

The Implications for Northern Ireland of Recent Developments Concerning the Repeal of the Vagrancy Laws

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1. Introduction

In addition to my earlier submitted response to the DOJ's consultation,¹ I wish to provide an updated analysis based on the UK Government's proposals to introduce new offences in England and Wales following the repeal of their *Vagrancy Act* provisions. This update is necessary due to the change in approach between the previous Conservative Government and the current Labour administration.

The new Labour Government, elected in 2024, has chosen to pursue a more narrowly focused set of replacement offences than those proposed by the previous Conservative administration. Whereas the earlier plans envisaged a broader range of public order powers and potential civil restrictions on rough sleeping and begging,² the current approach decriminalises rough sleeping and it replaces the complete prohibition on begging with more conduct-based offences and anti-social behaviour measures.³ It also seeks to introduce a modern replacement to the Vagrancy Act offence of 'being found on enclosed premises for an unlawful purpose.'

This briefing explores the rationale behind those reforms and their potential relevance to the Northern Ireland context, where there are proposals to repeal our own Vagrancy legislation. It also discusses similar reforms in the Republic of Ireland, which shared our pre-partition vagrancy legislation before it was repealed.

1.1 Key Clauses in the Crime and Policing Bill (England & Wales)

The relevant provisions are **Clauses 10–11 of the Crime and Policing Bill**.

- **Clause 10 – Trespassing with intent to commit a criminal offence.** Creates a narrow offence where a person **trespasses on any "premises" (a building, part of a building, or enclosed area) with the intent to commit an offence (whether or not on the premises)**. It is a **summary offence** (up to 3 months' custody and/or level 3 fine).
- **Clause 11 – Arranging or facilitating begging for gain**, with summary-only penalties (up to 6 months' custody, rising to 51 weeks upon commencement of CJA 2003 s.281(5)). **This should be read alongside existing public order and anti-social behaviour measures used in England and Wales to deal with problematic aspects of begging.**

¹ Brown, K. J. (2025) [A Response to the Department of Justice Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847](#).

² Home Office and Ministry of Justice (2024) [Criminal Justice Bill: Nuisance begging and rough sleeping](#).

³ Ministry of Housing, Communities and Local Government and Home (2025) [Rough sleeping to be decriminalised after 200 years](#).

The UK Government presents these as **narrow, conduct-based replacements**, which will sit alongside **existing anti-social behaviour measures**, to, in their opinion, ensure proportionate powers after repeal of the Vagrancy Act.

1.2 Recommendations for Northern Ireland

This paper sets out several recommendations:

- Repeal the vagrancy provisions on rough sleeping and begging.⁴
- Introduce an offence of arranging or facilitating begging for gain.
- Introduce new powers to allow the PSNI to issue ‘move-on directions’ to those begging where it is causing harassment, obstruction or public order concerns.
- Explore further whether a new offence of trespassing with intent to commit a criminal offence is necessary to replace the loss of the provision in the Vagrancy Act 1824 s4.

⁴ I make the case for repeal in my published response to the consultation. Given there appears to be consensus on repeal, I do not repeat those arguments here. Brown, K. J. (2025) [A Response to the Department of Justice Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847.](#)

2. An offence of arranging or facilitating begging for gain

2.1 The rationale for the introduction of the clause 11 offence (arranging or facilitating begging for gain) in England and Wales

In presenting the relevant amendment to the *Crime and Policing Bill* to Parliament, the UK Government explained that the proposed offence of arranging or facilitating begging for gain (Clause 11) was intended to close a limited gap in the law following the repeal of the *Vagrancy Act 1824*. The offence is not directed at individuals who beg, but rather at those who organise or profit from the begging of others, often through coercion or criminal exploitation. The UK Government characterised this as a targeted, proportionate response designed to protect vulnerable people and disrupt organised criminal activity associated with begging.⁵

According to Diana Johnson MP, Minister of State at the Home Office, in her remarks to Parliament:

