



Adjournment Debate Briefing and Lines

Use of the 1824 Vagrancy Act - Layla Moran MP

Tuesday 29 January 2019

Centrepoint, St Mungo's and Crisis are calling for the Vagrancy Act of 1824 to be repealed.

Background

The Vagrancy Act (1824) makes it a crime to sleep rough or beg in England and Wales, with anyone who is seen living on the streets or begging liable for arrest. It is still used to this day, with latest figures from Crisis suggesting 34% of local areas are still using the Act to prosecute rough sleeping and begging.¹

The Act dates back to the end of the Napoleonic Wars, and more specifically the Battle of Waterloo, after which the military was scaled back, leaving many injured veterans destitute. Parliament was concerned at the time that parish constables were ineffective in controlling these 'vagrants'. The initial punishment for the offence was 'one month's hard labour'. Today, it can carry fines of up to £1,000 and leave those convicted under it with a two year criminal record.

It has always been controversial, with **William Wilberforce** a prominent critic, who considered it a catch-all that took no account of the reasons for personal situations.

The Vagrancy Act 1824 is the only piece of legislation that criminalises the act of rough sleeping.

Key Facts

- 1) The number of cases brought to court for begging under section 3 of the Vagrancy Act **increased from 1,626 in 2012-13 to 3,071 in 2014-15, before falling to 1,810 in 2016-17.**
- 2) Far fewer are prosecuted under section 4, but there are still examples of this outdated law being used to apply criminal sanctions to people for sleeping rough. **14 people were prosecuted for the act of rough sleeping itself in London between 2010 and 2015.**²
- 3) A national survey of street outreach services carried out by St Mungo's in 2018 found that **71% of street outreach services believed the Act should be scrapped.**
- 4) In a survey of people sleeping rough carried out by Crisis, **56% said enforcement measures such as the Vagrancy Act contributed to them feeling ashamed of being homeless.** 25%

QUICK FACTS

The Long Title of the 1824 Vagrancy Act is: **An Act for the punishment of idle and disorderly persons, rogues and vagabonds.**

It has been extensively amended over the years, and been used for a number of purposes that were deemed to cause 'moral outrage', including:

- Homosexuality
- Prostitution
- 'Living in sin' (used to remove women from households)
- **Homelessness**

The Act was **abolished entirely in Scotland in 1982.**

¹ 'An examination of the scale and impact of enforcement interventions on street homeless people in England and Wales', Crisis (2018), p28 https://www.crisis.org.uk/media/237532/an_examination_of_the_scale_and_impact_of_enforcement_2017.pdf

² No national data on prosecutions under section 4 is available. In response to a Freedom of Information Request, the Metropolitan Police disclosed figures for London https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/disclosure_2016/october_2016/information-rights-unit---arrestsprosecutionsconvictions-under-section-4-of-the-vagrancy-act-1824



said that following an enforcement intervention their alcohol consumption increased as a result, and 21% said the same for drug use.³

Political Context

In February 2018, Liberal Democrat MP, Layla Moran launched a campaign to repeal the Vagrancy Act. Moran tabled a Private Member's Bill, 'The Vagrancy (Repeal) Bill', gained support for an Early Day Motion and raised the issue at Prime Minister's Questions. The bill was objected to before it reached second reading and as a result it has been unable to pass through Parliament, however the issue will be debated in the Common's on Tuesday 29 January.

In 2018 the UK Government published its rough sleeping strategy, which states that "some people, including the Advisory Panel [for the strategy], have expressed concerns about how the Vagrancy Act is being used in relation to people who sleep rough. Those who find themselves sleeping rough are some of the most vulnerable in society and we are clear that people who sleep rough should not be discriminated against."⁴ While it does not commit to repeal the Act, it states: "**We will launch a wider review of homelessness and rough sleeping legislation, which will include the Vagrancy Act.**"

In December 2018, the Labour Party committed to scrapping the Act if in Government, with Shadow Housing Minister Melanie Onn MP stating "It beggars belief that we still use Georgian-era laws to criminalise some of the most vulnerable in society."

Lines to Take

Rough sleeping is not a choice, it is a circumstance. It is the situation that someone who has hit a crisis point in their lives can inadvertently be forced into and should not be seen as a crime.

The Vagrancy Act is directly at odds with the Government's Rough Sleeping Strategy which aims to support and rehouse all rough sleepers.

Rough sleeping is a social problem, not a criminal one. The solution is ensuring swift access to the right housing and support for each individual. Using police powers may sometimes be necessary to tackle anti-social behaviour in cases where the individual poses a threat to themselves or others. However this should be proportionate, delivered in collaboration with local partners, and accompanied by a meaningful offer of support.

Criminalising vulnerable homeless people as 'vagrants' is not compatible with our modern society. We must put an end to the criminalisation of rough sleeping, by adopting the principle of 'no enforcement without support.' This includes how we tackle anti-social behaviour which can specifically associated, such as aggressive begging.

³ 'An examination of the scale and impact of enforcement interventions on street homeless people in England and Wales', Crisis (2018), p35 https://www.crisis.org.uk/media/237532/an_examination_of_the_scale_and_impact_of_enforcement_2017.pdf

⁴ 'The rough sleeping strategy', UK Government (13 August 2018), p29 <https://www.gov.uk/government/publications/the-rough-sleeping-strategy>



This legislation does nothing to help resolve and tackle the causes of homelessness. In fact, is far more likely to prevent someone from accessing vital services that support them to move away from the streets, entrenching the issue in a way that makes it harder to solve. This is particularly important to consider in the context of **people trafficking and modern slavery**, where people who have undergone an extremely traumatic experience may end up rough sleeping while fleeing from dangerous situations.

Repealing the Act would have a significant impact in helping to more positively shape the attitudes of enforcement agencies and the police. This should ensure that where other enforcement measures are used, such as those under the Anti-social Behaviour, Policing and Crime Act 2014, there is greater awareness of the need to provide support in parallel with helping someone end their homelessness.

The Act amounts to a hostile response to rough sleeping, placing the burden of action on the police and stretching their resources. Instead, local authorities should be sufficiently resourced to carry out assertive outreach work which employs a persistent and multi-agency model of support, drawing on a range of services, including those for substance use and mental health problems.

Professional Testimonials

“The Vagrancy Act takes a moral view on street activity giving no consideration to the complex reasons behind any such activity such as begging and rough sleeping. It is widely agreed that criminalizing addicts and homeless people serves no purpose apart from to further push them to the fringes of society, towards further impoverishment and stigmatization. I agree it should be scrapped.” – Outreach Manager, London service

“The Act should be scrapped. That word - in my experience - is often used as a derogatory term to describe someone who is homeless and / or begging. When used by professionals who are working with people who are homeless and / or begging - or when used by the media - it often helps to reinforce the negative stereotypes that people have. Whilst there is sometimes a need for enforcement when working with rough sleepers there is other legislation that can be applied.” – Outreach Manager, East Midlands service