

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

Minister's Office
Castle Buildings Block C
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG

JCP\25\284

Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

19 November 2025

Dear Kathy,

REPEAL OF VAGRANCY LEGISLATION

Thank you for your letter of 31 October 2025 relating to issues arising out of evidence given by Professor Kevin Brown to Committee Members on repeal of vagrancy legislation and in particular the ability to deal with people who are trespassing on premises with intent to commit an offence in the event of repeal of section 4 of the Vagrancy Act 1824 (the 1824 Act).

Section 4 of the 1824 Act provides that:

“Persons committing certain offences shall be deemed rogues and vagabonds and may be imprisoned for three months. Every person- (a) pretending or professing to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose on any of His Majesty's subjects; or (b) wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself; or (c) wilfully exposing to view in any street, road, highway, or public place, or in any place to which the public have or are permitted to have access, or in the window or other part of any shop or other



building situate in any street, road, highway or public place, any obscene print, picture, or other indecent exhibition; or (e) wandering abroad, and endeavouring by the exposure of wounds or deformities to obtain or gather alms; or (f) going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence; or (i) having upon him any instrument, with intent to commit any indictable offence; (j) being found in or upon any building or structure, whether permanent or not, or any vehicle or caravan or movable dwelling, or in any premises or place owned or occupied by any other person, for any unlawful purpose; shall be deemed a rogue and vagabond, and subject to section 70 of the Criminal Justice Act 1982, it shall be lawful for a court of summary jurisdiction or for any resident magistrate sitting out of petty sessions on conviction of such offender to sentence him to be imprisoned for a term not exceeding three months or to a fine of level 3; and every such instrument, or dangerous or offensive weapon as aforesaid, shall, by the conviction of the offender, become forfeited to the Crown.

In summary, the offences under section 4 are:

- indecent exposure with intent to insult a female
- found on premises for unlawful purpose;
- possessing instrument with intent to commit an offence.
- unlawful charitable collection

Only the offence of ‘found on premises for unlawful purpose’ is in current, though not significant, use. The remainder of the offences have been superseded by more modern and comprehensive legislation.

In the event of repeal, there is alternative legislation available to address trespass including:

- section 9 (*Burglary*) Theft (Northern Ireland) Act 1969 (trespass in a building with intent to steal, cause damage, or commit a serious assault)
- article 10 (*Wrongful taking possession, or use, of premises*) Criminal Justice (Northern Ireland) Order 1986

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

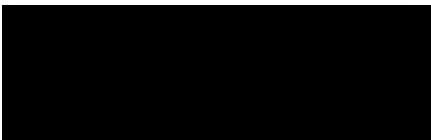
An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

- sections 68 (*Offence of aggravated trespass*) and 69 (*Powers to remove persons committing or participating in aggravated trespass*) Criminal Justice and Public Order Act 1994

Please thank Members for forwarding Professor Brown's suggested amendment to cover Begging causing Harassment, Obstruction or Public Order. I have forwarded it to the Minister and to the relevant policy leads.



**DAVID GRAHAM
DALO**



Northern Ireland Assembly Committee for Justice

David Graham
DALO
Department of Justice
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ

31 October 2025

Repeal of Vagrancy Legislation

Dear David

At its meeting on 23 October 2025, the Committee for Justice received oral evidence on the proposed repeal of vagrancy legislation amendment to the Justice Bill from Professor Kevin Brown of Queen's University, Belfast.

Professor Brown advised the Committee that Clause 10 of the Crime and Policing aims to replace an aspect of section 4 of the Vagrancy Act 1824 (the 1824 Act) which, among other things, criminalised being found on enclosed premises for an unlawful purpose. This will maintain a crime-prevention power allowing police to intervene where there is clear evidence that someone is trespassing on premises with the intent to commit an offence.

The Committee agreed to ask the Department for:

- details of the other offences which are tied up in the wording of section 4 of the 1824 Act that will drop off the statute books when it is repealed in order to decriminalise begging and rough sleeping; and

Room 345, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX
Telephone: (028) 905 21033

E-mail: committee.justice@niassembly.gov.uk

- an assessment of the gaps that may be left by the repeal of these offences, in particular trespassing with intent.

In Professor Brown's written submission to the Committee, he suggested a potential amendment to cover Begging Causing Harassment, Obstruction or Public Order Concerns. The Committee also agreed to forward the wording of this amendment to the Department for its view on the proposed amendment and the draft wording and I attach this in Appendix A.

I should appreciate a response by 14 November 2025.

Yours sincerely

Kathy O'Hanlon

Kathy O'Hanlon
Clerk to the Committee for Justice

Appendix A

Begging causing harassment, obstruction or public order concerns

(1) A constable may direct a person who is begging in any place and whom the constable reasonably believes to be acting, or to have acted, in a manner that—

- (a) harasses, intimidates, assaults or threatens any person;
- (b) obstructs or impedes the passage of pedestrians or vehicles; or
- (c) gives rise to a reasonable apprehension for the safety of persons or property or for the maintenance of public order,

to desist from such conduct and to leave the immediate vicinity in a peaceable and orderly manner.

(2) A constable may direct a person who is begging at or near—

- (a) the entrance to a dwelling;
- (b) an automated teller machine;
- (c) a vending machine; or
- (d) a night safe,

to desist from begging and to leave the vicinity of that place in a peaceable and orderly manner.

(3) A constable may direct a person who is begging at or near the entrance to business premises, at any time when those premises are open for the transaction of business with members of the public, to desist from begging and to leave the vicinity in a peaceable and orderly manner, if the constable has reasonable grounds for believing that—

- (a) the person's behaviour, or
- (b) the presence of multiple persons begging at or near the premises,

is causing, or is likely to cause, members of the public to be deterred from entering the premises.

(4) A constable may direct a person (other than the owner or occupier) who is begging in a private place to desist from begging and to leave that place and its vicinity in a peaceable and orderly manner.

(5) A person who, without reasonable excuse, fails to comply with a direction given under this section commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) When giving a direction under this section, a constable shall inform the person, in clear and simple language, that—

- (a) failure to comply with the direction constitutes an offence; and
- (b) the person may be arrested if the direction is not obeyed.

(7) Where a person fails to comply with a direction given under this section, a constable may arrest the person without warrant if the constable reasonably believes that such arrest is necessary—

- (a) to prevent injury to any person or damage to property;
- (b) to prevent further harassment, obstruction or disorder; or
- (c) to enable the person's prompt and effective prosecution for the offence.

(8) A constable shall not exercise powers under this section within a dwelling unless acting—

- (a) with the consent of the owner or occupier; or
- (b) otherwise in the lawful execution of their duty.

(9) Nothing in this section limits the right of an owner or occupier of a private place to require a person who is begging there to—

- (a) desist from begging; or
- (b) leave that place.

(10) Interpretation

In this section—

“automated teller machine” means a machine designed to enable a person, by means of a cash, credit or debit card, to withdraw or lodge cash or conduct other financial transactions;

“business premises” means premises normally used for—

- (a) the carrying on of any professional, commercial or industrial activity; or
- (b) the provision of goods or services to members of the public;

“night safe” means a device located on the exterior of premises occupied by a financial institution for the deposit of money by customers;

“vending machine” means a machine designed to enable a person to purchase goods or services by inserting money, tokens, or using a payment card.