New clause [11] makes it a criminal offence for any person to arrange or facilitate another person's begging for gain. Organised begging, which is often facilitated by criminal gangs, exploits vulnerable individuals and can undermine the public's sense of safety. This provision makes it unlawful for anyone to organise others to beg—for example, by driving people to places for them to beg. That will allow the police to crack down on the organised crime gangs that use this exploitative technique to obtain cash for illicit activity.⁶

Chris Vince, Labour MP, spoke in favour of the new offence, stating:

Having worked for a homelessness charity, I have seen this issue at first hand. Does she agree that when there is an organisation behind the begging, the person forced to beg is actually being exploited, so these laws will help to tackle a form of exploitation?⁷

Emily Darlington, Labour MP, also spoke in favour of the new offence:

One of the major issues we have had in Milton Keynes is organised begging outside our shopping centre. It is organised by gangs. People often look like they are homeless, or they are assumed to be homeless by caring residents in Milton Keynes, but in reality, they are housed by the council, and they are exploited. They have a rota for which corner or which shop they can each sit in front of during which period of time, and the majority of the proceeds that people donate go to an organised crime network. Those individuals are being exploited in other ways as well. New clause [11] is so important in addressing this

⁵ Ministry of Housing, Communities and Local Government and Home Office (2025) [Rough sleeping to be decriminalised after 200 years](#).

⁶ House of Commons Hansard, Crime and Policing Bill Volume 769: debated on Tuesday 17 June 2025.

⁷ House of Commons Hansard, Crime and Policing Bill Volume 769: debated on Tuesday 17 June 2025.

issue as the real, true crime that it is—not the crime of the people begging but of those organising the begging.⁸

2.2 Republic of Ireland: comparable offences under the Criminal Justice (Public Order) Act 2011

In the Republic of Ireland, the closest comparable offence to clause 11 is **section 5 of the Criminal Justice and Public Order Act 2011**, which makes it an offence to control, direct, organise, force or cause another person to beg. The penalties are on summary conviction: fine (Class A, up to €5,000) or up to 12 months' imprisonment, or both. On indictment: fine up to €200,000 or imprisonment up to 5 years, or both.

The Republic of Ireland also has an offence of living off the proceeds of another person's begging under **section 6 of the Criminal Justice and Public Order Act 2011**. The penalties are on summary conviction a fine (Class A, up to €5,000) or imprisonment for a term not exceeding 12 months or both.

2.3 Department of Justice position and analysis

The DOJ believes, following consultation with the PSNI, that organised begging is not currently a problem in Northern Ireland.

Furthermore, the DOJ considers that if such activities occur, they could be prosecuted under the **Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015**. This would presumably be under the offence of requiring someone to perform forced or compulsory labour and the circumstances are such that A knows or ought to know that B is being required to perform forced or compulsory labour. In some cases, the alternative offence of human trafficking could be used.

If the Assembly proceeds with the proposed decriminalisation of begging, there is arguably a greater need for a specific offence of arranging or facilitating begging for gain. Otherwise, decriminalisation may inadvertently create a legal vacuum that could be exploited by individuals or groups who profit from organising or coercing others to beg. In the absence of such an offence, those who control or benefit from others' begging activities could operate with relative impunity, undermining the protective intent behind decriminalisation.

The DOJ's proposed alternative of relying on the **Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015** sets a high bar for a conviction.

⁸ House of Commons Hansard, Crime and Policing Bill Volume 769: debated on Tuesday 17 June 2025.

Not all cases of organised begging will meet the threshold of forced or compulsory labour or involve human trafficking.

Many forms of low-level facilitation or control involved in begging (e.g. someone “taking a cut,” giving instructions, passive direction, persuasion) will not rise to the level needed for a successful trafficking or exploitation prosecution.

The 2015 Act was designed to address modern slavery, human trafficking, and severe exploitation, not everyday instances of profit-driven begging. Using it to cover general facilitation of begging stretches the statute beyond its intended scope.

It also means that many cases that the public and police see as problematic might go unaddressed, because they don’t satisfy the higher standard of exploitation.

The DOJ’s reliance on the 2015 Act, therefore, risks underprosecuting many real-world cases of exploitation that fall short of trafficking. This creates a gap between conduct and legal accountability.

