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Justice Bill: Vagrancy Amendments

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This paper provides an overview of the amendments to the Justice Bill relating to the repeal of the Vagrancy Act 1824 and Vagrancy (Ireland) Act 1847.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

Key Points

- Section 4 of the Vagrancy Act 1824 is currently used for prosecuting rough sleeping and section 3 of the Vagrancy (Ireland) Act 1847 makes begging a criminal offence. Rough sleeping and begging can often be linked to complex underlying issues, such as poverty, alcohol and drug addiction, poor mental health, sexual and domestic abuse and family breakdown. The Department of Justice does not propose the introduction of any replacement legislation upon repeal.
- From 2018 to 2023, there were 286 prosecutions and 269 convictions for begging under the Vagrancy (Ireland) Act 1847 with 44 prosecutions and 24 convictions for rough sleeping under the Vagrancy Act 1824. The most recent Street Needs Audit was published in 2024 with 226 different individuals in Belfast engaged in street activity on at least one occasion, followed by 50 different individuals in Derry-Londonderry and 12 in Newry. A range of multi-agency partnership work has been conducted in this area aimed at improving outcomes for individuals, for example, through the Belfast Complex Lives Model.
- The Department's public consultation on the repeal of vagrancy legislation ran from November 2024 until January 2025. There was support for repeal from 9 of the 11 responses received. 7 responses considered that this would leave no gaps in provision and that no replacement legislation was required. A number of stakeholders working the homelessness sector have highlighted that the legislation contributes to the stigmatisation of people experiencing chronic homelessness.
- In 2021, the European Court of Human Rights judgment in *Lăcătuș v. Switzerland* held that an outright ban on begging in public places violated Article 8 (respect for private and family life) of the European Convention on Human Rights. This does not appear to have been interpreted as recognising a right to beg as a later judgment in *Dian v. Denmark* in 2024 held that a sentence of imprisonment of 20 days for begging did not constitute an interference with Article 8. However, there is an increasing international consensus that states should undertake to reform laws that criminalise life sustaining activities following recommendations from the United Nations Human Rights Council in 2024.

- The Committee may wish to query any gaps potentially left by the repeal of this legislation. The Department has highlighted that a range of alternative offences could be used to deal with problematic begging, such as breach of the peace, disorderly behaviour and harassment. It may be worth considering whether these would strike the right balance between maintaining public order and not penalising vulnerable individuals who are experiencing homelessness. The Department of Justice's review into anti-social behaviour legislation is also relevant to this issue with legislation to address drinking in public expected in the next Assembly mandate (see section 2.2).
- The potential for a more modern offence for dealing with begging could also be explored by drawing on learning from other jurisdictions, such as England and Wales and the Republic of Ireland, where alternative legal mechanisms exist for managing issues. In June 2025, the UK Government announced plans to repeal the Vagrancy Act 1824 by Spring 2026. Further Government amendments to the Crime and Policing Bill have been tabled, including offences of facilitating begging for gain and trespassing with the intention of committing a crime.¹

¹ Ministry of Housing, Communities and Local Government and Home Office, [Rough sleeping to be decriminalised after 200 years](#) (June 2025)

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Overview

The information contained in this paper provides an overview of further amendments to the Justice Bill provided to the Justice Committee for inclusion at the Consideration Stage. The amendments covered in this paper relate to provisions which seek to repeal the Vagrancy Act 1824 and the Vagrancy (Ireland) Act 1847. More information on the Justice Bill can be found in further Research and Information Service briefing papers.²

1 Legislative Framework

The Vagrancy Act 1824 is currently used for prosecuting rough sleeping with Section 4 providing that persons committing certain offences shall be deemed “*rogues and vagabonds*” and may be imprisoned for three months. This applies to every person:

- (a) pretending or professing to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose on any of His Majesty’s subjects; or
- (b) wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself; or
- (c) wilfully exposing to view in any street, road, highway, or public place, or in any place to which the public have or are permitted to have access, or in the window or other part of any shop or other building situate in any street, road, highway or public place, any obscene print, picture, or other indecent exhibition; or
- (d) wandering abroad, and endeavouring by the exposure of wounds or deformities to obtain or gather alms; or
- (e) going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence; or

² Further Northern Ireland Assembly Research and Information Service Papers on the Justice Bill can be found on the Justice Committee’s webpage: [Research Papers on the Bill](#)

- (f) having upon him any instrument, with intent to commit any indictable offence;
- (g) 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.

Section 4 states that, subject to section 70 of the Criminal Justice Act 1982, it shall be lawful for a “*court of summary jurisdiction or for any resident magistrate sitting out of petty sessions on conviction of such offender to sentence him to be imprisoned for a term not exceeding three months [or to a fine of level 3]; and every such instrument, or dangerous or offensive weapon as aforesaid, shall, by the conviction of the offender, become forfeited to the Crown*”.³ Therefore individuals convicted under the Act may be subject to lower level fines or custodial sentences.

Furthermore, section 3 of the Vagrancy (Ireland) Act 1847 makes begging a criminal offence and provides that “*every person wandering abroad and begging, or placing himself in any public place, street, highway, court, or passage to beg or gather alms, shall on conviction before any justice of the peace, if such justice shall think fit, be committed to prison for any time not exceeding one calendar month [or to a fine of level 3]*”.⁴

The Department of Justice has recently undertaken a review of the Vagrancy Act 1824 and the Vagrancy (Ireland) Act 1847. A public consultation was issued on 20 November 2024 seeking views on plans to repeal this legislation. This highlights that rough sleeping and begging are often linked to underlying issues, such as poverty, alcohol and drug addiction, poor mental health, sexual and domestic abuse and family breakdown. These are described as “*complex and cross-cutting issues which require a multi-agency response of support rather than criminalising people under arcane laws simply because of their personal circumstances*”.⁵ The public consultation closed for responses on 21 January 2025 and therefore a summary

³ Valentine: All Laws of Northern Ireland, The Vagrancy Act 1824

⁴ Valentine: All Laws of Northern Ireland, The Vagrancy (Ireland) Act 1847

⁵ Department of Justice, [Justice Minister launches consultation on decriminalisation of rough sleeping and begging](#) (20 November 2024)

report containing stakeholder feedback was not available for review in the preparation of this paper.

2 Homelessness and Begging in Northern Ireland

The Police Service of Northern Ireland (PSNI) is often the first point of contact for reports relating to begging and rough sleeping. The Department's consultation paper on repealing the Vagrancy Act 1824 and the Vagrancy (Ireland) Act 1847 indicates that responding PSNI officers "*do not arrest or seek to prosecute*" a person for rough sleeping. They will instead engage with the individual and make referrals to appropriate support agencies.⁶

In cases involving begging, officers will adopt an 'engage, explain, encourage' approach with enforcement only being used as a last resort. They will often offer support, asking an individual to cease or move on given that begging is an offence. The PSNI also has established mechanisms with partners in the statutory, voluntary and community sector to direct individuals for further support.⁷

However, if an individual has previously come to the attention of police for begging then an out of court disposal is usually issued (such as a Community Resolution Notice or CRN). If the individual has previously received a CRN for the same offence, they are usually reported to the PPS. Arrest may be necessary if they are unable to provide an address suitable for the service of a summons.⁸ The decision to arrest and charge for begging is more likely to be taken where the individual is a habitual beggar, causing persistent annoyance to members of the public or businesses, or begging aggressively. Arrest will only be used as a last resort in these situations.⁹

There were 286 prosecutions and 269 convictions for begging under the Vagrancy (Ireland) Act 1847 between 2018 and 2023 in Northern Ireland. During this period there were 62 out of court disposals (such as a community resolution notice or

⁶ Department of Justice, [Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847](#) (November 2024), page 14

⁷ Ibid

⁸ Ibid, page 16

⁹ Ibid

CRN).¹⁰ The number of prosecutions has decreased over this period from 67 in 2019 to 28 in 2023. Court disposals range from imprisonment and suspended custodial sentence to a community sentence or a fine which are set out in the Department's consultation paper.

