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DATE: 12 June 2025

TO: KATHY O'HANLON

Business Area: Criminal Justice Policy and Legislation Division
Access to Justice Directorate

Issue: Summary of Responses and Next Steps to the Consultation on the
Repeal of the Vagrancy Act 1824 and the Vagrancy (Ireland) Act
1847

Restrictions: None

Action Required: To note

Officials Attending: N/A

Introduction

1. This memo advises the Committee of the Department's completion of the Summary of Responses to its consultation on the repeal of section 4 of the Vagrancy Act 1824 (1824 Act) and section 3 of the Vagrancy (Ireland) Act 1847 (the 1847 Act). The Summary of Responses and Next Steps to the consultation is attached.

Background

2. The consultation on repeal of section 4 of the 1824 Act and section 3 of the 1847 Act was launched by the Minister on 20 November 2024 and closed on 31 January 2025. The consultation sought views on two questions. These were:

Question 1: *What are your views on the Department's plans to decriminalise rough sleeping and begging by repealing the relevant provisions in the Vagrancy Act 1824 and the Vagrancy (Ireland) Act 1847?*

Question 2: *What, if any, gaps do you consider this would leave in the criminal law, taking into account the range of other offences available to deal with public order, disorderly behaviour and harassment in public places?*

Summary of Responses

3. Eleven responses were received to the consultation. Of these, in response to Question 1, nine respondents were supportive of repeal of the relevant provisions of 1824 and 1847 Acts.

4. In response to Question 2, seven respondents considered that repeal of vagrancy legislation, taking into account the existing legislation set out in the consultation paper, would leave no gaps in provision and that no replacement legislation was required. Three respondents considered that replacement legislation is required. One respondent organisation considered that it is not in a position to advise the Department on any gaps in the criminal law.

Next Steps

5. Given the support received for repeal in responses to the consultation, draft provision enabling repeal of section 4 of the Vagrancy Act 1824 and section 3 of the Vagrancy (Ireland) Act 1847 will be tabled at Consideration Stage of the Justice Bill.

6. Following careful analysis of the responses, it remains the Minister's view that the existing legislative framework has the necessary offences to deal with any behaviours committed by those who beg or sleep rough where these cross the criminal threshold. It has been concluded that the replacement legislation as proposed by respondents would continue to marginalise and criminalise people for begging and therefore, no replacement legislation is proposed by the Department.

7. While the Committee has previously expressed concern about organised begging, the Department has engaged with the PSNI on this issue, including with a representative of the PSNI's Organised Crime Task Force. This engagement confirmed that the issue of organised begging has not been raised with the PSNI or its partner agencies as an area of concern. Further PSNI has indicated that there are existing legislative provisions to address this should it be an issue in the future.

8. The summary of responses to the consultation will be published on the Department of Justice website.



David Graham
DALO

Enc. Summary of responses to the consultation



Department of
Justice
An Roinn Dlí agus Cirt
Mánnystrie O tha Laa
www.justice-ni.gov.uk

CONSULTATION ON THE REPEAL OF THE VAGRANCY ACT 1824 AND THE VAGRANCY (IRELAND) ACT 1847

A Summary of Responses And Next Steps

June 2025

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1. Introduction

1.1 This report provides a summary of responses to the Department's [Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy \(IRELAND\) Act 1847](#).

1.2 The consultation sought views on the repeal of the provisions of the Vagrancy Act 1824 (the 1824 Act) and the Vagrancy (Ireland) Act 1847 (the 1847 Act) as they apply to Northern Ireland. Currently, prosecutions for rough sleeping are made under section 4 of the 1824 Act and prosecutions for begging are made under section 3 of the 1847 Ireland Act.

1.3 In its discussions with PSNI on repeal of vagrancy legislation, which preceded the consultation, the Department had asked for its views on any gap in provision left by repeal, in the context of consideration of pre-existing offences which could be used to deal with associated behaviours which cross the criminal threshold. The Department was advised that the gap left by repeal would be an inability to deal with 'simple begging' through an out of court disposal or prosecution.

1.4 As the Minister does not consider it is appropriate to criminalise people who are simply begging but who are not otherwise behaving in a way that would attract criminal sanction, the consultation sought views on the Department's plans to decriminalise rough sleeping and begging, concluding that the comprehensive multi-agency response approach adopted by the statutory, voluntary and community sectors to those who sleep rough or beg is considered to be a more effective response than the criminalisation of some of the most vulnerable in our society.

1.5 The Department sought views on two questions:

Question 1: What are your views on the Department's plans to decriminalize rough sleeping and begging by repealing the relevant provisions in the Vagrancy Act 1824 and the Vagrancy (Ireland) Act 1847?

Question 2: What, if any, gaps do you consider this would leave in the criminal law, taking into account the range of other offences available to deal with public order, disorderly behaviour and harassment in public places?

