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WILL THE UK GOVERNMENT FINALLY REPEAL ARCHAIC VAGRANCY LAW IN ENGLAND AND WALES?



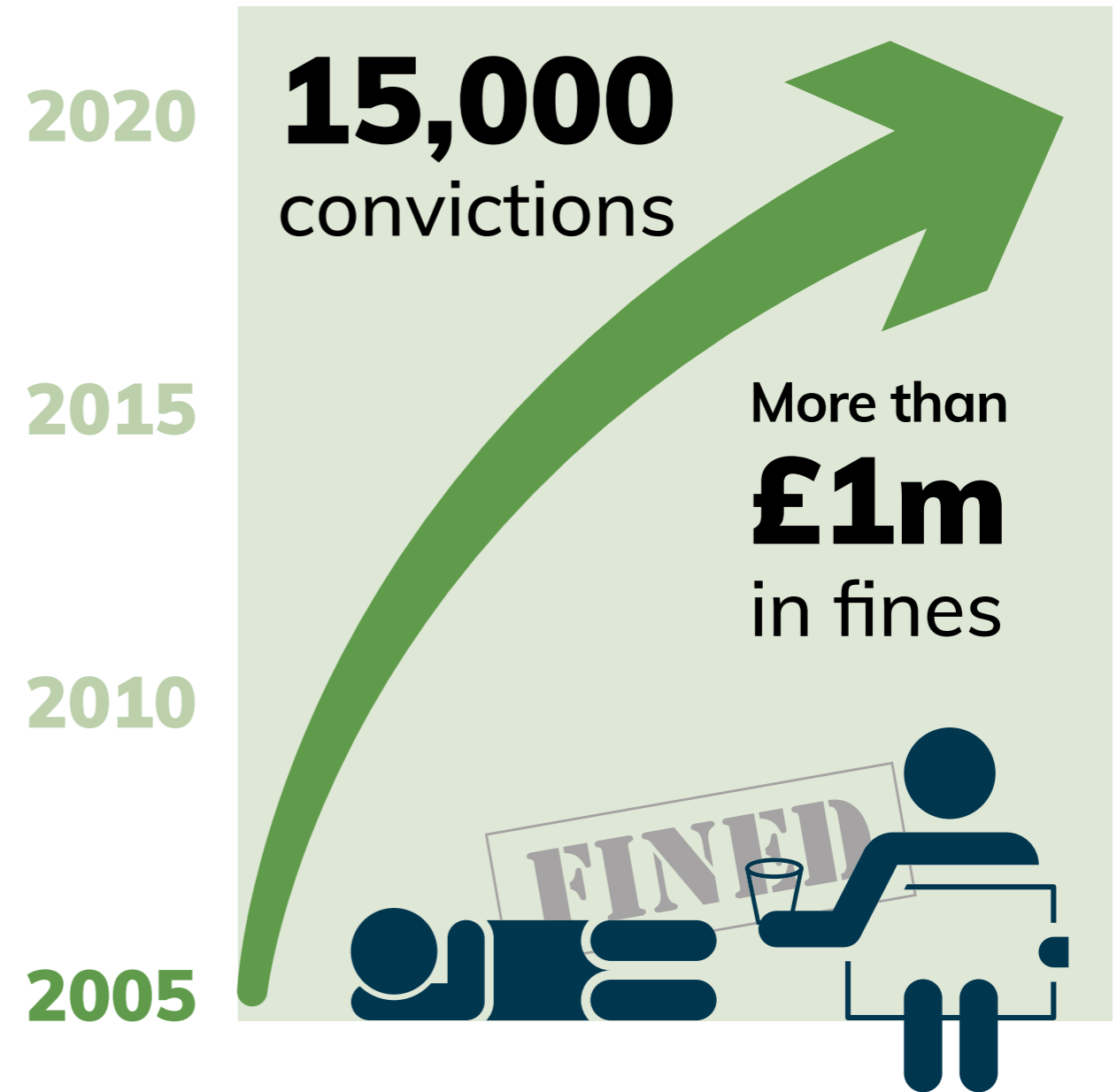
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THE VAGRANCY ACT 1824 IN 2020'S CORONAVIRUS CRISIS

The UK government is set to release a long-awaited review of the laws related to rough sleepers and homeless people. In particular, it is expected to announce the fate of Vagrancy Act 1824, which remarkably is still in force in England and Wales. When enacted in 1824, this criminal statute targeted an extensive range of 'idle and disorderly' people thought to be 'rogues and vagabonds'. While most of these offences have now since been repealed, the Act is still able to be used against poor people surviving on the street. The issue has now taken on a real urgency with the Coronavirus pandemic, and the fact is that homeless people, and those who work with them, are disproportionately at risk of illness and death.

