

REPEALING THE VAGRANCY ACT 1824

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It is not always possible to identify the reasons why a person is begging. In some cases, the person who is begging is also street homeless and really needs money for the basic necessities of life. However, while street homelessness²—a more visible form of homelessness—has now been accepted as a social problem,³ a homeless person’s lack of stable housing had long been perceived by the state more as a criminal problem. Legislation

¹ The author is grateful to Professor Michael Palmer for his helpful comments. Any errors remain my responsibility. The views contained in this article are solely those of the author.

² There are different forms of homelessness. At one end of the spectrum are rough sleepers or street homeless people and, at the other end of the spectrum, are the ‘hidden homeless. See [Crisis: Rough sleeping](#). The Ministry of Housing, Communities and Local Government defines street homelessness or ‘people sleeping rough’ as:

People sleeping, about to bed down (sitting on/in or standing next to their bedding) or bedded down in the open air (such as on the streets, in tents, doorways, parks, bus shelters or encampments). People in buildings or other places not designed for habitation (such as stairwells, barns, sheds, car parks, cars, derelict boats, stations, or ‘bashes’ which are makeshift shelters, often comprised of cardboard boxes) [‘Rough sleeping snapshot in England: autumn 2020’](#).

‘Bedded down’ is defined as ‘either lying down or sleeping’, while ‘about to bed down includes those who are sitting in/on or near a sleeping bag or other bedding’. The Government’s definition of rough sleeping is used by local authorities with voluntary sector organizations to count the number of visible people sleeping rough in a single night snapshot. See also Wilson & Barton (2021).

³ Accurate statistical data on homeless people is difficult to obtain. Given that there are also a number of homeless people who are ‘hidden’ and remain invisible and therefore cannot be counted—those who stay with friends or relatives, have never been in contact with agencies for support or assistance, and have not self-identified as being homeless—it will never be possible to know for certain the true number of people who are homeless. The Ministry of Housing, Communities and Local Government collates the statistics for the statutory homeless, however, this only represents the households that have been included in the local government statistics: [Official Statistics – Statutory Homelessness in England: January to March 2021](#). See also, an explanation of the statistics for street homeless people, which are from different sources, noting that even the process of counting rough sleepers is not so straightforward (Geraghty 2021a). The official statistics for the statutory homeless and rough sleepers can be put into context when we take into consideration that the UK population is approximately 67,081,000 (mid-year estimate in 2020): [Office for National Statistics](#).



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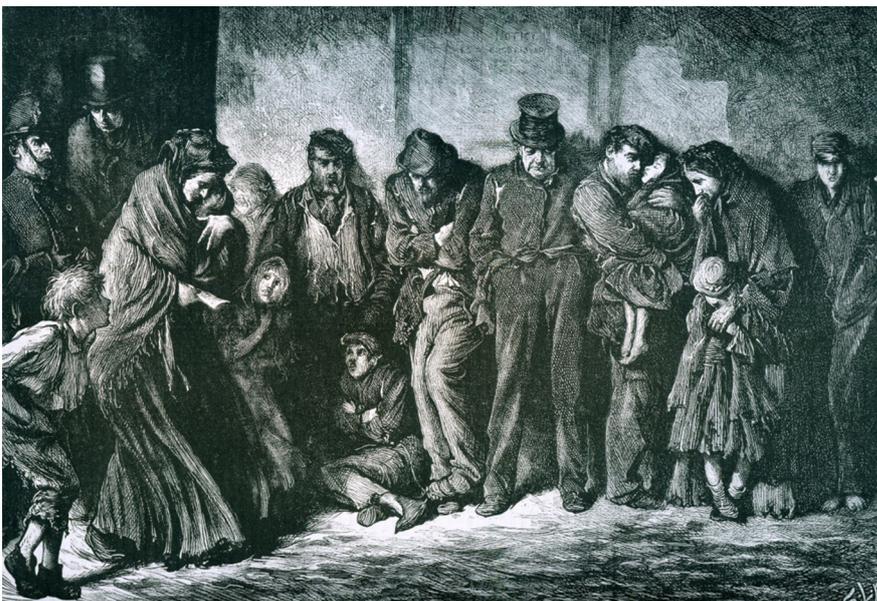
from several centuries ago and longer, as well as more recent legislation, has functioned to address the perceived problem of ‘persistent’ begging. The characterization of street homelessness as a criminal offence in part stemmed from negative social attitudes and was something of a legacy from early poor law and labour law going back to Tudor times and before.

An extremely important dimension of the history of homelessness in England and Wales is the Vagrancy Act 1824 (the 1824 Act). This is a consolidating Act which brought the previously existing vagrancy laws into one consolidating code, and at the same time incorporated an approach stemming from the Poor Law which sought to separate those seen as the deserving poor from those seen as the undeserving poor (Beier 2008: 36; Ocobock 2008: 8, 22-23).