2.4 Conclusion and Recommendation

Recommendation: Northern Ireland should introduce an offence of arranging or facilitating begging for gain.

While the 2015 Act remains crucial for punishing serious trafficking and exploitation, it cannot reliably or efficiently substitute for a more tailored offence of arranging or facilitating begging for gain. A specific offence, designed for lower-threshold exploitation, with clearer evidential standards, lighter procedural demands, and appropriate safeguards, would fill the gap between public-order powers and full trafficking law.

3. How should individual acts of begging be regulated going forward?

3.1 Does the current Labour Government's decision not to introduce a new offence of begging (apart from the arranging or facilitating begging for gain) mean that begging is decriminalised in England and Wales once the Vagrancy Act is repealed?

Not entirely. While the decision not to replace the Vagrancy Act 1824 with a new general criminal offence of begging represents a move towards decriminalisation in principle, in practice begging in England and Wales continues to be regulated and, in some contexts, penalised through a range of anti-social behaviour (ASB) powers, particularly Public Spaces Protection Orders (PSPOs). These tools effectively allow local authorities and police to control or prohibit begging in specific areas, even if begging itself is no longer a criminal offence under statute.

Instead of a general criminal offence, England and Wales would rely on a suite of *anti-social behaviour* measures (not available in Northern Ireland) under the Anti-Social Behaviour, Crime and Policing Act 2014. In practice, these measures have already become the *de facto* means of policing begging behaviour even before the repeal of the Vagrancy Act, allowing local authorities to tailor restrictions to particular locations such as town centres or transport hubs.

The most significant of these are Public Spaces Protection Orders (PSPOs), which allow a local council to prohibit or restrict specified activities in a defined public area if they are judged to have a “detrimental effect on the quality of life of those in the locality.” PSPOs can (and frequently do) include provisions banning or restricting begging, loitering near cash machines, or remaining in certain areas after being asked to move on.⁹ Breach of a PSPO is a criminal offence punishable by a fixed penalty notice or prosecution in the magistrates’ court.¹⁰

For example, Birmingham City Council’s City Centre PSPO includes the following provision:

Loitering or begging

a) A person is prohibited from loitering or begging, in a manner that causes or is likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Restricted Area.

b) If an Authorised Person reasonably suspects that a person has been loitering or begging within the Restricted Area, an Authorised Person may require that person to leave the restricted area.

c) A person required to leave the Restricted Area by an Authorised Person is

⁹ Brown, K. J. (2020). The Banishment of the Poor From Public Space: Promoting and Contesting Neo-Liberalisation at the Municipal Level. *Social and Legal Studies*, 29(4), 574-595.

¹⁰ Brown, K. J. (2017). The Hyper Regulation of Public Space: The Use and Abuse of Public Spaces Protection Orders in England and Wales. *Legal Studies*, 37(3), 543-568.

- i.prohibited from remaining within the Restricted Area, and*
- ii.required to leave that area immediately, and*
- iii.prohibited from returning to the Restricted Area within 24 hours of being required to leave¹¹.*

Whilst Peterborough City Council's city centre PSPO states:

No begging within 10 metres of a cash or payment machine or begging in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed.¹²

Other powers, such as Community Protection Notices or Civil Injunctions, can be used against individuals whose behaviour (including begging) is deemed persistent and unreasonable.¹³

Respect Orders (proposed): the Labour Government's Crime and Policing Bill proposes to introduce new Respect Orders. These would allow courts to impose behavioural restrictions on individuals whose conduct causes nuisance or distress. Breach of a Respect Order would be a criminal offence, meaning the boundary between civil regulation and criminal punishment remains blurred.¹⁴

For this reason, it would be misleading to describe begging as being *fully decriminalised* in England and Wales. While individuals who simply ask for money are no longer automatically committing a crime under national law, they can still face enforcement action through ASB powers. Breaches of these civil orders can result in criminal sanctions.