Table One below covers the number of prosecutions and convictions under the Vagrancy (Ireland) Act 1847 with table two detailing the number of prosecutions and convictions under the Vagrancy Act 1824 from 2018-2023 in Northern Ireland.

Table 1: Prosecutions and Convictions under the Vagrancy (Ireland) Act 1847

Year	Prosecutions	Convictions	Out of Court Disposals
2018	51	49	22
2019	67	63	14
2020	47	43	7
2021	45	45	3
2022	48	44	10
2023	28	25	6

(Source: Department of Justice, Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy (Ireland) Act 1847, Annex D)

Table 2: Prosecutions and Convictions under the Vagrancy Act 1824

Year	Prosecutions	Convictions	Out of Court Disposals
2018	10	6	3
2019	17	6	2
2020	6	6	3
2021	4	2	-
2022	2	1	-
2023	5	3	-

¹⁰ Ibid

(Source: Department of Justice, Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy (Ireland) Act 1847, Annex D)

2.1 Role of the Northern Ireland Housing Executive

The Northern Ireland Housing Executive (NIHE) has a statutory duty to publish a homelessness strategy under the Housing (Amendment) Act (Northern Ireland) 2010. NIHE produced 'Ending Homelessness Together' which is the homelessness strategy for 2022-2027.¹¹ This reflects the need for the NIHE to work with partners across the sector to address the varied and complex factors that lead to homelessness, many of which extend beyond the provision of accommodation.

This notes that rough sleeping is widely considered to be the most visible form of chronic homelessness with individuals experiencing this typically having multiple support needs and a greater prevalence of contact with the justice system.¹² The NIHE also produces annual updates on the number of rough sleepers in Northern Ireland. A total of 72 people were estimated to be rough sleeping in Northern Ireland on the evening of 28 November into the morning of 29 November 2024. This is an increase of 60 per cent from the 2023 figure of 45 people.¹³

The most recent Street Needs Audit for Belfast, Derry-Londonderry and Newry was published in 2024 by NIHE, the Welcome Organisation, Depaul and First Housing Aid and Support Services. It was conducted over 6 weeks in Belfast and Derry-Londonderry and 2 weeks in Newry to help plan and commission services aimed at addressing the needs of a complex group of individuals.¹⁴ During the period of the Street Audit, 226 different individuals in Belfast engaged in street activity on at least one occasion; this was followed by 50 different individuals in Derry-Londonderry and 12 in Newry.

The three main types of street activity recorded in Belfast were rough sleeping (51 per cent), street drinking (26 per cent) and begging (22 per cent) with most

¹¹ Northern Ireland Housing Executive, [Ending Homelessness Together: Homelessness Strategy 2022-2027](#) (March 2022)

¹² Ibid, page 38

¹³ Northern Ireland Housing Executive, [Rough Sleeping Counts/Estimates](#) (March 2025), page 3

¹⁴ Northern Ireland Housing Executive, [Street Needs Audit 2023](#) (September 2024), page 6

individuals observed engaging in multiple activities.¹⁵ Meanwhile in Derry-Londonderry, the three main types of activity recorded were socialisation (91 per cent), street drinking (90 per cent) and begging (66 per cent).¹⁶ The majority of those engaged in begging were also observed engaging in street drinking. In Newry, rough sleeping, begging and street drinking were the three main types of street activity recorded in the city.

Many of the people identified as engaging in street activity were characterised by chaotic lifestyles and poor health and wellbeing. They are often difficult to engage with and resistant to offers of assistance. Therefore the audit also sought to capture the support needs of the individuals engaged in street activity. The findings in Belfast and Derry-Londonderry indicate that mental health, alcohol and drugs were the top three support needs in both cities.¹⁷ This underscores the complexity associated with individuals who simultaneously have a mental health disorder and a substance misuse disorder, usually with one condition worsening the other.¹⁸ Meanwhile Newry's street activity was on a smaller scale with the top support need relating to individuals with No Recourse to Public Funds¹⁹ which presents challenges as typically this cohort are ineligible for housing and homelessness assistance.²⁰

A range of multi-agency partnership work has been conducted in this area aimed at improving outcomes for individuals, for example, through the Belfast Complex Lives Model. This brings together a range of statutory, voluntary and community sector services across housing, health, criminal justice, employment and skills to deliver services as a collective and improve outcomes for those experiencing chronic homelessness. A recent Assembly Written Question highlighted that the Multidisciplinary Team within Belfast has offered support to more than 140 people with "*positive outcomes for the majority of people and high engagement rates*".²¹ Six

¹⁵ Ibid, page 15

¹⁶ Ibid, page 19

¹⁷ Ibid, page 32

¹⁸ Ibid

¹⁹ Migrants in the UK on visas, illegally or seeking asylum, are usually ineligible for welfare benefits and social housing. This is referred to as having 'no recourse to public funds' or 'NRPF'.

²⁰ Ibid

²¹ Northern Ireland Assembly, [AQW 17082/22-27](#) (11 November 2024)

Intensive Support Workers have been recruited across different agencies as part of this work to help offer intensive support to those most in need. Furthermore, it would be the intention to introduce this approach to other geographical areas in the longer term but this would be contingent on funding being available.

2.2 Street Drinking and Anti-Social Behaviour

Problematic street drinking is an issue which is evident throughout the Street Needs Audit. The legislative framework contained in Section 90 of the Local Government Act (Northern Ireland) 1972 gives Councils the power to make byelaws for the prevention and suppression of nuisance, including prohibiting consumption of alcohol in designated areas. Council byelaws must also be confirmed by the relevant Department under Section 91. This legislation provides Police and Council Officers the power to take the name and address of offenders for consideration of prosecution but it is the Council which proceeds with any prosecution with a level 2 fine of up to £500 on conviction. However, the PSNI has no power to confiscate and take possession of the alcohol at present when responding to these incidents. At present, the Belfast City Council (City Hall Grounds) Byelaws 1997 prohibit activities such as begging within the grounds of the Belfast City Hall.²²

Furthermore, Part 5 of the Criminal Justice (Northern Ireland) Order 2008 was intended to address the limitations of the existing byelaw system and provide Local Councils with the power to restrict public consumption of alcohol in designated spaces through a Designated Public Place Order (DPPO). This power would not make it a criminal offence to consume alcohol within a designated area. However, the intention was for an offence to be committed if an individual refused to comply with a Police Officer's request to refrain from drinking or to surrender any alcohol. The 2008 Order was similar to legislation passed in England and Wales under the Criminal Justice and Police Act 2001 which has since been repealed (and replaced by Public Spaces Protection Orders which are discussed further in section 4.1). However, Part 5 of the 2008 Order has never been commenced in Northern Ireland. The reason for this is unclear but a report produced by Belfast City Council in 2016

²² Belfast City Council, [Belfast City Council \(City Hall Grounds\) Byelaws 1997](#)

indicates that there were a number of practical challenges associated with implementation.²³

In the meantime, the Justice Act (Northern Ireland) 2011 was introduced which allows the PSNI to issue fixed penalty notices for a number of public order offences. Schedule 4 highlights those related to public drinking, including indecent behaviour, being drunk in a public place, disorderly behaviour and behaviour likely to cause a breach of the peace.