1.6 11 responses to the consultation were received. A list of those who responded is provided at **Annex A**. The consultation opened on 20 November 2024 and closed on 31 January 2025. An extension of time to submit responses was granted where requested.

1.7 A consultation paper was published on the Department's website [Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy \(IRELAND\) Act 1847 | Department of Justice](#) with a link to the response form. Respondents were also given the option to email responses to CPU@justice-ni.gov.uk

1.8 The main consultation page was viewed 1083 times. The consultation was also promoted on X (formerly known as Twitter) and shared on LinkedIn. It had 3,425 views on X and 958 on LinkedIn. The list of organizations were tagged on social

media at various points throughout the period of the consultation is attached at **Annex B**.

2. Summary of Consultation Responses: Question 1

Question 1: What are your views on the Department's plans to decriminalize rough sleeping and begging by repealing the relevant provisions in the Vagrancy Act 1824 and the Vagrancy (Ireland) Act 1847?

2.1 Of the 11 responses received, 9 welcomed the proposal to repeal these provisions. The consistent theme in these responses was that the legislation was outdated with one respondent highlighting that it was the relic of an era when poverty was wrongly viewed as a personal moral failing rather than as the result of complex societal and economic factors.

2.2 The majority referenced that begging and rough sleeping were often linked to underlying issues such as homelessness, poverty, alcohol and drug addiction, poor mental health, sexual and domestic abuse, family breakdown, adverse childhood experiences, and low educational attainment.

2.3 There was recognition that these were complex and cross cutting issues requiring a multi-agency response of support rather than criminalisation. The predominant view was that criminalization exacerbated existing vulnerabilities.

Comments included:

'This legislation is outdated and not fit for purpose.'

'...reflects negative attitudes on the part of some lawmakers towards this marginalised group of people'

'The emphasis should be on supporting people not criminalising them.'

'...maintaining outdated criminal statutes further exacerbates and contributes to stigma and social exclusion.'

'A criminal record will only increase the stigma they are already enduring'.

'Criminalising people in poverty – whether they are sleeping rough – for simply asking for money on the street does not solve the underlying issues which have led them to engaging in that activity.'

'The current provisions criminalise and dehumanise the most vulnerable in our society, often pushing individuals further away from help and into more dangerous situations.'

'It is important to view rough sleeping and begging as social issues rather than criminal behaviours, reinforcing a human rights-based framework.'

'A properly funded trauma informed approach provided collaboratively by a range of organisations is much more likely to generate positive outcomes than a punitive response.'

'It is the duty of government to ensure that people experiencing these complex issues have the support and assistance they need.'

'Taking a criminal approach does not tackle or resolve those underlying issues or the root causes of vagrancy and undermines the dignity of individuals who require support rather than punishment'

2.4 The importance of collaborative work between social services, health, housing providers, justice and law enforcement was a consistent theme. Adopting a more holistic approach would help to ensure that individuals receive comprehensive, tailored support according to their specific needs.

2.5 Two respondents made particular reference to the Belfast Complex Lives Model which was cited as supporting some of the most vulnerable people in our society through collaborative working between partners, and across sectors, helping people access housing, addiction support, mental health support and healthcare and providing the right support at the right time. Others made particular reference to the NIHE Homeless Strategy 2022-2027 'Ending Homelessness Together' which is considered to show the importance of collaborative work among social services, health, housing providers, justice and law enforcement to create sustainable solutions. This includes its commitment to extending Housing First provision, providing settled housing as a first response for people with multiple needs. Mention was also made of the recently published NIHE ['Youth Homelessness Action Plan 2024-2027'](#).

2.6 Some respondents were keen to change the narrative around homelessness and street activity. Relevant comments include:

'It is sometimes posited that people who are sleeping rough are "choosing" to be homeless. From our experience and the experience of our members.....we strongly disagree with this narrative. There are several understandable reasons as to why people sleeping rough may choose not to accept a placement in temporary accommodation. These can be related to past experiences or perceptions of what accepting a place may mean for them. If a person in this situation turns down an offer of temporary accommodation, it is often not them making a positive choice to sleep rough, but a judgment on their part when it comes to determining what option in their estimation will cause them the least harm. Individuals who become entrenched rough sleepers can also struggle with the move back into housing whether temporary or permanent. This may be because they have found acceptance and community amongst individuals who are sleeping rough or because they feel unable to manage a tenancy.'

'..behind every statistic is a person who is often experiencing complex issues and traumas that have led to them having no safe place to call home. Rather than punitive measures, we should be focusing our collective efforts on providing those involved in street activity such as rough sleeping and begging with appropriate support.....'

