

**The Court can also add a power of arrest** to any of the prohibitions or requirements at the time they make the order if they think that your anti-social behaviour:

- Includes using, or threatening use of violence against other people; **or**,
- There is a significant risk of harm to other people.

#### ADVERTISING

It is an offence to:

- Place an advertisement which is obscene – the test is that it is likely to “deprave or corrupt” people who might see it. The penalty is a fine and/or up to 3 yrs in prison.
- Place on, or in the immediate vicinity of, a public telephone an advertisement relating to prostitution. This does not apply in relation to telephones in places where under 16-year-olds are not allowed. The penalty is a fine and/or up to 6 months in prison.
- Place unauthorised adverts. The penalty is a fine.

There is also a risk of being charged with criminal damage, which can lead to imprisonment or a fine.

#### IMMIGRANT WORKERS

Employees:

- If you are **subject to immigration control** and do not have leave to work but do so anyway you will be considered to be **working illegally**. This is a criminal offence, with a penalty of up to 6 months in prison.

Employers:

- It is a **criminal offence** to employ a person who does not have permission to work in the UK. You can also be guilty of the offence if you should have known that the employee was working illegally. The maximum sentence is 5 years in prison.
- You should see and keep a copy of one or more of certain specified documents before taking on a new employee. These include a valid passport from the UK or most other European countries; or, in certain circumstances, other documents such as a passport or paperwork endorsed to show that the holder has current leave to enter, or remain in, the UK and is permitted to take employment.

#### SELF DEFENCE

You are allowed to use reasonable force to defend yourself against an attack. It is not necessary for you actually to be attacked first before defending yourself, but you must have acted in response to an

immediate threat. There is a risk of being charged with an offence such as assault; however, it is a defence to show that you used only reasonable force.

If you are considering carrying a weapon, remember that this is an offence. The penalty is a fine and/or up to 4 yrs in prison. Consider carrying a torch and a whistle to raise the alarm in the event you are in danger.

#### RAPE

If you are raped or sexually assaulted, you should try to go to a Haven Project as soon as possible. This will allow you to get medical care and to have forensic evidence taken which can be stored for you. Alternatively, go to your local police station and ask to speak to an Operation Sapphire officer.

#### YOUR RIGHTS UPON ARREST / AT THE POLICE STATION

You have the right to be treated fairly and with respect by the police. You do not have to say anything to the police **BUT** if you are later charged with a crime and you have not mentioned, when questioned, something that you later rely on in court, then this may be taken into account when deciding if you are guilty. **DO NOT** discuss any aspect of the case with the police

until you have consulted privately with a solicitor. Inform the **custody officer** at the earliest opportunity if you feel unwell or if you are on prescribed medication.

#### SEARCHING PREMISES

The police can **search premises** with the consent of the occupier, with a warrant **or** in certain other circumstances. These include following an arrest; to arrest a person for an indictable offence or certain public order offences; or to protect life or to stop serious damage to property. Police can use reasonable force to gain entry. You are entitled to see a copy of any search warrant. A record of the search must be kept by the police. You or a friend should be allowed to be present during the search but this right can be refused if it is thought it might hinder investigations.

#### SEX WORK SUPPORT SERVICES

Contact Release or the UK Network of Sex Work Projects (0161 629 9861) for details of local agencies which can provide advice on health and safety and other professional services. For further information, or help on any of the above, contact Release or consult a solicitor.

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# Release

Drugs, The Law & Human Rights

## SEX WORKERS' RIGHTS: Indoor Working

HELPLINE: 020 7324 2989  
ask@release.org.uk  
www.release.org.uk

For more detailed information, see 'Sex Workers and the Law' (www.release.org.uk)

**This Sex Workers' Rights Card is correct at the date of print. Always seek legal advice.**

Prostitution is legal in England and Wales, but many of the activities surrounding the exchange of sex for money or other goods are criminal offences. Keep your activities low-key to avoid attracting attention and try to maintain good relations with local residents.