More broadly, Anti-Social Behaviour Orders (ASBOs) were brought in through the Anti-Social Behaviour (Northern Ireland) Order 2004. These were also introduced in England and Wales and Scotland several years earlier. ASBOs were designed to represent a two-step preventative order aimed at curtailing the recipient of the order from engaging in anti-social behaviour. However, the ASBO has been subject to criticism and is rarely used in both Northern Ireland and Scotland.²⁴ The ASBO on conviction has since been replaced by the Criminal Behaviour Order (the ASBO on application has been replaced by the Civil Injunction) in England and Wales under the Anti-social Behaviour, Crime and Policing Act 2014.

The Department of Justice carried out an initial consultation on the anti-social behaviour legislation framework in 2018. This indicated “*broad support*” for the powers contained in Part 5 of the Criminal Justice (Northern Ireland) Order 2008 relating to the consumption and confiscation of alcohol in public spaces. However, there was no consensus on issues such as the introduction of Criminal Behaviour Orders at that time.²⁵ Given the cross-cutting nature of policy responsibility in this area, a multi-agency group was established with the Department of Justice and Department for Communities subsequently launching a further consultation in November 2023. This focused on amending legislation to help tackle anti-social

²³ Belfast City Council, [People and Communities Committee: On Street Drinking](#) (June 2016)

²⁴ K Brown, ‘[A comparative review of key anti-social behaviour provisions in Northern Ireland associated with public space: the current laws and proposed reforms](#)’ (March 2023), page 8

²⁵ Department of Justice, [Anti-Social Behaviour Legislation Review: Summary of Responses](#) (December 2019), page 6

behaviour, including proposals relating to ASBOs, drinking in public, Injunctions Against Anti-Social Behaviour and Absolute Grounds for Possession.²⁶

In April 2025, a post consultation report was published, highlighting that 118 responses were received.²⁷ On the ASBO, a majority of respondents (88%) were generally in favour of the introduction of positive requirements being available to a Court when imposing an order. This could include, for example, mandatory engagement with an alcohol awareness course. A majority also agreed that the threshold for obtaining an ASBO should be lowered from “necessary to protect people” to “helpful in preventing behaviour” (85%) and that the standard of proof threshold should be lowered from “beyond reasonable doubt” (the criminal standard) to “the balance of probabilities” (76%). However, there were also concerns raised from some stakeholders representing young people and vulnerable individuals that lowering the threshold would make it much easier for a person to be served with an ASBO, increasing their risk of interaction with the criminal justice system.

An Advisory Group has since been established with a range of organisations and agencies which has considered the proposals contained in the consultation and several other issues. The Advisory Group had a divergence of opinion on two issues, including the minimum age for imposition of an order. These issues will be considered by the Minister. Further policy development work is still required in relation to the ASBO before any policy and legislative proposals can be brought forward.²⁸

On Part 5 of the Criminal Justice (Northern Ireland) Order 2008 around drinking in public, there was support for the proposals with a majority of respondents (70 per cent) taking the view that the current bye-law system should be replaced with legislation that is fit for purpose; just 9 per cent thought that the uncommenced provisions of the Criminal Justice (Northern Ireland) Order 2008 should be commenced and 18 per cent thought current council byelaws should be amended to

²⁶ Department of Justice and Department for Communities, [A consultation on proposals to amend the legislation to help tackle Anti-Social Behaviour](#) (November 2023), page 5

²⁷ Department of Justice, [Department of Justice and Department of Communities update on responses to the Anti-Social Behaviour Consultation](#) (April 2025)

²⁸ Ibid, page 24

make them more effective. 97 per cent of respondents also thought that “something needs to be done, and we cannot maintain the status quo”.²⁹

A majority (75 per cent) also believed that the PSNI and Local Councils should be jointly responsible for enforcing any legislation. Opinion was fairly evenly split on whether all drinking in public should be prohibited (51 per cent thought that it should just target those engaged in nuisance, as opposed to 46 per cent for regulating “all consumption of alcohol in public places”). Opinion on the question of “where drinking in public should be regulated” was fairly evenly split between “any area the council may designate” (33 per cent), “areas where the council are satisfied nuisance has occurred” (35 per cent) and “any area open to the air and to which the public have access” (28 per cent).³⁰

A majority took the view that the legislation should carry an explicit power to seize and dispose of alcohol (98 per cent). The Department of Justice plans to work with the Department for Communities and the PSNI to finalise proposals in this area with a view to bringing forward legislation in the next Assembly mandate.³¹

2.3 Stakeholder Reaction

The homelessness sector has faced a number of pressures in recent years. The impact of the COVID-19 pandemic led to a significant increase in demand for temporary accommodation. The cost-of-living crisis also increased rental and household costs, making established housing arrangements unaffordable. The Northern Ireland Housing Executive (NIHE) and stakeholders working in the community and voluntary sector have experienced the impact of budgetary constraints which has restricted capacity to deliver services.³²

In December 2024, the Communities Minister announced the Executive Housing Supply Strategy 2024-2039 which outlines an ambition to deliver at least 100,000

²⁹ Ibid, page 23

³⁰ Ibid, page 7

³¹ Ibid, page 23

³² Northern Ireland Audit Office, [Homelessness in Northern Ireland](#) (March 2025)

homes, with one third being social houses, over 15 years.³³ The Minister also announced additional funding of £6.7 million for NIHE to “*prevent homeless service closures and ensure statutory obligations are met*”.³⁴ £3.7m of this funding was allocated through the October Monitoring Round and will allow for the continuation of key community prevention and support initiatives delivered by third party providers across Northern Ireland. The remaining £3m of funding will support salary and administrative costs relating to supporting NIHE service delivery across a range of activities.³⁵ In June 2025, the Communities Minister’s initial Budget 2025-2026 decisions highlighted an additional allocation to Homelessness and the Supporting People Programme of £3.7m above the 2024-25 Budget position.³⁶

A number of charities working in the homelessness sector have called for the repeal of vagrancy legislation in recent years.³⁷ In June 2025, the Department of Justice published a summary report on the consultation on the repeal of the Vagrancy Act 1824 and the Vagrancy (Ireland) Act 1847. Of the 11 responses received, 9 supported the proposal to repeal these provisions.³⁸ A consistent theme identified across these responses was that the legislation is outdated and not fit for purpose. Responses also highlighted the importance of collaborative working between social services, health, housing providers, justice and law enforcement. A number also took the view that decriminalising begging and rough sleeping would result in more vulnerable people seeking support and engaging with relevant services, without fear of prosecution.