3.2 Republic of Ireland – Targeted Offences and “Move-On” Directions

In the Republic, the vagrancy provisions criminalising rough sleeping were repealed without direct replacement, reflecting a policy choice to avoid criminalising homelessness. However, the vagrancy provisions relating to begging were replaced with more targeted and proportionate offences under the **Criminal Justice (Public Order) Act 2011**. This Act sought to address behaviours associated with begging that cause disruption or distress, while ensuring that the legislation did not impose a blanket prohibition on the act of seeking alms.

¹¹ <https://www.birmingham.gov.uk/downloads/file/23755/bbc-city-centre-public-space-protection-order>

¹² <https://www.peterborough.gov.uk/asset-library/sealed-public-spaces-protection-order-peterborough-city-centre-2023.pdf>

¹³ Heap, V., Black, A., & Devany, C. (2023). Understanding how Community Protection Notices are used to manage anti-social behaviour attributed to people experiencing street homelessness. *People, Place and Policy*, 17(1), pp. 1-17

¹⁴ Crime and Policing Bill clause 1.

Section 2 of the Act makes it an offence to beg in a manner that harasses, intimidates, assaults, or threatens any person, or obstructs the passage of pedestrians or vehicles. The maximum penalty is a fine and/or imprisonment not exceeding one month.

Section 3 of the Criminal Justice (Public Order) Act 2011 empowers members of the **Garda Síochána** to issue “move-on” directions to people who are begging in particular circumstances. A Garda may direct a person to **desist from begging and leave the vicinity** if their behaviour constitutes an offence under section 2 (harassing, intimidating, or obstructive begging), causes a **reasonable apprehension for safety or public order**, or occurs in **sensitive or private locations** such as near a **dwelling, ATM, vending machine, night safe, or business premises during opening hours**. Directions may also be given where the person is begging on **private property** without consent. It is an **offence to fail to comply** with such a direction, punishable on summary conviction by a Class E fine. Gardaí must clearly inform the person that non-compliance is an offence, and they may not exercise these powers inside a dwelling without the owner’s consent. The provision is designed to give Gardaí a **graduated, non-custodial power** to address nuisance or intrusive begging, balancing enforcement with proportionality and respect for individual rights.

3.3 Conclusion and Recommendation

Recommendation: Northern Ireland should introduce a targeted and proportionate ‘move-on’ provision for begging causing harassment, obstruction or public order concerns.

As outlined in my earlier paper,¹⁵ following the repeal of the Vagrancy legislation, the absence of any new offence addressing individual acts of begging (as distinct from the organisation or facilitation of begging) would leave Northern Ireland out of step with England and Wales and the Republic of Ireland, both of which have introduced mechanisms to regulate certain forms of begging-related behaviour perceived to be problematic. In such a scenario, Northern Ireland’s position would more closely resemble that of Scotland, although differences in legal framework and enforcement practice complicate direct comparisons.

Given that Northern Ireland lacks the anti-social behaviour mechanisms available in England and Wales, the Republic of Ireland’s provisions arguably offer a better template for moving forward. This approach seeks to balance the rights of those in need to seek assistance, including through begging, with the rights of other public space users to avoid distress, intimidation, or harassment. However, it could be argued that the Republic of Ireland’s section 2 offence is unnecessarily harsh and that only the move-on provisions in section 3 are required to strike a proportionate balance.

¹⁵ Brown, K. J. (2025) [A Response to the Department of Justice Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847.](#)

Rather than copying the approach from the Republic of Ireland, a proposed solution is to focus on creating a move-on provision tailored to Northern Ireland. Reasons for doing so:

1. Modernises outdated 19th-century language and purpose

- Replaces archaic and stigmatising terminology with clear, rights-compliant language reflecting modern policing and social policy.
- Shifts the focus from the status of the person (e.g. homelessness or poverty) to their behaviour, in line with contemporary human rights standards.

2. Targets specific harmful conduct, not poverty or presence

- Criminalises only aggressive, intimidating, or obstructive forms of begging that create legitimate public safety or order concerns.
- Ensures that peaceful or passive begging, in itself, is not criminalised, distinguishing between need-based behaviour and public order offences.