This card contains a summary of some of the main offences involved in indoor sex work, and your rights when dealing with the police. Release can refer you to a solicitor and give you free legal advice. Local law centres are also useful if you don't qualify for legal aid.

### KEEPING A BROTHEL

It is not an offence to work as a prostitute or maid in a brothel, but it is an offence to keep, manage, act or assist in the management of a brothel. The penalty is a fine and/or up to 7 yrs in prison.

The prosecution has to prove:

- That the premises you are working in would be classified as a brothel; **and,**
- That you were keeping the brothel, managing it or assisting in its management.

Any premises may be classified as a brothel if they are used by more than one person for the purposes of prostitution, whether on the same day or different days. Where rooms or flats in one building are let separately to different individuals offering sexual services, the premises as a whole may still count as a brothel if the individuals are effectively working together. Evidence of shared keys, washing and/or toilet facilities, staircases, tenancy agreements etc. will be relevant.

If you are the only person who offers sexual services for reward on the premises, with or without the assistance of a non-working maid, the premises are not a brothel.

### CONTROLLING PROSTITUTION FOR GAIN

This offence is committed where a person:

- Intentionally **controls** any of the activities of another person relating to that person's **prostitution** in any part of the world; **and,**
- Does so for, or in the expectation of, **gain** for themselves or a third person.

The penalty is a fine and/or up to 7 yrs in prison.

### MAIDS

It is legal to have a maid or housekeeper to assist you and increase your safety. However, the police may allege that the maid is also working as a prostitute and that the premises therefore count as a **brothel**.

Maids or housekeepers in brothels are also at risk of being accused of **keeping a brothel** or **controlling prostitution for gain**. Duties which are more than basic could be taken as evidence of control (cleaning and tidying would be fine, but tasks such as handling money could be used to try and establish the offence), leading to a prosecution and possible seizing of assets. Try to ensure that you can prove your duties are very basic. However, there is no failsafe way of avoiding prosecution.

### ANTI-SOCIAL BEHAVIOUR ORDERS

**Since 2014, a new system has been in place and the old "ASBOs" don't exist. The key powers for indoor workers are explained below.**

#### Closure of Premises

A senior police officer (Inspector or above), or the local authority, can issue a closure notice if satisfied on reasonable grounds that:

- The **use of particular premises has resulted**, or (if the notice is not issued) is likely soon to result, **in nuisance to members of the public; or,**
- There **has been**, or (if the notice is not issued) is likely soon to be, **disorder near those premises associated** with the use of those premises; **and,**
- The notice is **necessary to prevent the nuisance or disorder from continuing, recurring or occurring.**

Within **48 hours of the notice** being issued an application for a **closure order** will be heard in court. This is obviously a very short timeframe and can cause problems with getting legal representation. If you don't have a solicitor you should **call the Release helpline** as soon as possible so that you can be referred to a lawyer. It is possible for the hearing to be adjourned for up to 14 days - not having proper representation or not enough time to gather evidence would be a good reason for this. The Court can, and probably will, order that the closure notice continues to be effective during any adjournment period.

#### Criminal Behaviour Order (CBO)

This replaces an ASBO on conviction and acts in a very similar way to the old order.

If you are **convicted and sentenced for soliciting/loitering** the prosecutor might also ask the Court to make a CBO. They can make this order if they:

- Are sure that your behaviour **has caused, or was likely to cause harassment, alarm or distress** to any person; **and,**
- Think that making the **order will help to prevent** you taking part in this behaviour.

The order can include:

- Things you must stop doing (prohibitions); **and,**
- Things that you must actively do (requirements).

### Injunctions

An injunction can be made if:

- The Court is satisfied, on the balance of probabilities, that you have taken part in anti-social behaviour, or that there is a risk of this; **and,**
- Making the injunction is a fair way to prevent you from taking part in anti-social behaviour.

An injunction can:

- Make you stop doing anything (prohibition); **and/or,**
- Make you do anything (requirement).