Responsibility for the jobless and homeless was placed on local parishes with respect to their local residents when the 1824 Act was implemented: punishment or assistance was given (Ocobock 2008: 11). The vagrancy laws compelled labourers to work, or poor young men were impressed into military service, and prevented from ‘engaging in trades that threatened merchants and industrialists’ (ibid 2008: 12). In connection with the poor law system, from the 17th century, workhouses were created, which were places where the destitute who were able-bodied were given accommodation in return for work. Eventually, the Poor Law Amendment Act 1834 was created to restructure the administration of poor relief, when groups of

parishes became a union, taking on the collective responsibility of the administration of poor relief for those areas. The Metropolitan Houseless Poor Act 1864 imposed a legal duty on the Poor Law Unions in London to provide temporary accommodation for the ‘destitute wanderers’ (Vorspan 1977; Tanner 1999; see also 1900s.org). This meant that two types of workhouses were now in operation: the workhouses were for local people who were destitute, while the ‘casual wards’ were for people who were destitute and did not have a fixed address. In both workhouses, the residents had to work in order to be able to stay. People who stayed in the casual wards could usually only stay for one night and had to queue to secure shelter for the night. The need to wait in a queue for assistance, or a bedspace, is a condition that has been imposed on those who are destitute, and living in unstable accommodation, or are homeless. Just as people had to wait in a queue to be admitted into a casual ward in the previous centuries, today, a street homeless person will have to queue, possibly on a nightly basis to secure a bedspace for the night at a shelter, where spaces are limited ([Shelter: Night shelters](#)).

The 1824 Act was passed by Parliament in an era when people who were jobless, or ‘idle individuals who could labour but choose not to’ and who were ‘rootless’, ‘roofless’ and ‘seemingly unfettered by traditional domestic life and free to travel outside the surveillance of the state’, could be brought within the control of the state (Ocobock 2008: 1-2). This meant that ‘every person [found] 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 ... and not giving a good account of himself or herself’ (section 4, 1824 Act) would have committed



Houseless
and Hungry
by Sir Luke
Fildes (1869)
The Graphic.
Source: Cardiff
University
Library.



A Victorian two-penny hangover.
Source: [Historic UK](#)

an offence within the 1824 Act and could be punished. Various parts of the 1824 Act have been repealed over the years so that, for example, there are now only seven sections remaining (see [legislation.gov.uk](#)). A reading of homelessness policy existing in the early 19th century would reveal just how outdated are the values still held today which regard poverty as something of a crime and street homeless people as unworthy of assistance (Aziz 2019; Greenfield & Marsh 2019).

The 1824 Act continues to impact on society in England and Wales, by criminalizing the act of rough sleeping, which thereby criminalizes some of the most vulnerable people in society, with enforcement measures often causing street homeless people to feel ashamed of being homeless, and labelling rough sleepers as ‘vagrants’, thus, perpetuating an image of the street homeless as criminals and reinforcing other negative stereotypes.⁴ The Act does not address the root causes of homelessness, but, rather, has the opposite effect of entrenching street homelessness (Centrepoin 2019). Yet, the root causes of homelessness include poverty, the lack of affordable accommodation and unemployment—the very same issues that created the ‘vagrants’ and ‘wanderers’ many centuries ago still exist in today’s society. The misery of living in poverty has been portrayed in his novels by Charles Dickens (see Gurney 2014; Varalakshmi & Ors 2017), who worked with artists, such as Luke Fildes who reproduced his engraving of *Houseless and Hungry* as an oil painting, titled *Applicants for Admission to a Casual Ward* exhibited at the Royal Academy in 1874.⁵ Gustave Doré, a French artist, collaborated with British journalist, Blanchard Jerrold on an illustrated record of ‘deprivation and squalor of mid-Victorian London’.⁶

⁴ The number of prosecutions and convictions in relation to rough sleeping (section 4) has declined from at least 2017 (Cromarty & Ors 2012: 2).

⁵ The engraving, *Houseless and Hungry*, originally appeared in the first edition of *Graphic* magazine, in December 1869, to accompany an article on the Houseless Poor Act: Spartacus Education: [Luke Fildes; Applicants for Admission to a Casual Ward](#).

⁶ The book, *London: A Pilgrimage*, was published in 1872. See also, ‘[London, a pilgrimage: Gustave Doré’s historic visions of the capital city](#)’ *The Guardian* 28 December 2015.

The Vagrancy Act 1824 applies to England and Wales, and almost two centuries after its introduction, continues to enable the state to criminalize people who are street homeless or those who beg. Fines can be imposed up to £1,000. The police are able to move street homeless people on,⁷ possibly to a less visible place, which can also have the negative effect of preventing rough sleepers from seeking assistance.

Homelessness is a problem that could potentially affect anybody—through circumstances and personal decision-making in relation to events in life as they unfold, which occur alongside decisions made by other people, perhaps creating a series of events that lead to homelessness.



Wentworth Street, Whitechapel
(1872) by Gustave Doré.