3. Provides proportionate, tiered police powers

- Introduces a graduated response: a direction to desist and leave first, before any offence arises.
- Offence applies only where a person refuses to comply with a lawful police direction — a proportionate threshold consistent with ECHR Articles 5, 8 and 10.
- Includes a narrow, necessity-based power of arrest, aligning with PACE (NI) 1989 safeguards.

4. Retains an effective preventative policing tool

- Preserves the practical ability of police to intervene early to prevent crime or public disorder, addressing the operational gap that repeal of the Vagrancy provisions would otherwise create.
- Provides a clear statutory power to “move on” individuals whose conduct poses a risk to others’ safety or access to property, without reverting to Victorian-era catch-all offences.

5. Enhances legal clarity and accountability

- Clearly defines key terms (e.g. automated teller machine, business premises), eliminating the ambiguity under the vagrancy provisions.
- Specifies procedural safeguards — for example, the requirement to warn that non-compliance constitutes an offence — promoting transparency and accountability in enforcement.

6. Supports a more humane and socially informed approach

- Allows enforcement against genuinely harmful behaviour without re-criminalising homelessness or destitution.
- Can operate alongside non-criminal responses (e.g. referral to support services), in line with DoJ NI and PSNI emphasis on diversionary and trauma-informed policing.

See next page for suggested new provision.

3.4 Proposed new provision: Begging Causing Harassment, Obstruction or Public Order Concerns

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.

4. An Offence of trespassing with intent to commit a Criminal Offence

4.1 The rationale for the introduction of the clause 10 offence (trespassing with intent to commit a criminal offence) in England and Wales

The UK Government's proposed **Clause 10 in the Crime and Policing Bill** aims to replace an aspect of section 4 of the Vagrancy Act 1824, which, among other things, historically criminalised **"being found on enclosed premises for an unlawful purpose."**

The Vagrancy provisions had long extended beyond offences of rough sleeping and begging, covering a wide array of behaviours considered socially undesirable, such as fortune telling, indecent exposure, prostitution, and loitering with intent, many of which have since been repealed or replaced by modern laws. However, the specific clause relating to being found on **enclosed premises for an unlawful purpose remained in effect**, functioning as an early form of a **criminal trespass offence**.

In *Williams & Baker, Treatise of Criminal Law* (6th ed.), the authors explain that the offence of **being found on premises for an unlawful purpose**, under **section 4 of the Vagrancy Act 1824**, supplements the law of theft and burglary by criminalising suspicious presence on certain private property. The offence arises when a person is **"found"** in or upon a **dwelling house, warehouse, coach-house, or enclosed yard, garden, or area** for an **unlawful (i.e. criminal) purpose**.¹⁶ The courts have interpreted these terms narrowly. A person is "found" when detected by the senses—being seen, heard, or even caught emerging from the premises—and trespass is implicit in the offence. The "unlawful purpose" must involve an intended future crime, not a past act or mere immorality, and the specific offence need not be identified for a conviction. Because the conduct often amounts only to preparation rather than attempt, this summary offence has filled a preventive gap by allowing police intervention before burglary or theft occurred, reflecting its historical role as a residual public-order tool rather than a modern property offence.¹⁷

The UK Government's reason for introducing Clause 10 is to 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.¹⁸ This measure was put forward in response to police concerns that, after the repeal of the 1824 Act, there would be no direct offence covering preparatory trespass with criminal intent outside the context of burglary.

¹⁶ The wording of the version of criminal trespass that applies to Northern Ireland is more expansive according the version of section 4 reproduced by the DOJ in their consultation document reading: *'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.'*

¹⁷ For further discussion see Glanville Williams & Dennis Baker *Treatise of Criminal Law* 6th Edition Part 5 The Protection of Property, Chapter 36 Burglary, Being found on premises [36.34].