Several organisations working in the housing and homelessness sector have made their individual responses to the Department’s consultation on repeal of the vagrancy legislation available. Homeless Connect, the umbrella group representing

³³ Department for Communities, [Housing Supply Strategy 2024-2039](#) (December 2024)

³⁴ Department for Communities, [Minister announces additional funding for homelessness](#) (December 2024) and [Collaboration needed to address housing issues – Lyons](#) (February 2025)

³⁵ Northern Ireland Assembly, [AQW 19970/22-27](#) (16 January 2025)

³⁶ Department for communities, [Consultation on Department for Communities Budget 2025-26 allocations](#) (June 2025)

³⁷ Belfast Telegraph, [Charities call for repeal of 200-year-old vagrancy law that 'criminalises' homelessness](#) (28 January 2021)

³⁸ Department of Justice, [Consultation on the Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847: A Summary of Responses and Next Steps](#) (June 2025), page 3

organisations working with people experiencing homelessness, expressed “*strong support*” for the repeal of the provisions in the Vagrancy Act 1824 and the Vagrancy Act (Ireland) 1847. They also highlighted that the legislation is “*not fit for purpose and is contributing to the stigmatisation of people experiencing chronic homelessness*”.³⁹ They noted that they do not believe that repeal of the legislation would result in any gaps requiring additional criminal sanctions.

The Chartered Institute of Housing (CIH) also highlighted its “*strong support*” for the repeal, highlighting that “*it is not an effective way to address the issue of homelessness and that it can make the situation worse for people who are already in a vulnerable position*”.⁴⁰ The Simon Community has said that it “*strongly supports the proposals to repeal these laws which criminalise rough sleeping and begging*”. It stated that “*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, as well as investing in homelessness prevention and increasing our supply of affordable housing*”.⁴¹ The British Association of Social Workers Northern Ireland has also stated its support for the repeal of vagrancy legislation.⁴²

The Northern Ireland Commissioner for Children and Young People (NICCY) expressed support for a multi-agency response which helps people rather than criminalising them due to their personal circumstances. NICCY also noted the decrease in the number of prosecutions in recent years, highlighting that “*the usefulness of having such provisions within the Vagrancy Acts 1824 and 1847 is*

³⁹ Homeless Connect, [Submission on the Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy Act \(Ireland\) 1847](#) (January 2025)

⁴⁰ Chartered Institute of Housing, [CIH NI responds to Department of Justice committee on the proposed amendments to the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847](#) (March 2025)

⁴¹ Simon Community, [Submission to the consultation on Repeal of the Vagrancy Act 1824 & the Vagrancy \(Ireland\) Act 1847](#) (April 2025)

⁴² British Association of Social Workers Northern Ireland (BASW NI), [Comments on the Department of Justice Proposed Amendments to the Justice Bill](#) (March 2025)

entirely questionable for the justice system and for society as a whole". NICCY did not provide advice on any gaps in the law which repeal might result in.⁴³

There were 2 responses to the Department's consultation opposed to repeal of the vagrancy legislation representing City Centre businesses.⁴⁴ These considered that the current legislation was an important incentive that encourages participation in signposting and support. One response identified anti-social behaviour, including people sleeping in doorways and begging, as a significant factor impacting businesses and customer perceptions in the area. Concerns were also raised that repeal of the vagrancy legislation would result in begging becoming more commonplace, with the associated litter and hazardous material linked to drug use, placing further pressure on resources. Organised begging was also referenced as a particular issue with concern that, in the event of repeal, anyone coerced to beg might not come to the attention of police.⁴⁵

As already highlighted, there are differing views on whether repeal would result in any gaps in legislation. 7 of the 11 responses to the consultation considered that repeal would leave no gaps in provision and that no replacement legislation was required; 3 respondents considered replacement offences were required.⁴⁶ The Law Society of Northern Ireland's response highlighted that the "*current criminal justice framework already provides sufficient mechanisms to address public order concerns without resorting to vagrancy laws*".⁴⁷ Two responses supportive of repeal recognised the challenges associated with 'aggressive begging' but concluded that no additional criminal sanctions were required.

One respondent opposed to repeal expressed concern that removal of the vagrancy legislation without replacement would limit the PSNI's ability to deal with begging and the ability to relocate people who are causing genuine problems to the public and

⁴³ Northern Ireland Commissioner for Children and Young People, [Advice to Government – Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847](#) (January 2025)

⁴⁴ Department of Justice, [Consultation on the Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847: A Summary of Responses and Next Steps](#) (June 2025), page 6

⁴⁵ Ibid, page 13

⁴⁶ Ibid

⁴⁷ Law Society of Northern Ireland, [NI Assembly: Committee for Justice Consultation on the Justice Bill](#) (March 2025), page 15

trading businesses.⁴⁸ Another respondent opposed to repeal also favoured the use of Public Space Protection Orders (PSPOs) which are available in England and Wales (see section 4.1).⁴⁹

However, another response to the consultation from academic Professor Kevin Brown, while supportive of repeal, highlighted concern that the proposals are “*well-intentioned*” but do not include plans to replace Section 3 of the Vagrancy Act (Ireland) 1847 with a “*more limited and modern offence framework*” to address harmful behaviour associated with aspects of begging.⁵⁰

Annex E of the Department’s consultation document lists a number of offences which could be used to address problematic begging following repeal of the vagrancy provisions.⁵¹ These include ten offences, such as common law breach of the peace, common law offence of public nuisance, disorderly behaviour, provocative behaviour, the offence of harassment and the offence of threatening or abusive behaviour, amongst others. The document also notes that advice from the PSNI suggests that the only “*gap left by repeal would be an inability to deal with simple begging through an out of court disposal or prosecution*”.⁵²

However, these alternative offences are described as unsuitable as they are “*either irrelevant to the issue, of limited applicability, or excessively punitive in their application*”. The consultation response from Professor Brown cautions that the repeal of vagrancy legislation “*must not create a vacuum in which problematic and harmful behaviours associated with begging are left unaddressed*”.⁵³

In April 2025, the Northern Ireland Human Rights Commission (NIHRC) published advice on the Department’s amendments to the Justice Bill. The NIHRC welcomed

⁴⁸ Department of Justice, [Consultation on the Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847: A Summary of Responses and Next Steps](#) (June 2025), page 10

⁴⁹ Ibid

⁵⁰ K Brown, [A Response to the Department of Justice Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847](#) (January 2025)

⁵¹ Department of Justice, [Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847](#) (November 2024), page 29

⁵² Ibid, page 19

⁵³ K Brown, [A Response to the Department of Justice Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847](#) (January 2025)

the proposals to repeal this legislation as it is “*outdated and in practice criminalises homelessness*”. The NIHRC noted the Department’s review of anti-social behaviour legislation, highlighting the need for an appropriate balance to be struck between “*tackling anti-social behaviour and ensuring that the alternative legislation that will be relied on following the repeal of section 4 of the Vagrancy Act 1824 and section 3 of the Vagrancy (Ireland) Act 1847 does not unduly infringe on the rights of individuals in NI, including people experiencing homelessness*”.⁵⁴

Following the consultation, the Department has confirmed that it intends to table amendments to repeal the legislation at Consideration Stage. No replacement legislation is being proposed as the Department remains of the 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.⁵⁵

On the concerns raised during the consultation, the Department has indicated that conversations with the PSNI have confirmed that, should an incident of begging and rough sleeping be reported, police would respond to determine the circumstances of the incident and the person involved. These would also potentially be dealt with through the Right Care, Right Person approach which the PSNI is currently exploring.⁵⁶ Concerns around organised begging are also addressed and the DoJ notes that this has not been raised by Police. However, appropriate support would be provided should there be any evidence of this in future given the Department’s duties under the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