‘...working with rough sleepers and seeing first hand the stigma they endure, with some onlookers blaming the individual rather than recognising the complex barriers these individuals face....past trauma, mental health struggles, lack of appropriate support and unsuitable accommodation. Some public views go further and describe rough sleeping as a choice. This neglects to consider how the lack of accommodation and support presents systematic failings...’

2.7 Responses supportive of repeal considered that de-criminalising begging and rough sleeping will result in more vulnerable people seeking support and engaging with relevant services to meet their needs and manage their risks, without fear of prosecution. The view is that services will be better able to identify and locate people in need of support and prevent individuals at risk becoming entrenched in a cycle of offending behaviour, therefore improving their chances of future employment and access to safe housing and other services.

2.8 Conversely, those respondents opposed to decriminalisation considered the current legislation was an important incentive that encourages participation in signposting and support. One also commented that:

‘..dedicated PSNI officers and Neighbour Hood teams engage with and move on beggars. Whilst engaging with them they obtain their personal information, checking details like home address, previous convictions etc. During this engagement officers can observe and check for any other signs of criminal activity, drugs, drug dealing, ownership of a weapon, stolen goods etc. By decriminalising begging and rough sleeping this level of engagement could potentially lessen and other criminal acts could slip through the net without the level of observation that police engagement/interaction can bring.’

2.9 A number of respondents commended the police for their compassionate and supportive approach to those sleeping rough, acknowledging that this approach was not always adopted across the UK. Taking into account the statistics provided in the consultation and the decreasing use of the legislation, respondents considered that repeal was still worthwhile as its continued existence signalled that rough sleeping is ‘*worthy of punishment*’ and there was concern that a police approach in the future, under different leadership, may not be consistent with current practice. The view was that repeal would remove that possibility ‘*however remote it might currently seem*’.

2.10 Three responses raised ECHR concerns about the continued use of the legislation. In one response, section 3 of the Vagrancy (Ireland) Act 1847 was stated as placing an absolute prohibition on begging ‘*which is arguably in breach of the European Convention on Human Rights*’. The respondent pointed to [Lacatus v Switzerland](#), which found that enforcing an absolute prohibition on begging unjustifiably interfered with the applicant’s Article 8 rights (respect for private life) adding:

‘Furthermore, a total ban on begging can also be seen as an unjustifiable infringement of Article 10 (freedom of expression), as it denies individuals the ability to communicate their need for assistance.’

The response further advised that, following the reasoning in *Lacatus v Switzerland*, ‘criminalizing rough sleeping can be argued to violate Article 8, as it constitutes a disproportionate interference with an individual’s right to respect for their private life, especially when considering the lack of alternative housing options for those affected’.

2.11 Another response echoed these concerns that the continued use of this legislation failed to meet human rights standards and obligations, particularly Article 8.

2.12 A third respondent drew the attention of the Department to the 2024 Report of the United Nations Special Rapporteur on Extreme Poverty and Human Rights entitled [Breaking the cycle: ending the criminalisation of homelessness and poverty](#) which recommended repeal of laws criminalizing begging in public spaces and concluded:

‘Relying on the criminal justice system to address the consequences of poverty and homelessness serves only to penalize individuals for structural inequality, social exclusion and their fundamental denial of rights. Criminalization further entrenches inequality, reinforces social stigma, and undermines the dignity of persons experiencing homelessness or poverty.....a punitive approach leads to a cycle of circular movement of individuals through poverty, homelessness and the criminal justice system and cannot be seen as justifiable’.

2.13 Two responses opposed the repeal of Vagrancy legislation. Both were from organisations representing City Centre businesses which provide funding for dedicated PSNI officers whose role is patrol and engagement in the relevant areas.

2.14 Both organisations had consulted its members and the PSNI with one respondent advising that it has identified one of the primary concerns of city centre businesses as ‘the impact of anti-social behaviour, particularly people sleeping in doorways and begging’. It further states that this issue is consistently highlighted as one of the most significant factors affecting both businesses and customer perceptions when entering and exiting the area.

2.15 Other comments from these responses include:

‘...some pitches make in excess of £200 on a weekend evening, specifically around the areas of high footfall within the night-time economy.’

‘...police have found that most of the individuals begging in the City Centre have a drug or alcohol dependency and use this as one of the ways to fund these addictions.’

‘...the existing vagrancy laws enable the PSNI to tackle this issue effectively, even when no arrest for begging is made, it can be used as a preventative tool, which in turn can prevent harm or loss of life’.

‘Police often engage with rough sleepers in the City Centre who have permanent accommodation elsewhere.’

‘Several hotels report repeated rough sleeping and refusal on the part of individuals to move on. Various hotels... rely on police engagement to ultimately negotiate with these individuals and signpost the relevant support.’

‘current vagrancy legislation acts as a deterrent to those begging/sitting on the street. Those who are on (the) street will know that they will be asked to move on by PSNI, Safer Neighbourhood Officers/Outreach teams and also by businesses.’