¹⁸ Ministry of Housing, Communities and Local Government and Home Office (2025) [Rough sleeping to be decriminalised after 200 years.](#)

According to Diana Johnson MP, Minister of State at the Home Office, in her remarks to Parliament:

New clause [10] re-enacts the offence of being on enclosed premises for an unlawful purpose. It will make it an offence for a person to trespass on any premises—that covers any building, part of a building or enclosed area—with the intention of committing an offence. Without this replacement offence, the police would be able to rely only on the trespassing provisions in the Theft Act 1968, which covers trespassing only in relation to burglary. It is important that the police have the powers to tackle all cases of trespassing with intent to commit an offence, and new clause [10] will ensure that.¹⁹

Jack Abbott, Labour MP, spoke in favour of the clause, stating:

New clause [10] will introduce a new offence of trespassing with intent to commit a criminal offence. It will give the police the necessary powers to act when individuals enter a premises with the intention of committing serious criminal acts, be that burglary, theft, assault or criminal damage. For businesses... that matters hugely. I speak regularly with local shop owners, small business owners, and retail workers who are proud to serve their communities but who have seen at first hand the impact of rising theft, vandalism, break-ins and antisocial behaviour on our high streets. The new clause gives our police a tool to intervene early before harm is done and when there is clear intent to commit a crime.²⁰

4.2 Republic of Ireland: Criminal Trespass Offences

In the Republic of Ireland, when repealing their Vagrancy legislation, they introduced the following criminal trespass offences:

Section 11 of the Criminal Justice (Public Order) Act 1994 creates the offence of **entering or being near a building as a trespasser with intent to commit an offence or unlawfully interfere with property**. It applies both to individuals who **enter** a building or its curtilage as trespassers, and to those who **loiter nearby** for the purpose of trespassing, where the circumstances give rise to a *reasonable inference* of criminal intent. It is punishable on summary conviction by a fine of up to €2,500, or six months' imprisonment, or both. The section was introduced following the repeal of vagrancy-era provisions and functions as a modern preventive trespass offence, bridging the gap between simple civil trespass and more serious property crimes such as burglary.

Section 13 of the Criminal Justice (Public Order) Act 1994 establishes a modern public-order-based offence of **trespass on a building or its curtilage where the trespass causes or is likely**

¹⁹ House of Commons Hansard, Crime and Policing Bill Volume 769: debated on Tuesday 17 June 2025.

²⁰ House of Commons Hansard, Crime and Policing Bill Volume 769: debated on Tuesday 17 June 2025.

to cause fear to another person. The offence applies where an individual, **without lawful authority or reasonable excuse**, enters or remains on premises in a manner that creates fear. A Garda may **direct the person to desist or leave**, and **failure to comply** with such a direction constitutes a separate offence. Penalties range up to €2,500 and/or 12 months' imprisonment for the substantive trespass, and €1,000 and/or six months for failure to obey a Garda direction. Introduced following the repeal of historic vagrancy provisions, Section 13 focuses on fear, disruption, or intimidation, rather than mere presence.

More recently, in response to a rise in hate-motivated attacks on residential accommodation, the Republic of Ireland added a further criminal trespass offence:

Section 11A of the Criminal Justice (Public Order) Act 1994, as inserted by the **Criminal Justice (Hate Offences) Act 2024**, creates a new offence in the Republic of Ireland of **entering a building (or its curtilage) with intent to commit an offence, *aggravated by hatred***. In effect, if a person commits the existing Section 11 trespass/intent offence in a manner motivated by or demonstrating hatred toward a protected group, they may be prosecuted under the harsher 11A offence. Upon summary conviction, the penalty is up to 9 months' imprisonment, a Class B fine (up to €4,000), or both. If evidence does not support the aggravation element, a defendant may still be convicted under ordinary Section 11.

4.3 Northern Ireland Context and Analysis

This issue is more complex than the later discussions in this paper relating to Clause 11, and it does not directly concern the (de)criminalisation of rough sleeping or begging.

Nonetheless, the proposed repeal of the Vagrancy Act provisions in Northern Ireland *could* create a comparable enforcement gap to that observed in England and Wales and the Republic of Ireland, both of which have legislated to fill the gap when repealing their vagrancy legislation.

The Department of Justice does not address the issue of criminal trespass in its documentation concerning the proposed repeal of the Vagrancy legislation in its consultation or in its response to the consultation.²¹ Indeed, the consultation didn't seek views on criminal trespass.²²

The Department's published draft legislative amendments do not appear to address this issue either, although repealing the entirety of section 4 of the Vagrancy Act, as proposed, would repeal the criminal trespass provision.