⁵⁴ Northern Ireland Human Rights Commission, [Briefing to Committee for Justice on Amendments to the ‘Justice Bill 07/22-27’](#) (April 2025)

⁵⁵ Department of Justice, [Consultation on the Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847: A Summary of Responses and Next Steps](#) (June 2025), page 17

⁵⁶ Further information on Right Care, Right Person can be found in a Research and Information Service Research Paper on [Mental Health and the Criminal Justice System: Overview](#) (September 2024)

3 Recent Caselaw

Two recent judgments from the European Court of Human Rights (ECtHR) are of relevance in this area. Firstly, the court's judgment in *Lăcătuș v. Switzerland* in 2021 held that an outright ban on begging in public places under the Geneva Criminal Law Act violated Article 8 (respect for private and family life) of the European Convention on Human Rights (ECHR). It appears to suggest that certain means of survival are encompassed under Article 8's protection of "private and family life". Furthermore, the court concluded that Switzerland's interference with that protection was not "*necessary in a democratic society*"⁵⁷ and that "*the right to call on others for assistance goes to the very essence of the rights protected by Article 8 of the Convention*".⁵⁸

The case involved a 19-year-old Roma woman who was convicted eight times in Geneva for begging and sentenced to pay fines. She was subsequently imprisoned for five days for non-payment. The ECtHR observed that begging constituted a means of survival for the applicant who was illiterate, unemployed and not in receipt of any social security benefits or family financial support. For this reason, the Court unanimously found that the criminal sanctions infringed on the applicant's human dignity and impaired her Article 8 rights.⁵⁹ In addition, the Court held (by five to two) that it was not necessary to rule separately on the claims made under Article 10 (freedom of expression) and Article 14 (non-discrimination).

The case highlights the impact that criminal sanctions can have on the underprivileged and deprived, stating that "*human dignity is seriously compromised if the person concerned does not have sufficient means of subsistence*".⁶⁰ The judgment is also distinct from others linked to poverty-related discrimination, such as the case of *Garib v. the Netherlands* in 2017, in which the court found that legislation imposing minimum income requirements intended to gentrify the inner city of

⁵⁷ *Lăcătuș v Switzerland* Application No 14065/15 (19 January 2021) at para 116

⁵⁸ *Ibid*, para 59

⁵⁹ S Ganty, 'The Double-Edged ECtHR *Lăcătuș* Judgment on Criminalisation of Begging: Da Mihi Elimo Sinam Propter Amorem Dei' (2021) 3 *European Convention on Human Rights Law Review* 393

⁶⁰ *Lăcătuș v Switzerland* Application No 14065/15 (19 January 2021) at para 107

Rotterdam by prohibiting low-income residents from living in designated ‘hotspot’ areas did not violate the ECHR.⁶¹

Following the Lăcătuș judgment, the Swiss authorities immediately suspended the criminal ban on begging.⁶² However, it is worth noting that the ECtHR judgment appears to accept that *some forms* of criminalisation of beggars can be permitted under the ECHR. Some academics have observed that states were “*somehow offered a green light to continue prosecuting and punishing those marginalised groups and to do so authorised by human rights law*”.⁶³

Secondly, there were further developments with the judgment in *Dian v. Denmark*⁶⁴ adopted in May 2024. This held that a sentence of imprisonment of 20 days for begging did not constitute an interference with Article 8 or Article 10. The applicant in this case was a 61-year-old beggar of Romanian origin, Mr Dian. He was illiterate and had been living as a homeless person in Denmark for a number of years, returning to Romania approximately four times a year for a month at a time. Mr Dian had a wife and twelve adult children but was not able to earn a living in Romania. However, he could sell newspapers, collect bottles and beg in Denmark. He sent money to his family in Romania regularly. In 2019, he was convicted of begging and insulting a police officer and sentenced to imprisonment of 20 days by a Danish District Court.⁶⁵ The Court also confiscated DKK 190.50 (around £20). The ECtHR declared the application inadmissible on a number of grounds, including that the Court in Lăcătuș did not recognise a right to beg.

Whether a prohibition of begging violates the Article 8 depends on the circumstances of each case and in particular “*the person’s economic and social situation*”.⁶⁶ This entails an onus on the applicant to substantiate that he is in a “*precarious and*

⁶¹ V David and S Ganty, ‘[Strasbourg Fails to Protect the Rights of People Living in or at Risk of Poverty: The Disappointing Grand Chamber Judgment in Garib v Netherlands](#)’ (16 November 2017)

⁶² C Heri, ‘[Beg Your Pardon!: Criminalisation of Poverty and the Human Right to Beg in Lăcătuș v. Switzerland](#)’ (10 February 2021)

⁶³ M Pinto, ‘Coercive Human Rights and the Forgotten History of the Council of Europe’s Report on Decriminalisation’ (2023) 86(5) *Modern Law Review* 1108–1133

⁶⁴ *Dian v. Denmark* Application No 44002/22 (21 May 2024)

⁶⁵ S Ganty, ‘[Sliding Fast Down the Slippery Slope of Criminalization of Poverty in Strugurel Ion Dian against Denmark](#)’ (29 October 2024)

⁶⁶ *Ibid*, para 44

vulnerable situation”, including that he “*lacked sufficient funds for his own subsistence*”⁶⁷ “or “*begging was his only option to ensure his own survival*”.⁶⁸ The Court held that the applicant was able to make a living from collecting bottles, selling newspapers and begging which he used to send money back to his family in Romania. This suggested that the applicant was not in a precarious situation as begging was “*a means, or at least an additional means, of income for the applicant*”.⁶⁹ Furthermore, the Court held that this case was distinct from *Lăcătuș* as it did not concern a blanket ban with begging allowed in Denmark under certain conditions.⁷⁰ In practice, a person could only be convicted of begging if it took place in a “*personal manner causing nuisance to the public and the person had been warned beforehand*”.⁷¹

4 Other Jurisdictions

There is an increasing international consensus that laws criminalising life-sustaining activities in public spaces may violate a range of human rights with a number of states taking actions to address this.⁷² The United Nations Human Rights Council made a range of recommendations in June 2024 that states should undertake legal reform, including to “*repeal criminal or administrative provisions in national and local government law that criminalize or sanction persons living, surviving or working in public spaces, for having no means of subsistence, for being a ‘rogue’, ‘vagabond’, ‘idle’, or ‘disorderly’, or for practicing life-sustaining activities in public spaces, such as sleeping, eating, cooking, washing, sitting, lying down, or performing hygiene-related activities*”.⁷³

⁶⁷ Ibid, para 49

⁶⁸ Ibid, para 53

⁶⁹ Ibid, para 54

⁷⁰ Ibid, para 55

⁷¹ Ibid, para 55

⁷² United Nations Human Rights Council, [A/HRC/56/61/Add.3 Report of the Special Rapporteur on Extreme Poverty and Human Rights, Breaking the Cycle: Ending the Criminalization of Homelessness and Poverty](#) (June 2024)

⁷³ Ibid, page 19

4.1 England and Wales

The Vagrancy Act 1824 criminalises begging and some forms of rough sleeping in England and Wales. Much of the Act has been repealed over the last 200 years but Sections 3 and 4 of the Act remain on the statute book. Section 3 criminalises begging in the following terms: *“every person wandering abroad, or placing himself or herself in any public place, street, highway, court, or passage, to beg or gather alms, or causing or procuring or encouraging any child or children so to do; shall be deemed an idle and disorderly person within the true intent and meaning of this Act”* with a penalty of prison for up to one month or a level 3 fine (up to £1,000); this is broadly similar to section 3 of the Vagrancy (Ireland) Act 1847. Section 4 of the 1824 Act sets out further offences and provides that individuals can only be charged with rough sleeping if alternative shelter is available to them under a condition introduced by the Vagrancy Act 1935.⁷⁴ The 1935 Act does not apply in Northern Ireland.