‘There is a greater number of people presenting on street, sleeping and begging due to the knock on effect of the Welcome Organisation closing and moving to another premises with limited facilities.’

‘...reports from businesses of customers being asked for money as they enter the store. Customer feedback to some of our businesses is that this makes them feel uncomfortable...’

‘...there is the potential that without the threat of being arrested that it becomes more commonplace to sit on the street throughout the day.’

‘Police have had several queries as to whether Belfast is a ‘safe place’ for families One of the factors mentioned was the increase in incidents associated with begging/rough sleeping and alcohol/drug use, which police have noted are often linked.’

‘Whilst Belfast is a relatively safe city, repeated begging and rough sleeping diminishes confidence particularly for women and families.’

2.16 One of the responses advised that previously PSNI has witnessed, usually at Christmas, organized groups of Eastern European beggars being dropped off at certain points in the City Centre with signage stating that they are homeless or have an illness or a disability, and that some of these would be aggressive in the nature of their begging. Its view is that the current laws helped the police to eliminate this problem by making arrests quickly and effectively. In the absence of these laws, the respondent considered that there would be an escalation of these type of incidents.

2.17 Both organisations referred to the litter generated by the presence of people begging, including needles and excrement, and the costs involved in cleaning this up. Both fund a dedicated cleansing service and highlight that the financial impact of regularly cleaning areas used for rough sleeping and drug use is significant, placing pressure on council and other public sector resources.

2.18 Both organisations concluded that, with decriminalisation, there is the potential that, without the threat of being arrested, begging, and the associated litter and hazardous material, will become more commonplace.

3. Summary of Consultation Responses: Question 2

Question 2: What, if any, gaps do you consider this would leave in the criminal law, taking into account the range of other offences available to deal with public order, disorderly behaviour and harassment in public places?

3.1 Of the 11 responses received, 7 considered that repeal of vagrancy legislation, taking into account the existing legislation set out in the consultation paper, would leave no gaps in provision and that no replacement legislation was required. These responses reflected views given in response to Question 1, emphasising the need for support rather than punitive measures. Comments included:

'..need for a shift from a punitive approach to a supportive one, which should help to facilitate long term solutions'

'The current criminal justice framework already provides sufficient mechanisms to address public order concerns there are existing offences that cover issues such as public disorder, disorderly behaviour and protection from harassment. These laws can be enforced in situations where a criminal response is genuinely required.'

'The police and criminal justice system should practice a more trauma informed approach, which takes into account the multitude of factors that have led to this person begging or rough sleeping. Liaison and diversion services, rather than punitive measures should also be put in place to better support these vulnerable individuals.'

'We should be focusing our collective efforts on providing those involved in street activity such as rough sleeping and begging with appropriate support, as well as investing in homelessness prevention and increasing our supply of affordable housing.'

'Any perceived gaps should be addressed through updating the [Ending Homelessness Together Homelessness Strategy 2022-27](#) and related policies and improving inter-agency working rather than through replacement legislation.'

3.2 One respondent considered that it is not in a position to advise the Department on any gaps in the criminal law. However, it made reference to the Department's public consultation on [proposals to amend the legislation to help tackle Anti-Social Behaviour](#) and the impact of future change, cautioning on the potential for this and existing powers to be used against people who are 'simply begging'. Reference to this consultation was included in another response with particular reference made to drinking in public.

3.3 Two responses, while supportive of repeal, recognized that the response to begging was a more challenging issue, though both agreed with the view of the

Department that there are currently other offences to address disruptive or criminal behaviours associated with begging. These responses referenced the expression 'aggressive begging' and the challenges it presented in terms of its definition. One of the responses advised that its organisation's focus group had given careful consideration to the issue. For some, verbal abuse for refusing to give money would fall within this term. For others, there would be a need for moves toward physical aggression. No consensus was reached. However, both respondents concluded that no additional criminal sanctions were required. Both respondents also considered that a post-repeal review should be considered by the Department or MLAs to assess the impact of repeal and any unintended legal gaps.

3.4 Another respondent, while supportive of repeal of current vagrancy legislation, expressed concern that the proposals did not include plans to replace section 3 of the Vagrancy (Ireland) Act 1847 with a more limited and modern offence framework to address harmful behaviour associated with aspects of begging.

3.5 The response gave detailed consideration to each of the offences set out in the consultation, concluding that they fail to provide an appropriate framework for addressing these behaviours. The offences are considered by the respondent as 'irrelevant or excessively punitive'. While stressing that repeal of vagrancy legislation is a progressive and necessary step towards a more compassionate and rights based approach, the response was concerned that such repeal should not create a vacuum in which problematic and harmful behaviours associated with begging are left unaddressed, highlighting aggressive or intimidating begging in this context.