²¹ Department of Justice (2024) [CONSULTATION ON REPEAL OF THE VAGRANCY ACT 1824 AND THE VAGRANCY \(IRELAND\) ACT 1847](#).

²² Department of Justice (2025) [CONSULTATION ON THE REPEAL OF THE VAGRANCY ACT 1824 AND THE VAGRANCY \(IRELAND\) ACT 1847: A Summary of Responses and Next Steps](#).

The failure to consider the criminal trespass element of section 4 may suggest that the provision is rarely, if ever, used in practice in Northern Ireland.

Both a Freedom of Information response from the Public Prosecution Service (PPSNI) and a published written response from the Northern Ireland Policing Board, each issued in 2021, list *“being found on premises for unlawful purposes”* as an offence under section 4 of the Vagrancy Act 1824.²³ The Policing Board figures show only six arrests were recorded for this offence in 2016, with none between 2017-2021.

In this context, it would be prudent for the Committee to seek the considered views of the PSNI and others on whether existing public order and trespass powers, such as those briefly outlined in Annexe 1 to this document, are sufficient to address problematic conduct, or whether additional legislative tools would be required.

The debate in England and Wales focuses on a gap in dealing with those **trespassing with the intent to cause nuisance behaviour and lower-level criminality** (e.g. shoplifting, vandalism) in commercial properties and bridging the gap between civil trespass and more serious crimes such as burglary.

In the Republic of Ireland, the legislative changes also addressed the issue of **trespassing on residential property to intimidate or cause fear, including hate-based hostility**.

4.4 Conclusion and Recommendation

Exploring the proposed legislation in England and Wales and enacted legislation in the Republic of Ireland, one could argue that the gaps identified by legislators elsewhere are equally relevant to Northern Ireland, particularly in the context of protecting property, businesses, and residents while ensuring proportionate safeguards against the over-criminalisation of vulnerable individuals.

Further investigation is therefore needed to determine whether the current legal framework in Northern Ireland provides adequate coverage, or whether now is an opportune time to introduce modern, narrowly framed offences of trespassing with intent to commit a criminal offence.

²³<https://www.ppsni.gov.uk/files/ppsni/publications/FOI%2021%2003%20Vagrancy%20Act%20%28Ireland%29%20%20Prosecutions.pdf>;
<https://www.nipolicingboard.org.uk/questions/vagrancy-offences>

Annexe 1 Key Relevant NI Criminal Trespass Legislation, excluding the Vagrancy Act²⁴

Section 9 of the Theft Act (Northern Ireland) 1969 creates the offence of **burglary**, which occurs when a person enters a building or part of a building as a **trespasser** with the **intent to commit theft, grievous bodily harm, or criminal damage**, or, having entered as a trespasser, goes on to commit or attempt one of those offences. The provision thus captures both *entry with criminal intent* and *offending after entry*. It is comparable to Section 9 of the Theft Act 1968 in England and Wales. It serves an important preventive function by allowing the prosecution of those who unlawfully enter premises with the purpose of committing serious crimes. However, its scope is limited to these specific “target” offences and does not extend to other forms of trespass motivated by disorder, intimidation, or nuisance.

Article 67 of the Sexual Offences (Northern Ireland) Order 2008 establishes the offence of **trespass with intent to commit a sexual offence**. Under this provision, a person who enters premises as a trespasser, *with the intention* of committing a “relevant sexual offence” (for example, rape or sexual assault) on those premises, is criminally liable, even if the intended sexual offence is not actually carried out. It is a preparatory or inchoate offence analogous to similar provisions in England and Wales. It serves as a preventive tool, allowing intervention at an earlier stage of planning and intent.

Article 62 of the Firearms (Northern Ireland) Order 2004 creates the offence of **trespassing with a firearm or imitation firearm**. It provides that a person who **enters or is in any building or part of a building as a trespasser** while in possession of a firearm or imitation firearm is guilty of an offence, unless they can show **lawful authority or reasonable excuse**. The offence also extends to **entering or being on land as a trespasser** while in possession of a firearm or imitation firearm. The provision distinguishes between **trespass in buildings** (punishable on indictment by up to 10 years’ imprisonment or a fine, or both) and trespass on land, which is punishable on summary conviction by up to one year’s imprisonment or a level 5 fine, or both.