A number of charities in England and Wales have campaigned for the repeal of the Vagrancy Act 1824 in recent years, including Crisis, Centre Point and St Mungo's. In a joint report published in 2019, they highlighted the *“looseness”* of the drafting and language used in the legislation and criticised the approach of penalising individuals, rather than offering assistance.⁷⁵ The report also noted that policing had changed significantly since the Vagrancy Act came into force, along with society's understanding of the causes of begging or rough sleeping. It said there were now *“very well evidenced links between vulnerability, trauma, and poverty and some of their social effects through people rough sleeping, begging and other associated street activity”*.⁷⁶

The report highlighted concerns around the formal application of the Act by Police Forces. They reported that the legislation was more commonly used *“informally”* with it used to move individuals on or to challenge them on their behaviours. They highlighted that this approach could make situations worse as it *“antagonises the*

⁷⁴ House of Commons Library, [Rough Sleepers: Enforcement Powers \(England\)](#) (09 April 2021)

⁷⁵ House of Lords Library, [Decriminalising rough sleeping and begging: Calls for repealing the Vagrancy Act 1824](#) (17 April 2020)

⁷⁶ Crisis, [Scrap the Act: The case for repealing the Vagrancy Act \(1824\)](#) (19 June 2019), page 2

*people affected, including support and outreach workers and some police themselves, because it does not address the root causes of the situation”.*⁷⁷

The former UK Government included provisions in the Police, Crime, Sentencing and Courts Act 2022 under Section 81 to repeal the 1824 Act as it applied to England and Wales. This section needs to be brought into effect by regulations and these have not yet been made. The previous Conservative Government stated that the repeal of the Vagrancy Act would only be brought into force once suitable replacement legislation was developed.

These new provisions were contained in the Criminal Justice Bill which was introduced into the House of Commons on 14 November 2023. It contained measures relating to nuisance begging and rough sleeping which originated in the former Government’s Anti-Social Behaviour Action Plan published in 2023. This policy document stated that new laws to replace the Vagrancy Act would “*enable the police and councils to direct individuals to engage with the support they need, prohibit organised begging by criminal gangs and begging which causes nuisance and undermines the sense of public safety, and address street activity so our public spaces are clear of debris and paraphernalia*”.⁷⁸ A Government policy paper on the Bill provided further details on rough sleeping behaviour which may be considered to cause distress or harm to the wider community, including “*blocking shop doorways; leaving behind waste or drug paraphilia; damaging land or property; or using tents which obstruct others’ use of public spaces*”.⁷⁹

Clauses 46-72 of the Bill proposed to introduce a framework of directions, prevention notices and prevention orders giving police and local authorities new powers to deal with nuisance begging and rough sleeping. They would also create an offence of trespassing with intent to commit a criminal offence. The sentence on summary conviction for nuisance begging and rough sleeping would be up to a month in prison or a fine not exceeding level 4 on the standard scale (currently £2,500) or both.⁸⁰ The

⁷⁷ Ibid, page 2

⁷⁸ HM Government, [Anti-Social Behaviour Action Plan](#) (March 2023), page 4

⁷⁹ Home Office and Ministry of Justice, [Criminal Justice Bill: Nuisance Begging and Rough Sleeping](#) (23 February 2024)

⁸⁰ House of Commons Library, [Criminal Justice Bill 2023-24](#) (24 November 2023), page 95

Home Office's impact assessment published alongside the Bill noted that the measures would have encouraged people potentially impacted by the provisions, such as rough sleepers, to engage with available support services.⁸¹

However, the proposals were widely criticised, particularly those aimed at dealing with nuisance rough sleeping. Crisis described the new measures as “*punitive*” and said they would cause harm to the homeless.⁸² A list of amendments tabled at report stage included several tabled by a Conservative MP to remove all clauses related to nuisance begging and rough sleeping from the Bill (except for clause 70 relating to the offence of trespassing with intent).⁸³ These amendments received support from other Conservative, Labour, Liberal Democrat and Plaid Cymru MPs. However, the Bill fell on the dissolution of Parliament on 30 May 2024.

The current Labour Government pledged in its manifesto to develop a new cross-government strategy “*working with mayors and councils across the country, to put Britain back on track to ending homelessness*”.⁸⁴ In December 2024, a review into the impact of the Vagrancy Act 1824 in England and Wales was published. This was produced in response to requirements of section 242 of the Levelling-up and Regeneration Act 2023, which requires the Secretary of State for Housing, Communities and Local Government to publish a report on the impact of sections 3 and 4 of the Vagrancy Act 1824 on the twelve levelling-up missions.⁸⁵ Overall, the prosecution rate showed a marked decline from 2012 until 2023. In 2023, for 17 out of 43 police forces in England and Wales, the Crown Prosecution Service (CPS) did not prosecute at all using the Vagrancy Act. This suggests that there are differing local approaches with other legislation, explored in greater detail below, potentially being used to respond.

It is also worth noting that public bodies in England and Wales have a range of powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to tackle anti-

⁸¹ Home Office, [Criminal Justice Bill: Overview Impact Assessment](#) (13 November 2023)

⁸² Crisis, [Crisis responds to the Government publishing the Criminal Justice Bill](#) (15 November 2023)

⁸³ House of Commons Library: [Criminal Justice Bill 2023-24: Progress of the Bill](#) (10 May 2024), page 54

⁸⁴ Labour Party, [Labour Party Manifesto 2024](#) (June 2024), page 81

⁸⁵ Ministry of Housing, Communities and Local Government, [Impact of Vagrancy Act 1824 on the Levelling-up Missions: Report](#) (December 2024)

social behaviour. A number of clauses within the Criminal Justice Bill proposed to amend powers contained in the Anti-Social Behaviour, Crime and Policing Act 2014. These are sometimes used to target begging and rough sleeping where this is accompanied by anti-social behaviour. Examples include civil injunctions with various agencies able to apply for the Injunction to Prevent Nuisance and Annoyance (IPNA) to tackle people repetitively engaging in low level anti-social behaviour. Community Protection Notices (CPN) can also be issued if the behaviour of an individual or organisation is detrimental to the quality of life of a local community, unreasonable and persistent.⁸⁶ There are also dispersal powers under Section 35 of the Act which allow a Police Officer to disperse individuals or groups causing or likely to cause anti-social behaviour in public places; failure to comply can result in the maximum penalty of a level 4 fine (currently £2,500) or three months' imprisonment.