3.6 The respondent's view was that legal responses must be carefully targeted and proportionate, focusing on behaviours that disrupt public order or cause significant harm without unfairly penalizing individuals for their circumstances. In relation to Anti-Social Behaviour Orders, these were considered to be an unsuitable response to '*problematic begging*', as they are expensive to implement and breaches can result in penalties far exceeding those warranted by the original behaviour.

3.7 In consideration of responses in other jurisdictions, the respondent highlighted the approaches taken in the three neighbouring jurisdictions: England and Wales; Scotland and the Republic of Ireland, which, in their view, underscores the need for a balanced and nuanced response.

3.8 With regards England and Wales, which they considered had broader public order offences and tailored mechanisms such as the Public Space Protection Order (PSPO), it was considered that "*PSPOs and similar tools should be avoided in Northern Ireland due to concerns about their overly punitive nature and excessively broad scope*".

3.9 Commenting on the approach taken in Scotland, where it was considered that the consultation proposals "*most closely reflect*" and "*where vagrancy legislation on begging was repealed over 40 years ago...without replacement*", it was considered that "*reliance on the common law offence of breach of the peace exposes gaps in the legal framework, with local authorities seeking by-law-making powers*". It was noted that the common law offence of breach of the peace was widely used and

considered flexible in providing a tool to address aggressive begging. However, they did not consider that the Northern Ireland equivalent was sufficient and considered that the *“approach risks inconsistency and administrative burdens if adopted in Northern Ireland”*.

3.10 Commenting on the approach in the Republic of Ireland, where its Criminal Justice (Public Order) Act 2011 (the 2011 Act), on repeal of vagrancy legislation there, had replaced provisions related to begging with *‘modern, targeted offences ...specifically aimed at addressing problematic aspects of begging’*, it was also stated that *‘one could legitimately argue that the Republic’s framework leans too heavily toward maintaining public order, potentially tipping the balance away from adequately protecting those who rely on begging for survival’*. The response further highlighted that the 2011 Act criminalised organised begging and considered that the lack of a proposal to address this issue in the consultation was a *‘significant weakness’*.

3.11 One respondent, opposed to the repeal of vagrancy legislation without replacement legislation, stated that any removal of these provisions would limit the PSNI’s ability to deal with ‘rough sleepers/beggars’ though also highlighting that public order offences are currently effectively dealt with. It stated:

‘ We have to be mindful that the majority of people who might be offending under the Vagrancy Act are usually not also committing offences under the Public Order NI Order. Police in general, and within the City Centre specifically, always robustly deal with public order offences and offender. Public order offences are simple to deal with – arrest and remove the person to custody – this is the right thing to do because it sends out a clear message to potential offenders and instils a sense of confidence from the community.’

3.12 However, its conclusion was that repeal without replacement legislation would mean that: the police will no longer have the ability to relocate people who are causing genuine problems to the public and trading businesses and if necessary arrest and take the person into custody if their behaviour warrants it ; it will also encourage rough sleeping for those who have alternatives and who are not considered vulnerable or destitute and; may also increase the risk of harassment and aggressive begging, ultimately making members of the public feel unsafe or threatened.

3.13 As a possible alternative, the response referenced the Police Reform Act 2002 which created a Community Safety Accreditation Scheme in England and Wales and was stated to enable designated third-party officers to receive limited policing powers, such as the seizure of alcohol. It also referenced that the repeal of the Vagrancy Act 1824, legislated for in England and Wales, had been suspended until replacement legislation is in place and stated that the same should apply in Northern Ireland.

3.14 Another respondent, opposed to repeal without replacement legislation, also favoured the legislation used in the Republic of Ireland (paragraph 3.7 refers), highlighting the ability of the Gardai to move people on. The response also favoured

Public Space Protection Orders (PSPOs) – available in England and Wales - for Belfast City Centre and the wider area, believing it would protect the city centre *‘from on street drinking, drug use, begging, rough sleeping, preaching and protests/rallies which display imagery which is seen as politically charged, a hate crime or contains images which are distasteful and potentially shocking for consumers’*. Conversely, another response had advised against the use of PSPOs due to *‘concerns about their overly punitive nature and excessively broad scope’*.

3.15 Outside of the context of consideration of issues raised by vagrancy repeal, one response raised concerns about the Department’s process and purpose of consultation. It highlighted that the Department has already shared the text of planned amendments to the Justice Bill with the Justice Committee and considered that this action, coupled with the inclusion of the matter on the agenda for the Justice Committee on 23 January 2025, appeared to undermine the purpose of the consultation. It stated:

‘By presenting a seemingly predetermined course of action, the Department risks giving the impression that stakeholder views, including those gathered through this process, may not fully influence or inform the outcome of legislative developments.’