Article 10 of the Criminal Justice (Northern Ireland) Order 1986 creates the offence of **wrongfully taking possession of, or using, premises**. It provides that a person who **enters any premises with intent wrongfully to take possession of them, or to use them without the consent of the owner or lawful occupier**, commits an offence. The provision was introduced to address problems associated with squatting and unauthorised occupation, enabling police and courts to act where individuals unlawfully enter or attempt to occupy property without permission.

Section 8 of the Summary Jurisdiction (Ireland) Act 1851 creates a **summary offence of wilful trespass** on specified land (e.g. a field, garden, pleasure ground, wood, plantation or other place) **with refusal to leave when required**. In effect, a person who wilfully trespasses in such

²⁴ This list is not exhaustive. It outlines what appear to be the main statutory provisions relevant to criminal trespass and related behaviour in Northern Ireland. The Police Service of Northern Ireland (PSNI) may, however, be able to identify further legislative powers or operational provisions that are also of relevance.

areas and then **neglects or refuses to depart when asked by the owner/occupier or their agent** commits an offence, punishable on summary conviction. *Whilst this offence is listed as still on the statute books, it is not clear the extent to which it is relied upon in practice.*

Article 23 of the Public Order (Northern Ireland) Order 1987 creates specific offences relating to **trespass and disruption in public buildings**. It makes it an offence to *enter a public building as a trespasser, refuse to leave when directed by an authorised person or constable, or interfere with any lawful activity taking place within such a building*. The provision applies broadly to premises used by public bodies, educational institutions, the courts, the police, and the Assembly itself. It empowers police officers, on request, to remove those committing an offence, and provides for penalties of up to six months' imprisonment on summary conviction or two years on indictment.

Sections 68–69 of the Criminal Justice and Public Order Act 1994 create offences of **aggravated trespass on land** and provide powers to remove trespassers. Section 68 makes it an **offence for a person trespassing on land to intentionally obstruct, disrupt, or intimidate others who are lawfully engaging in a lawful activity** there, for example, disrupting a hunt, construction work, or commercial operation. Section 69 gives police officers the power to direct trespassers to leave land if they reasonably believe an aggravated trespass offence has been, or will be, committed. Failure to comply with such a direction, or returning to the land within a specified period (usually three months), is itself an offence. Together, these provisions were introduced to tackle protest-related trespass and disruptive direct action. They criminalise certain forms of trespass not because of entry alone, but because of the intent to interfere with lawful activity.

The Unauthorised Encampments (Northern Ireland) Order 2005 establishes specific criminal offences and police powers to address the occupation of land by persons residing in vehicles, including caravans, **without the consent of the occupier**. Under **Article 3**, it is an offence to **reside or intend to reside on any land** in a vehicle without permission, and a constable may **direct those involved to leave the land and remove their vehicles**. Failure to comply with such a direction, or returning to the land within three months, constitutes a further offence. The police are also empowered to **seize and remove vehicles** associated with the encampment. The Order applies to both **public and private land**, and its provisions mirror those in sections 61–62 of the *Criminal Justice and Public Order Act 1994* for England and Wales. Introduced under direct rule, the Order sought to fill a perceived enforcement gap but has been criticised for its impact on the **Traveller community**, particularly where adequate authorised sites are not provided.

Sections 128–131 of the Serious Organised Crime and Police Act 2005 create offences relating to **trespass on designated sites**, primarily for the protection of **key national security, defence, and royal premises**. They make it a criminal offence to **enter or be on a designated site without authorisation**, with powers for police to **arrest and remove trespassers**. The Secretary of State designates such sites by order (e.g. royal residences, intelligence service

buildings, nuclear facilities). These provisions target security-related trespass rather than general public or residential trespass and carry penalties of **up to 51 weeks' imprisonment or a fine** on summary conviction.