Furthermore, local councils, following consultation with the police, may issue a Public Spaces Protection Order (PSPO) to place restrictions or impose conditions on activities that people may carry out in a designated area. They are designed to deal with issues identified in problem areas which have a detrimental impact on the quality of life in a community. It is a criminal offence for a person to breach the terms of a PSPO for which an enforcement officer (e.g. Police Constable or Council Officer) may issue a Fixed Penalty Notice.⁸⁷ However, research indicates that some councils have used PSPOs to criminalise vulnerable groups, such as homeless people who are begging, rough sleeping, busking or loitering.⁸⁸ The Home Office has updated statutory guidance on the appropriate use of PSPOs following criticism of the use of the measures by some local authorities to target vulnerable minorities, including the homeless.⁸⁹

⁸⁶ House of Commons Library, [Rough Sleepers: Enforcement Powers \(England\)](#) (09 April 2021), page 3

⁸⁷ Ibid, page 4

⁸⁸ K Brown, 'The hyper-regulation of public space: The use and abuse of public spaces protection orders in England and Wales' (2017) *Legal Studies* 37(3), 543–568 and K Brown, 'The Banishment of the Poor From Public Space: Promoting and Contesting Neo-Liberalisation at the Municipal Level' (2020) *Social and Legal Studies* 29(4), 574-595

⁸⁹ Home Office, [Anti-Social Behaviour, Crime and Policing Act 2014: Anti-Social Behaviour Powers Statutory Guidance for Frontline Professionals](#) (March 2023)

PSPOs are not currently available in Northern Ireland. The Department of Justice consultation conducted in 2018 (referenced in section 2.2) reviewing anti-social behaviour legislation locally covered the possible introduction of PSPOs to Northern Ireland. This showed a divided opinion among respondents and no consensus on which authorities should have this power with many concerned about the potential for the criminalising of vulnerable individuals.⁹⁰

In February 2025, the UK Government published a Crime and Policing Bill.⁹¹ This contains plans for a new civil order for adult perpetrators of anti-social behaviour known as a Respect Order. An order could be used to place restrictions on an individual or require them to engage in services. Respect Orders would partially replace anti-social behaviour civil injunctions provided for under the Anti-social Behaviour, Crime and Policing Act 2014.⁹²

Unlike anti-social behaviour civil injunctions, Respect Orders would only be available for adults aged 18 or over and the breach of a Respect Order without 'reasonable excuse' would be a criminal offence, triable either way (rather than treated as a civil contempt of court). The Labour Party committed to introduce new Respect Orders in its 2024 General Election manifesto, "*to ban persistent adult offenders from town centres*" and to "*stamp out issues such as public drinking and drug use*".⁹³

In April 2025, representatives from the PSNI attended the Justice Committee where they acknowledged the potential in exploring legislative options available in other jurisdictions, including England and Wales. Assistant Chief Constable McNally noted that "*we have certainly made clear our views on legislation in other jurisdictions that looks at potential preventative orders. If someone is, for example, begging or rough sleeping, preventative orders are put in place. What that does is much better, because that compels agencies to work together to support those people*". ACC McNally also highlighted that the PSNI has written to the Department to "*highlight the*

⁹⁰ Department of Justice, [Anti-Social Behaviour Legislation Review: Summary of Responses](#) (December 2019), page 12

⁹¹ Home Office and Ministry of Justice, [Crime and Policing Bill 2025](#) (February 2025)

⁹² House of Commons Library, [Crime and Policing Bill 2024-25](#) (March 2025), page 15

⁹³ Labour Party, [Labour Party Manifesto 2024](#) (June 2024), page 65

*fact that we are aware of the approaches and options in other jurisdictions and that those should be explored if we are going to repeal that offence”.*⁹⁴

In June 2025, the UK Government announced plans to repeal the Vagrancy Act 1824 by Spring 2026 in England and Wales.⁹⁵ The Government has also tabled amendments to the Crime and Policing Bill which had its first reading in the House of Lords on 19 June.⁹⁶ Clause 10 would recreate the Vagrancy Act 1824 offence of trespassing with intent to commit a criminal offence and sets out that upon summary conviction a person may be liable to a maximum of three months’ imprisonment, a level 3 fine (currently £1,000) or both. It would replace the offence in section 4 of the 1824 Act of “*being found in or upon any dwelling house, warehouse, coach-house, stable, or outhouse, or in any inclosed yard, garden, or area, for any unlawful purpose*”. Clause 11 would create an offence of arranging or directing begging for gain. This aims to address organised begging gangs and the maximum penalty is imprisonment for a term of six months (the maximum for summary offences), an unlimited fine or both.⁹⁷

A new UK Government homelessness strategy is also due to be published later in 2025. Crisis stated that “*we hope this signals a completely different approach to helping people forced onto the streets and clears the way for a positive agenda that is about supporting people who desperately want to move on in life and fulfil their potential*”.⁹⁸

4.2 Scotland

Section 3 of the Vagrancy Act 1824 relating to begging was repealed in Scotland in by the Civic Government (Scotland) Act 1982. However, several local authorities including Glasgow, Edinburgh and Aberdeen have looked for ways to address street

⁹⁴ Northern Ireland Assembly Official Report, [Justice Bill: Police Service of Northern Ireland](#) (10 April 2025)

⁹⁵ Ministry of Housing, Communities and Local Government and Home Office, [Rough sleeping to be decriminalised after 200 years](#) (June 2025)

⁹⁶ [Crime and Policing Bill](#) (as brought from the Commons HL Bill 111) (19 June 2025)

⁹⁷ Crime and Policing Bill (as brought from the Commons HL Bill 111), [Explanatory Notes](#) (19 June 2025), page 69

⁹⁸ Crisis, [UK Government scraps Vagrancy Act in England and Wales](#) (June 2025)

begging in recent years. Section 201 of the Local Government (Scotland) Act 1973 provides that local authorities “*may make byelaws for the good rule and government of the whole or any part of their area, and for the prevention and suppression of nuisances therein*”.

The Scottish Government wrote to the Chief Executives of Local Authorities in 2012 to state that “*the act of begging itself should not to be criminalised and we will not support any byelaws that seek to criminalise the act of begging*”. This also highlighted that individuals can be prosecuted for begging in a manner that constitutes a breach of the peace. Breach of the peace is a crime at common law and is constituted by one or more persons conducting themselves in a disorderly manner and where the conduct is severe enough to cause significant alarm to ordinary people and threaten serious disturbance to the community. This also overlaps with more recently introduced powers under Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 which criminalises behaviour that actually or potentially causes fear or alarm to a reasonable person and threatens serious disturbance. This provides a flexible tool for authorities in Scotland to address aggressive begging but no direct equivalent exists in Northern Ireland. The offence of breach of the peace in Northern Ireland instead has a higher threshold and focuses on preventing or addressing violence;⁹⁹ it is unclear if this would be disproportionate for addressing problematic begging locally.¹⁰⁰

In addition, provisions contained in the Civic Government (Scotland) Act 1982 (section 53 on obstruction of pavements and public areas) and the Anti-Social Behaviour etc. (Scotland) Act 2004 give police and local authorities powers to deal with acts of aggressive street begging.¹⁰¹ PSPOs are not available in Scotland.