4. Departmental Response and Next Steps

4.1 The Department wishes to thank all respondents to the consultation for their invaluable input.

Repeal of vagrancy legislation

4.2 The majority of respondents supported repeal of the Vagrancy Act 1824 and the Vagrancy (Ireland) Act 1847 and agreed with the Department's view that the underlying issues which lead people to rough sleep and beg are complex and cross-cutting and require a multi-agency response of support rather than criminalisation.

4.3 The two respondents who opposed repeal both represented Belfast City Centre businesses and the Department appreciates the concerns they raise. In their responses both refer to begging being used to fund drug and alcohol dependency and to the consequent consumption of drugs and alcohol on the street with associated litter and hazardous material.

4.4 With regards to on-street drinking, responses to the joint Department of Justice and Department of Communities' consultation on [proposals to amend the legislation to help tackle Anti-Social Behaviour](#), have indicated that the current legislative framework to tackle drinking in public needs updating to ensure it is fit for purpose. In response to these views, the Department, in liaison with the Department for Communities and the PSNI, has committed to bring forward legislative proposals for change in the next Assembly mandate (2027-2032). With regards to addressing drug related issues, there are already laws in place under the [Misuse of Drugs Act 1971](#) which make it illegal to possess or supply drugs.

4.5 It is the Department's view that the criminalisation of rough sleeping and begging does not address alcohol or drug dependency. These are cross cutting issues which require a cross Departmental and multi-agency response. Addressing the harm related to alcohol and other drugs is a key priority for the Northern Ireland Executive and the Department of Health (DoH), and is being delivered through the Executive's [Preventing Harm, Empowering Recovery - Substance Use Strategy 2021-2031](#), co-produced by the DoH, working in partnership with key stakeholders and service users. It has direct links with the Executive's strategic framework for public health, 'Making Life Better', and with the DoH Mental Health Strategy 2021-31. The vision of the substance use strategy is that people in Northern Ireland are supported in the prevention and reduction of harm and stigma related to the use of alcohol and other drugs, have access to high quality treatment and support services, and will be empowered to maintain recovery. Last November, the Health Minister launched [Substance Use Strategic Commissioning and Implementation Plan 2024-2028](#) which sets out the priorities for the recommissioning and reform of substance use services in Northern Ireland.

4.6 Two respondents opposed to its repeal also raise concerns that, with decriminalisation, there will be a lack of police engagement in Belfast which may result in people slipping through the net and not being referred to appropriate support.

4.7 Both of these respondent organisations fund, in total, three dedicated PSNI officers whose sole role is patrol and engagement in the relevant areas. This is in addition to the Central Neighbourhood Policing Team compliment which patrols Belfast City Centre as a whole. These officers will continue to engage with those who are sleeping rough or begging, in line with the 'Right Care, Right Person' approach. This approach, where the PSNI work in partnership with Health and Social Care partners, aims to ensure that individuals are directed to the most appropriate agency for support.

4.8 More widely, conversations with PSNI during the course of the Review have confirmed that, should an incident of begging and rough sleeping be reported, police will respond to determine the circumstances of the incident and of the person involved. It will not be ignored. However, given existing resourcing pressures on police operations, in line with current policing practice, the response to any report will continue to be prioritised according to resources available. As highlighted above, reports will also be dealt with in line with the Right Care, Right Person approach and individuals with mental health or welfare needs will receive assistance from the appropriate agency or support organization.

The need for replacement legislation

4.9 In response to whether replacement legislation will be needed in the event of repeal, three respondents considered that replacement offences were required. As outlined in the summary of responses, their concerns are that the offences currently available to the police to deal with behaviours associated with begging are not sufficient or appropriate.

4.10 Concerns were raised about organised begging, with particular concern that, in the absence of any replacement legislation in the event of repeal, anyone coerced to beg might not come to the attention of police.

4.11 Last year the Department published the [Modern Slavery and Human Trafficking Strategy 2024-2027](#). This three-year Strategy includes commitments and actions to increase public awareness of modern slavery and human trafficking in Northern Ireland and strengthen the knowledge base of frontline professionals in identifying and reporting potential victims. The Department regularly engages with key partners across statutory and non-statutory bodies via the Organised Crime Task Force, Modern Slavery and Human Trafficking Sub-Group and the Non-governmental Organisation Engagement Forum. During engagement sessions, organised begging has not been raised by partners, including police, as an area of concern in respect of exploitation.

4.12 Nor was organised or coerced begging raised as a concern by the police during the Department's review of vagrancy legislation. However, should, in the future, the police find any evidence of this, the coerced person will be referred to the appropriate support. Under section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (the 2015 Act), the Department has a responsibility to provide assistance and support to victims and potential victims of slavery or trafficking, including those who may be exploited through organised begging.

