

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).

**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.

#### **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: Outdoor 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](http://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 outdoor 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.

### **SOLICITING**

In England and Wales, it is an offence for a person persistently to loiter or solicit in a street or public place for the purpose of prostitution. The penalty is a fine, although you may end up spending time in custody if you refuse to pay without good reason.

"Persistently" is defined as behaviour that takes place on two or more occasions in any three-month period. The first two times that you are stopped the police will probably give you a Prostitute's Caution –

they might go straight to charging you, but this is unlikely as they would have problems proving that you were persistently loitering or soliciting. These cautions are different from ordinary police cautions because the behaviour leading to the caution might not itself be evidence of a criminal offence, and there is no requirement for someone to admit guilt before being given a Prostitute's Caution.

### **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.

### **ANTI-SOCIAL BEHAVIOUR ORDERS**

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

#### **Community Protection Notice (CPN)**

These can be issued by police, council officers, and social landlords (if allowed by the council), to people

aged **16 years or over** if satisfied on reasonable grounds that:

- Your behaviour is having a **detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality**; and,
- The behaviour is **unreasonable**.

**You must be given a written warning** that if you don't stop the alleged behaviour a notice will be issued. The CPN **must identify the behaviour** that is having a detrimental effect etc. and explain the **consequences of failing to comply**.

A Notice can include:

- Requirements to stop doing certain things;
- Requirements to do certain things; **and**,
- Requirements to take reasonable steps to achieve certain specified results.

**Failing to follow the terms in the notice is a criminal offence which can be punished by a fixed penalty notice (FPN).** An FPN will be **no more than £100, paid to the council**, and must be paid **within 14 days**. If this is not paid in time there is a risk of prosecution for non-payment and/or the original offence (breach of the order), although prosecutors will have to decide if prosecution is in the public interest.

### **Dispersal Powers**

This power allows a police officer, or in some cases a Police Community Support Officer, to direct any person to leave a particular place if their behaviour has **'contributed, or is likely to contribute' to anti-social behaviour**. 'Likely to contribute' means that the police might use your past behaviour, including criminal record, to assume that you will do the same thing again.

A senior officer (Inspector or above) must be satisfied the powers are necessary to remove or reduce the likelihood of:

- Members of the public in the area being harassed, alarmed or distressed; **or**,
- Crime or disorder happening in the area.

Once a senior officer has authorised the powers to be used, they will be in place for 48 hours. Anyone made to leave won't be able to return to the excluded area for up to 48 hours. **Breach of an order is a criminal offence punishable by fine and/or up to 3 months' imprisonment.**

#### **Public Spaces Protection Order (PSPO)**

These are issued for a geographical area, rather than an individual, and can be authorised by the council after consultation with the police.

A council can make a PSPO if satisfied **on reasonable grounds** that:

- Activities carried out in a public place are having, or are likely to have a detrimental effect on the quality of life of those in the locality; **and**,
- The effect of the activities are, or are likely to be of a persistent or continuing nature, and as such are unreasonable.

The order then:

- Prohibits specified things being done in the restricted area; **or**,
- Requires specified things to be done by people carrying on specified activities in that area; **or**,
- Does both of these things.

**Breach is a criminal offence punishable by a Fixed Penalty Notice or a fine on prosecution.**

#### **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.