

Repealing the Vagrancy Act – St Mungo's briefing

- **The Vagrancy Act (1824) is a pre-Victorian era piece of legislation that is still used to criminalise people for sleeping rough or begging.** Its very existence runs against modern understandings of homelessness. When used it is often counter-productive in driving people sleeping rough further from the support they need.
- **Since 2010 rough sleeping has increased by 169%.** Alongside this there have been reported rises in anti-social behaviour (ASB) such as “aggressive begging” and street drinking¹. This has contributed to the increasing use of the Vagrancy Act to tackle rough sleeping and other ‘street activities’, through arrests, fines and sometimes prison sentences.
- **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 2016/17².** This is only the tip of the iceberg, as many more individuals will have been arrested, but their cases will not have made it to court. Far fewer are prosecuted under section 4, but there are still examples of this outdated law being used to apply criminal sanctions to people for sleeping rough. 14 people were prosecuted for the act of rough sleeping itself in London between 2010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 2015³.
- **There have been growing calls for the Act to be scrapped, most recently in the Private Members’ Bill tabled by Layla Moran MP.** The Government’s Rough Sleeping Strategy, published in August 2018, also committed to a ‘review of homelessness and rough sleeping legislation’, including the Vagrancy Act, to report by March 2020.
- **A national survey of street outreach services carried out by St Mungo’s in 2018 found that 71% believed the Act should be scrapped.⁴** However, several of these respondents made clear that law enforcement is required for ASB sometimes associated with rough sleeping, particularly for ‘persistent’ or ‘aggressive’ begging, but that the legal mechanisms for this already exist elsewhere.
- **The Vagrancy Act is not the only piece of legislation which criminalises rough sleeping.** Other legal powers under the Anti-social Behaviour, Crime and Policing Act (2014), including Public Space Protection Orders and Criminal Behaviour Orders, are increasingly being used to specifically target people sleeping rough. Sometimes, these can be used to address anti-social behaviour in a more appropriate way than the Vagrancy Act, but in many cases they can have the same impact as the Vagrancy Act of stigmatising individuals and driving them further away from support.

¹https://www.crisis.org.uk/media/237532/an_examination_of_the_scale_and_impact_of_enforcement_2017.pdf

² <http://researchbriefings.files.parliament.uk/documents/CBP-7836/CBP-7836.pdf>.

³ 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

⁴ St Mungo’s national survey of street outreach services; 35 responses were received for this question.

- **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 will sometimes be necessary to tackle ASB, and cases where the individual poses a threat to themselves or others. But this should be proportionate, delivered in collaboration with local partners, and accompanied by a meaningful offer of support.

The views of St Mungo's street outreach workers

"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 stigmatisation. 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

St Mungo's is calling for:

- **The Government to repeal the Vagrancy Act** following its review, and commit to the principle of 'no enforcement without support'.
- **The review of the Vagrancy Act to also consider the wider ways in which police powers and law enforcement are used against people sleeping rough** and their impact, including powers under the Anti-social Behaviour, Policing and Crime Act 2014. This should result in an end to the criminalisation of rough sleeping.
- **At the local level, plans for how and when police use their powers against people sleeping rough to be developed** and integrated in local homelessness strategies, with multi-agency support packages planned alongside this.
- **The Government to ensure that local authorities are 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.

For more information on this briefing please contact Rory Weal, Senior Policy and Public Affairs Officer, rory.weal@mungos.org