

Whatever your set-up, police involvement is more likely where there are under-age or illegal immigrant workers, or where there is drug dealing, money laundering, violence or 'exotic' services such as bondage or SM on the premises.

Changes?

In January 2006, the government said it was considering legalising what have become known as 'mini-brothels', where two or three workers share premises, as it is safer for people to work together.

But exactly what they mean by this is not yet clear: two or three workers *at any one time* - up to twenty four different workers a week if everyone does one eight hour shift - or only two or three in total?

In any case, it will probably take *at least two years* for any change in the law: just announcing this proposal took over a year following the public consultation on the laws covering prostitution, which itself was about two years after the need for a review of the law was accepted. (Indeed, as of April 2007, *fifteen months* on from the announcement, there's still no sign of any action.)

In the meantime, you *may* find that brothels that would be covered by this change are left alone by the police in places where they would previously seek to close them down... or it may be 'business as usual' until any change actually takes effect.

Your local sex work project should be able to keep you up to date with the local situation.

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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 - 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

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 W6 8RF ☎ 020 8846 1579 (ask for the health advisors)
www.chelwest.nhs.uk/services/hivgum/west_london_center.htm

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 - International Union of Sex Workers

A group of sex work activists who hold monthly open meetings and other campaigning & networking events.

www.iusw.org

GMB

A trades union that offers protection and services to people from all areas of the sex industry through the affiliated IUSW branch

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

Escort safety website

www.saafe.info



working with male & transgender sex workers

Maids 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

April 2007

Working with a maid is safer for sex workers than working alone. However there are some ways in which the maid can get into trouble with the law.

The law changed in England & Wales when the Sexual Offences Act 2003 came into force in May 2004. As we'll see, it may change again in the next couple of years, but don't hold your breath...

The Basic Question: how many people 'work' at the premises?

If it's more than one, *even if they don't work there at the same time*, it's a brothel. (They don't have to offer sexual intercourse, and - strange but true - they don't even have to charge!)

Watch out for the situation where rooms or flats in one building are let separately to different individuals offering sexual services - it may be treated as a brothel if the individuals are effectively working together. Evidence of shared keys, washing and toilet facilities, etc will be relevant.

Could the flats be sold individually? If not, because they all share one toilet for example, it would probably be considered one single brothel.

Single worker flats

If it is just one, life is simpler. **Single worker flats are legal.** (There are a couple of possible issues with planning laws, but these needn't worry you.)

As a maid in a single worker flat, you're fine... provided they're at least 18 and you do not both *have control over* (not just 'aid') **AND gain from** (or know that someone else gains from) the work.

So being paid is ok, whether it's as wages, 'voluntary' tips from the punters or getting a cut from the worker... provided you don't control the work. What does 'control' mean?

Until some cases are brought to trial, no-one can be *completely* sure. So unless you want to be the test case, it's a good idea to follow some simple rules:

Don't have anything to do with setting prices:

don't show menus, and don't talk prices or services with punters - that's for the worker.

Don't do the banking or pay the bills.

Don't do any advertising / illegal 'carding'.

Working in a brothel

It's legal to be a sex worker at a brothel provided you don't assist in its management... but maids and receptionists have often found themselves being accused of having done so - and that's just as illegal as actually owning it.

Plus the offence of "owning or running a brothel involving prostitution" means the penalties are now 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 and how much is paid for them, this is control.

Taking money from clients and noting its receipt in a cashbook; putting up advertisements; paying bills; hiring and firing staff; supplying materials; banking and book-keeping have all been held to amount to a sufficient degree of control.

Activities such as admitting customers, cleaning, removing rubbish, making coffee or other duties of a trivial nature are **not** sufficient. You might want to get something in writing saying this is all your job entails.

Male maid / Trans worker?

The law's now the same for everyone: you need both 'control' AND 'gain' to be illegal, unless you're helping run a brothel or working with someone under-18.

What gets prosecuted

The Crown Prosecution Service, responsible for deciding which cases are taken to court, have published much of their advice to their staff. Of particular interest is the section on 'Offences Against Public Morals And Decency', including these thoughts:

Keeping a Brothel: Charging Practice

The offence of keeping, acting or assisting in the management of a brothel is contrary to section 33, Sexual Offences Act 1956. What constitutes a brothel is a matter of fact and degree. Most brothels are used for the purpose of prostitution. In the more unusual circumstances where no payment is made for sexual services, you should consult the relevant case law.

Brothel keepers should normally be prosecuted, especially if they are making money out of the enterprise.

You have greater discretion in charging those who have assisted, such as receptionists. If the assistance is crucial to the operation of the brothel or the receptionist has been involved for a long period of time, a prosecution will normally be appropriate. If the assistance is minor or over a short period of time, a prosecution may not automatically result.

So, again, make sure you don't do anything that could be seen as vital in running it and if the place is raided, you may escape ending up in court.

You might also consider working in different place every so often, particularly if where you work is part of a chain and thus more likely to get raided.

And the same advice applies to maids as to everyone else:

Find out what laws the police are currently enforcing in your area and try to work within those boundaries - *some forces say they have 'zero tolerance' of brothels etc and do close down any they know about, while other forces will call around to check that everything is ok at brothels in their area.*

Keep your activities low-key to avoid attracting attention - *the neighbours can't complain about things they don't know about.*