4.13 Individuals who have been identified as potential victims of slavery or trafficking are referred by a first responder organisation to the National Referral Mechanism, subject to their consent, and offered assistance and support from the Department's contracted victim care providers, Migrant Help and Belfast & Lisburn Women's Aid. Assistance and support may include, but is not limited to, safe accommodation, translation services, support in accessing health care and legal advice, and material assistance.

4.14 Section 1 (*Slavery, servitude and forced or compulsory labour*) and section 2 (*Human Trafficking*) of the 2015 Act are available to prosecute those who are found to have forced persons to beg or who have arranged or facilitated the travel of others with a view to those persons being exploited.

4.15 In the wider context of consideration of replacement legislation, there are concerns that the lack of replacement legislation will lead to an increased risk of harassment and aggressive begging and the inability of the police to deal with these behaviours. One respondent noted that during research it had conducted into violence against women and girls, and which involved a small survey sample, a girl had reported being harassed at a cash machine. The survey also found that begging and rough sleeping contributed to a general feeling of unease in the those surveyed when in the city centre.

4.16 The level of abuse, misogyny and violence against women and girls across our society generally is completely unacceptable and is, unfortunately, all too prevalent in Northern Ireland. The Department continues to work collaboratively with others to eradicate these behaviours. This includes work with the Department of Health on the [Domestic and Sexual Abuse Strategy 2024-2031](#) and with the Executive Office which leads on the [Ending Violence Against Women and Girls Strategic Framework](#). As stated in the Executive Office Framework:

'Most women and girls have become used to limiting where they go and being vigilant in the way they do things, ordering their lives in a particular way because of the fear and real risk of attracting unwanted attention or violence. For too many, the routines of living with everyday misogyny have a cumulative impact on their wellbeing and potential. In essence, women's space to lead their lives as they would choose is curtailed by the very real fear, borne out by experience, that life in our communities can be hostile and even dangerous.'

4.17 It is unacceptable that this girl was harassed by a person who was begging. This type of behaviour is prevalent throughout society and, unfortunately, is not limited to any particular cohort of persons. Any incident of harassment or threatening behaviour by anyone should be reported to the police who will consider the specifics of the behaviour within their existing powers.

4.18 Responses to the consultation did not include any other reports of specific criminal behaviours demonstrated by those begging or sleeping rough. However, as referenced previously, concerns were raised about an increased risk of aggressive begging. Dealing with those who are aggressive towards others is something that the PSNI encounter and deal with outside the area of begging and rough sleeping. The Department does not consider that aggression in the context of begging should be treated any differently than aggression in any other context if the criminal sanction threshold is crossed.

4.19 As reported by one respondent, the Department accepts that the presence of people begging near the entrance to shops can make customers feel uncomfortable, but the Department does not consider that this is sufficient to continue to criminalise people because of their personal circumstances.

4.20 As potential alternatives to existing vagrancy legislation, reference was made to the use of Public Spaces Protection Orders (PSPOs). These were introduced in England and Wales in the Anti-Social Behaviour, Crime and Policing Act 2014 and there are concerns that they are being used by local authorities to disproportionately criminalise rough sleepers¹. An examination of 125 local authorities with PSPOs found that one in four were targeting some aspect of street homelessness².

4.21 Also referenced as a potential model for dealing with behaviours associated with begging was the Criminal Justice (Public Order) Act 2011 (the 2011 Act) which is used in the Republic of Ireland. Under the provisions, it is an offence if the person begging harasses, intimidates, assaults or threatens someone or obstructs persons or vehicles. It also criminalises anyone who controls or organises others to beg.

Further detail on PSPOs and the 2011 Act are provided in the [vagrancy consultation document](#).

4.22 The Community Safety Accreditation Scheme (CSAS) was referenced by one respondent as a possible alternative. As this was not referenced in the Department's consultation document, a brief overview of the Scheme is provided. Under the Police Reform Act 2002, chief constables of police forces in England and Wales are enabled to accredit employees of approved organisations with powers to tackle anti-social behaviour, crime, and disorder in cooperation with the police. Examples of employees granted powers under CSAS include security guards, community, park

¹ [Rough sleepers disproportionately criminalised by PSPOs | Sheffield Hallam University](#)

² K. J. Brown <https://socialandlegalstudies.wordpress.com/2021/05/04/protecting-the-homeless-by-repealing-the-vagrancy-act-two-steps-forward-one-step-back/>

and dog wardens, trading standards officers and housing association staff. Powers granted under the scheme include the confiscation of alcohol from young people, issue of fixed penalty notices for riding a bicycle on a footpath, littering, graffiti, selling alcohol to under 18s and behaviour likely to cause harassment, alarm or distress. They also have the power to request the name and address of a person who is begging.

