794

#### **IUSW**

The International Union of Sex Workers is a group of sex work activists. Membership is free and anyone in the industry can join.

IUSW, PO Box 27465, London SW2 1YA

[www.iusw.org](http://www.iusw.org)

#### **GMB**

A trade union which includes the London Adult Entertainment Section, which includes escorts and other sex workers.

[www.gmb.org.uk](http://www.gmb.org.uk)

**Barnardos Young Mens Project**

Works with young men under 18 selling sex

3 Morocco Street, London SE1 3HB ☎ 020 7378 8797

#### **SCOT-PEP**

The leading sex work charity in Scotland.

70 Newhaven Rd, Edinburgh EH6 5QG ☎ 0131 622 7550

[www.scot-pep.org.uk](http://www.scot-pep.org.uk)

**Escort safety website**

[www.saafe.co.uk](http://www.saafe.co.uk)



working with male & transgender sex workers

## **Escorts and the Law**

### **- a brief guide -**

**Escorts and the law**

**Escorts and money**

**Maids and the law**

**Working alone**

**Working for an agency**

**Working in a brothel**

**Is sex work for you?**

**Performing in porn**

**February 2006**

**Prostitution is legal in the UK.** But there are some ways in which you can get into trouble with the law.

In 2004, the law changed in England & Wales when the Sexual Offences Act 2003 came into force.

## **The Basic Question: are you working on the street?**

If not, you're probably working legally (at least as far as the prostitution laws are concerned).

### **Street work**

**Everyone** now comes under the Street Offences Act 1959. This bans soliciting in a public place (eg in the street, or a balcony, doorway or window, or an open space). There's a system of 'street cautions', two warnings that continued soliciting will lead to arrest, before you can be arrested. Because of this, magistrates can tend to assume that anyone in court for soliciting must be guilty. The penalty is a fine.

### **Anti-Social Behaviour Orders**

These were created by the Crime and Disorder Act 1998. They enable the police to apply to magistrates for an order to control 'anti-social' behaviour, defined as "a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household".

In a disturbing trend, several orders have been made against people who have been soliciting. Breaching an order can result in up to five years' imprisonment, whereas you can't be imprisoned under the 1959 Act.

Conditions have included not going to a particular area, not associating with particular people, and, in one case, seven people were told not to solicit or sell sex (or have any sex in a public place) *anywhere* in the UK.

### **Indoor work**

Working by yourself is legal. Working with a 'maid' who doesn't provide sexual services is legal.

However, working with other sex workers makes the premises a brothel. That's true *whether or not they work there at the same time*, whether or not they offer sexual

intercourse, and even - strange but true - whether or not they charge! See the section on brothels.

### **Advertising**

'Carding' (placing prostitution ads near a public phone) is illegal, but apart from that it's legal to advertise. It's the 'carder' who breaks the law, but the police have been known to threaten the worker with 'aiding and abetting' the offence. We'd be interested to know if anyone has, in fact, ever been charged with this.

It's now legal to receive money for advertising, so you may find more places willing to accept ads than before.

### **Planning Regulations**

If you do 'incall' work at home the test is whether or not the main use of your property remains residential. This includes the proportion of space given over to business, numbers of clients, and the potential nuisance to neighbours.

If you rent premises especially for the purpose of work, clearly the main use of the property is not residential and you risk breaching the regulations.

In practice the planning authorities tend to become involved only as a result of complaints from upset neighbours or police intervention. The bigger and noisier your operation, the more likely this is.

In London, if you advertise massage services, the premises need a licence.

### **Breach of Tenancy Agreement**

If you rent the property, working there may be a breach of your tenancy agreement's ban of 'illegal or immoral' use. The owner can tell you to stop working, and could start possession proceedings, following strict procedures that take several months. Again, this is usually the result of annoying the neighbours.

If you rent it from someone else who's a tenant, they're breaking the law even if you are working alone.

### **Working for an escort agency**

It is legal to be an escort / sex worker for agencies.

Some will try to rip you off and offer no protection whatsoever. Shop around for agencies which look out

for your safety, offer reasonable terms and conditions and have been recommended by other workers. See our 'Working for an agency' leaflet for more details.

### **Working in a brothel**

It's legal to be a sex worker at a brothel provided you don't assist in its management - that's just as illegal as actually owning it. Plus a new offence of "owning or running a brothel involving prostitution" means the penalties are increased to an unlimited fine and up to seven years in jail.

To be liable for this, you have to have some degree of 'control' over the running of the business. If you have a say in what services are offered by others and how much is paid for them, this is control for example.

### **Porn**

Provided you're at least 18, it's legal to perform in a porn film / photo shoot. See our leaflet for more details.

### **Got a partner / children / family?**

The situation has been changed for the better - now unless you have some control over someone else's prostitution, it's legal to gain from it, so you'll be able to help support a partner or family etc.

### **Under 18?**

It's now illegal to pay someone under 18 for (even otherwise legal) sex. You don't commit an offence by selling it, but anyone who employs you does.

### **Sex Offenders Register**

If you are convicted or accept a caution for a sexual offence, you will probably have to be registered as a sex offender. This involves numerous visits to a police station for several years, including telling them every time you move or go abroad.

*Get legal advice before accepting cautions.*

### **What gets prosecuted**

The Crown Prosecution Service, responsible for deciding which cases to take to court, have published