Furthermore, Section 4 of the Vagrancy Act 1824 relating to rough sleeping originally applied to Scotland but was repealed by the Civic Government (Scotland) Act 1982

⁹⁹ *R (on the application of Hicks and others) (Appellants) v Commissioner of Police for the Metropolis* [2017] UKSC 9

¹⁰⁰ K Brown, [A Response to the Department of Justice Consultation on Repeal of the Vagrancy Act 1824 and the Vagrancy \(Ireland\) Act 1847](#) (January 2025)

¹⁰¹ The Scottish Government, [Byelaws Prohibiting Street Begging](#) (04 September 2012)

with no replacement measures introduced.¹⁰² The Ending Homelessness Together (EHT) Plan is a joint Scottish Government and Convention of Scottish Local Authorities (COSLA) plan which sets out how national and local government alongside third sector partners will work together to end homelessness across ten structural and strategic outcomes, including a focus on fewer people experiencing rough sleeping.¹⁰³

4.3 Republic of Ireland

Section 3 of the Vagrancy (Ireland) Act 1847 states that “*every person wandering abroad and begging, or placing himself in any public place, street, highway, court or passage to beg or gather alms*” is guilty of the offence of begging. In 2007, a person charged with begging sought a declaration that section 3 of the Vagrancy (Ireland) Act 1847 was unconstitutional.

The High Court in the case of *Dillon v DPP* [2007] IEHC 480 found that section 3 was unconstitutional on two counts. The Court held that the offence was too vague and arbitrary; therefore it was in violation of Article 34.1, Article 40.1, Article 40.3 and Article 40.4.1 of the Constitution. The Court also held that the constitutional right to free expression and communication as provided for in Article 40.3 and Article 40.6.1 was being curtailed unreasonably by section 3. The Court stated that “*an overall ban on all forms of begging is unconstitutional*” but added that “*nothing in this judgment should be construed as preventing the legislature making laws controlling the location, time date, duration and manner in which begging or the seeking of alms might take place and the age of any person involved in such activity*”.¹⁰⁴

The Criminal Justice (Public Order) Act 2011 was approved in response to the judgment and defines begging under section 1 as “*a person who: requests or solicits money or goods from another person or other persons or while in a private place without the consent of the owner or occupier of the private place requests or solicits*

¹⁰² House of Lords Library, [Vagrancy Act 1824: Will it be repealed?](#) (16 December 2024)

¹⁰³ Scottish Government, [Ending Homelessness Together Monitor: Strategic Outcomes and Indicators 2024](#) (27 December 2023)

¹⁰⁴ House of the Oireachtas, [Dáil Éireann Debate Criminal Justice \(Public Order\) Bill 2010: Second Stage](#) (25 May 2010)

money or goods from another person or persons". An offence is committed under section 2 where a person: "(a) *harasses, intimidates, assaults or threatens any other person or persons, or (b) obstructs the passage of persons or vehicles*". They will be liable, on summary conviction, to a class E fine (maximum of €500) or imprisonment for a term not exceeding one month or both.

Section 3 of the Criminal Justice (Public Order) Act 2011 also gives a member of the Garda Síochána the power to move on a person who is begging at or near the entrance to a dwelling, an ATM machine, a vending machine or a night safe. Persons begging at or near business premises, during opening hours, can also be moved on if there are reasonable grounds for believing that members of the public are being, or are likely to be, deterred from entering the premises.

Section 5 of the 2011 Act criminalises organised begging, targeting individuals or groups who exploit vulnerable people by coercing or controlling them to beg for profit. This acknowledges the need to protect individuals from exploitation while addressing the wider issues associated with organised begging. As highlighted in section 2.3, the Department of Justice does not propose alternatives to fill any potential gap in relation to criminalising organised begging in Northern Ireland.¹⁰⁵

Furthermore, a number of offences contained in section 4 of the Vagrancy Act 1824 which was extended to Ireland by the Prevention of Crimes Act 1871 have since been repealed under the Housing Act 1988, Criminal Law (Sexual Offences) Act 1993 and Criminal Justice (Public Order) Act 1994.¹⁰⁶

5 Justice Bill Amendments

The amendments provided to the Justice Committee state that these would be inserted into the Justice Bill in part four on the administration of justice. New clause 23A would be inserted after clause 23 and provides for Section 4 of the Vagrancy Act

¹⁰⁵ Department of Justice, [Justice Bill Amendment: Repeal of Vagrancy Legislation: Request for Additional Information](#) (February 2025) The Department of Justice highlighted in correspondence with the Justice Committee that "*organised begging has not been raised by partners, including police, as an area of concern in respect of exploitation. Nor was organised or coerced begging raised as an area of concern by the police during the Department's review of vagrancy legislation*".

¹⁰⁶ Law Reform Commission, [Report Series: Vagrancy and Related Offences](#) (06 June 1985)

1824 to be repealed. Clause 23A also repeals the Vagrancy (Ireland) Act 1847. Furthermore, a new Schedule 5 is also inserted into the Bill which makes a number of consequential amendments to various pieces of legislation.

The amendments in Part 1 of Schedule 5 relating to Section 4 of the Vagrancy Act 1824 extend to the Public Health Acts Amendment Act 1907, the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935, the House to House Charitable Collections Act (Northern Ireland) 1952, the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1958, the New Towns Act (Northern Ireland) 1965, the Theft Act (Northern Ireland) 1969, the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983, the Magistrates' Courts Rules (Northern Ireland) 1984, the Education and Libraries (Northern Ireland) Order 1986, the Recreation and Youth Service (Northern Ireland) Order 1986, the Museums and Galleries (Northern Ireland) Order 1998 and the Justice Act (Northern Ireland) 2011. These consequential amendments either repeal sections of existing legislation relating to Section 4 of the 1824 Act, omit references to the 1824 Act in existing legislation or amend the wording of existing legislation.

Part 2 of Schedule 5 contains amendments relating to the repeal of the Vagrancy (Ireland) Act 1847. This omits reference to section 3 of the Vagrancy (Ireland) Act 1847 in the Magistrates' Courts Rules (Northern Ireland) 1984. Schedule 2A of the Police (Northern Ireland) Act 2002 is amended to omit reference to offences under Section 3 of the Vagrancy (Ireland) Act 1847. The amendments also omit paragraph 17 of Schedule 1 of the Justice Act (Northern Ireland) 2015 which relates to the operation of the Vagrancy (Ireland) Act 1847. The long title of the Bill is also amended to include reference to its purpose around repealing certain offences relating to public order.

6 Scrutiny Points

- Figures indicate that Section 3 of the Vagrancy Act (Ireland) 1847 is still in use so could its repeal result in issues for dealing with harmful behaviour associated with aspects of begging? Do the alternative offences suggested for use in addressing harmful behaviours associated with begging strike the right balance between maintaining public order and not unfairly penalising vulnerable individuals?

- What is the view of the Department on the situation in England and Wales where there are plans for the Vagrancy Act 1824 to be repealed by Spring 2026? And the UK Government amendments to the Crime and Policing Bill which would target organised begging and gangs?
- Do the amendments to the Justice Bill as drafted adequately address stakeholder concerns relating to the repeal of vagrancy legislation, particularly those expressed by City Centre businesses?
- How would the DoJ monitor the impact of repealing the provisions? Or any issues which arise?
- What are the linkages between the repeal of vagrancy legislation and the anti-social behaviour consultations conducted in 2018 and 2023? Should the Department provide other remedies to address anti-social behaviour and drinking in public before the legislation is repealed? Or should a more modern offence for dealing with begging be considered before the legislation is repealed? Does the Department agree with the PSNI's assessment around the need to further explore the preventative orders which exist in other jurisdictions before the offence is repealed?
- Is there the possibility that repeal would result in Local Councils seeking further byelaw making powers to address problematic behaviour associated with begging? Is there a risk that this could result in aspects of begging criminalised in some areas but not others?
- Would repeal result in any potential impact on the voluntary and community sector?