4.23 It was also suggested that the Department should adopt the approach in England and Wales where legislation allowing for repeal of vagrancy legislation is not commenced until replacement legislation is in place. The previous UK Government had included draft provision, the policy for which formed part of an Anti-social Behaviour Action Plan, in a Criminal Justice Bill which fell on the dissolution of Parliament on 30 May 2024. However, the proposals to deal with ‘nuisance’ begging and ‘nuisance’ rough sleeping drew considerable criticism. The UK Government has since announced its new plans (10 June 2025) to repeal the 1824 Vagrancy Act and to concentrate its efforts on getting to the root causes of homelessness. A new homelessness strategy is to be developed and is to be published later this year. The introduction of targeted measures are also proposed to include a new offence of facilitating begging for gain and an offence of trespassing with the intention of committing a crime, which were previously included in the 1824 Act.

4.24 In response to the specific concern raised about the Department’s process and purpose of consultation, in the context of its oral evidence session to the Justice Committee on 23 January 2025. This session was necessary to provide transparency to the Justice Committee on the Department’s planned amendments to the Bill. The Department provided a draft clause of repeal to provide the Justice Committee with the opportunity to consider the matter more fully. It was not intended, in any way, to undermine the consultation process, responses of which have been invaluable to the Department in its development of this important policy area.

Next Steps

4.25 Given the support received for repeal in responses to the consultation, draft provision enabling repeal of section 4 of the Vagrancy Act 1824 and section 3 of the Vagrancy (Ireland) Act 1847 will be tabled at Consideration Stage of the Justice Bill.

4.26 The Department is grateful for the careful consideration that respondents have given to the issue of the adequacy of the current law to deal with criminal behaviours in the absence of vagrancy legislation and their proposals for replacement legislation. All responses have been carefully analysed.

4.27 However, as highlighted in the consultation document, during its review of the current legislation, the PSNI advised the Department that the only gap left by repeal is the inability to deal with simple begging. No criminal behaviours encountered by the PSNI when dealing with those who beg or sleep rough have been identified by them as not capable of being addressed under the existing criminal legislative framework.

4.28 The Minister does not consider it is appropriate to criminalise people who are simply begging but who are not otherwise behaving in a way that would attract criminal sanction. Following careful analysis of the responses, it remains her view that the existing legislative framework has the necessary offences to deal with any behaviours committed by those who beg or sleep rough where these cross the criminal threshold. It has been concluded that the replacement legislation as proposed by respondents would continue to marginalise and criminalise people for begging and therefore, no replacement legislation is proposed by the Department.

4.29 A comprehensive cross Departmental and multi-agency response approach by the statutory, voluntary and community sectors which addresses the underlying complex issues involved in rough sleeping and begging is considered to be a more effective response than the further criminalisation of some of the most vulnerable in our society.

4.30 As with all changes to the law, the Department will monitor the outworkings of repeal of the vagrancy legislation and will continue to liaise with the police on its impact.

LIST OF THOSE WHO RESPONDED TO CONSULTATION

- **BELFAST ONE BUSINESS IMPROVEMENT DISTRICT (BID)** -represents over 1000 businesses in the Belfast area
- **EXTERN**
- **FIRST HOUSE AID AND SUPPORT SERVICES** – a voluntary, non-profit organisation committed to addressing housing and homelessness
- **HOMELESS CONNECT** – represents over 40 organisations working in the independent homelessness sector. Its response was informed by input from its ‘Voices for Change’ group and Policy Forum. It includes insights from Eight individuals with lived experience of homelessness who participated in the related focus group
- **LAW SOCIETY OF NORTHERN IRELAND** – represents c3000 solicitors in approximately 450 firms in the private sector across Northern Ireland and practitioners in the public sector, in business and in the community and voluntary sector.
- **LINEN QUARTER BID** – represents around 300 businesses south of Belfast City Hall
- **MID & EAST ANTRIM BOROUGH COUNCIL**
- **NICCY** – a statutory office created to safeguard and promote the rights and best interest of children and young people in Northern Ireland
- **PPR (PARTICIPATION AND THE PRACTICE OF RIGHTS)**
- **PROFESSOR KEVIN J BROWN (PROFESSOR OF CRIMINAL LAW, QUB)**
- **SIMON COMMUNITY** – Northern Ireland’s largest homelessness charity

Annex B

List of organisations tagged on social media throughout the period of the consultation

Action Mental Health
Belfast City Council
Belfast Trust
British Retail Consortium
Department for Communities
Department of Health
Depaul
Derry Chamber of Commerce
Derry City & Strabane District Council
Disability Action
Extern Charity
Federation of Small Businesses
Homeless Connect
Hospitality Ulster
Housing Executive
Include Youth
Linen Quarter BID
Men's Action Network
Newry BID
Newry Chamber of Commerce
NICVA
Public Health Agency
Retail NI
Royal College of Nursing NI
Simon Community NI
Southern Trust
Victim Support NI
Welcome Organisation
Women in Business