AN OUTRAGEOUS ABUSE OF THE CRIMINAL JUSTICE SYSTEM

With the growing numbers of homeless people and rough sleepers reaching historic levels in England, the vagrancy law has faced renewed criticism as a cruel response to abject poverty and suffering. To be a rough sleeper is to struggle to maintain the basic requirements of keeping the body alive. Mental and physical illnesses, trauma and abuse go undiagnosed and untreated. People who have suffered greatly, such as women fleeing the violence and profound trauma of domestic abuse, are at risk of being even further victimised. Homelessness is a slow death sentence: hundreds of [rough sleepers die every year](#) in circumstances that are completely preventable.





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The Vagrancy Act adds to this suffering and death toll by victimising rough sleepers while at the same time damaging street outreach and rehousing strategies. The specific ‘crime’ that is enforced to these dark ends is that of begging. Today the begging offence is being actively and at times aggressively enforced against rough sleepers. Since 2005 more than 15,000 convictions have been registered, resulting in more than a million pounds in fines – [an outrageous abuse of the criminal justice system](#). Research by the homelessness charity Crisis and the Guardian found that in the past five years, 8,500 people have been arrested under the Act. And for every arrest, there are likely dozens of times rough sleepers are informally ‘moved on’ from a space they are simply trying to survive in.

MISCONCEPTIONS AND USES OF THE VAGRANCY ACT

How is the begging offence, which in vagrancy law dates back to 1349, used against rough sleepers? Are rough sleeping and begging not separate activities? But to state that the begging offence is not applicable to rough sleepers is to reveal a fundamental misunderstanding of modern policing and the truly archaic nature of vagrancy law. The [1824 begging offence](#) has always been about policing visibly poor people, including rough sleepers. It is often said that it was enacted to address veterans of the Napoleonic Wars who begged on the street, sometimes displaying open wounds. But this description obscures its much wider purpose. If you read the parliamentary investigations that led to the Act, it is clear that the begging offence is about overall control of visibly poor people and who should be responsible for them.



Crisis recognises this threat to rough sleepers in its [campaign](#) to have the Act repealed. As the charity has documented, rough sleepers are routinely assumed to be begging simply by being present in public spaces. The archaic wording of the begging offence – ‘to beg or gather alms’ – is so vague as to include the mere presence of a rough sleeper on the pavement. Officials often claim that the Act is limited to arresting only ‘persistent’ beggars who harass or intimidate passers-by. This is not true, and a wrong reading of the law. Just sitting on the pavement, appearing poor and in need of help, is policed as begging.

TO PROTECT, NOT PERSECUTE

It is important to note that some police officials are now questioning the use of vagrancy law. I believe many frontline officers feel that enforcing the Vagrancy Act dishonours their profession. But the fact remains that, as long as the law exists, the police will have a duty to enforce it and can legitimately be pressured to do so. Repealing the Act will enable them to do the job they are trained for and which the public expects: to protect – not persecute – a highly vulnerable and victimized group.

At the same time, being poor or homeless is no excuse for real criminal behaviour. People who harass, menace or threaten others should be dealt with by police action. Today’s police and local authorities have a flexible range of relatively new legal tools to deal with harmful or fraudulent behaviour in public spaces.

REPEALING THE ACT – A MORAL IMPERATIVE

Repealing the Vagrancy Act will not solve homelessness. But it will remove a centuries-old legal prejudice against poor people in public spaces, a prejudice that adds greatly to the suffering of rough sleepers while also frustrating collective efforts to help them. With the coronavirus pandemic posing a particularly deadly threat to vulnerable populations such as people forced to sleep on the streets, the intention to repeal this cruel law should become nothing less than a moral imperative.