Thus, it is easier than we might imagine for single men, women and families to become street homeless—a very visible and public experience, involving very basic human needs. Images spring to mind of a man or woman sitting on the pavement, somewhere along a street surrounded by many bags; someone sleeping in a doorway at night—sometimes shielded by umbrellas—or exposed to the elements somewhere on a street, or on a park bench in the daytime; a row of tents in the street, pitched outside the large windows of a well-known furniture store, along Tottenham Court Road, after the store has closed for the day. Any street homeless person would be vulnerable, and questions arise in terms of personal safety, particularly for women and ‘black, minority ethnic’ men and women.⁸

⁷ The most well-known example being the 2018 royal wedding, which took place in Windsor. The Leader of the Royal Borough of Windsor and Maidenhead, Simon Dudley, wrote to Thames Valley Police asking them to exercise their powers under the 1824 Act and the Anti-Social Behaviour, Crime and Policing Act 2014, to deal with begging and rough sleeping before the royal wedding was due to take place: see Sherwood (2018).

⁸ Women tend to be ‘hidden homeless’ and less likely to be street homeless, see Geraghty (2021b). In relation to the situation of people from the respective ‘black, minority ethnic and Asian’ (BAME) communities, in the main they are also ‘hidden homeless’. See Garvie (2017); Gulliver (2017); Geraghty (2020); Institute of Race Relations, ‘[BME statistics on poverty and housing and employment](#)’.



*'Coffin beds'
at a Salvation
Army shelter
in London.
Photograph:
Salvation
Army.*

Other questions are: how to stay clean and healthy, how to keep personal belongings safe, how to secure funds or a more stable income? For those who manage to keep working while street homeless, how is it possible to stay presentable and maintain a job?

Sources of immediate or overnight accommodation, and for which there is no or only a minimal charge, for people who are street homeless, such as night shelters, could probably be characterized as basic, with a limited number of usually shared sleeping spaces being available ([Shelter: 'Night shelters'](#)). During the Victorian era, overnight 'accommodation' would only have been accessible to those who could afford to pay such cost, and included the 'two-penny hangover' and 'coffin beds'—literally the size of the wooden box for sleeping in overnight. The 'two-penny hangover' provided a safe place to sleep at night, at least, for someone who could afford the cost. The 'hangover' would involve a person either having to stand or sit while sleeping draped over a rope. In contrast, a 'four-penny



*Photo by Ilse Orsel on
Unsplash*

coffin’ allowed the person to sleep while lying down, providing a slightly more comfortable night (see [History Daily](#)). The Salvation Army has provided shelter to homeless people from 1865, and continues to do so today (see [Our History](#); [Night Shelters](#)).

‘Street activity’ is a social reality, and there are ‘complex reasons behind any such activity, such as begging and rough sleeping’ (Centrepoint 2019), also street drinking. Voluntary sector organizations involved in a campaign⁹ to repeal the 1824 Act have argued that there is more modern legislation, for example, the Anti-social Behaviour, Crime and Policing Act 2014, which could be used, as a last resort, to address the perceived issue of persistent begging. The 2014 Act, which enables a court to grant public spaces protection orders and criminal behaviour orders, is increasingly being used to target street homeless people ([St Mungo’s Briefing](#)). In any event, unless a rough sleeper is assisted with support and accommodation, enforcement measures will only criminalize homelessness and further marginalize the homeless from the rest of society (Cromarty & Ors 2012: 6).

The 1824 Act is outdated, not only in terms of values, but in treating street homelessness as a criminal offence despite the reality that there are many, understandable, reasons why someone could become street homeless. The Government’s stance towards homeless people did change significantly when the National Assistance Act 1948 brought to an end poor law that had been in place for several more centuries. The 1948 Act shifted responsibilities from local parishes to local authorities,

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⁹ Layla Moran MP started the campaign in 2017 to repeal the 1824 Act: see below note 12, Column 42WH. See also Cromarty & Ors (2012: 6-9); Crisis (2020).



*Photo by Dan
Burton on
Unsplash*

empowering authorities to make arrangements to provide accommodation for those who are aged 18 and over, who are destitute, and have an illness, disability or because of their age or for any other reason, means they are in need of care or attention, which is not available to them.

Furthermore, over a century-and-a-half after the 1824 Act was first implemented, the Housing (Homeless Persons) Act 1977 placed a duty on authorities to provide housing for the priority homeless. Three decades still later, the Homelessness Act 2002 was introduced, imposing a strategic duty on local authorities to gather information on the local homeless population, review existing services to assist the homeless and to plan ahead. Then, in addition to the strategic duty placed on authorities, and reactive duty, the Homelessness Reduction Act 2017 placed an additional homelessness prevention duty on authorities, intended to prevent individual housing applicants from homelessness.

For those seeking housing assistance from the local authority,¹⁰ it is vital for local government decision-makers to connect the loss of stable accommodation—a basic human need—to human dignity, compassion, respect and understanding, taking time to comprehend the root causes of any form of homelessness. An issue to bear in mind is that of the bureaucrat working within an organizational culture that might well tend to view homeless applicants as ‘undeserving’, with a number of decision-makers processing applications for housing assistance from socially vulnerable applicants without the much-needed sensitivity.¹¹ In contemporary society, we should be able to ensure that public-funded

¹⁰ This has been possible since the implementation of the Housing (Homeless Persons) Act 1977, which imposed a duty on authorities to provide housing to those in priority need.

¹¹ See, for example, Cowan & Ors (2003).



Photo by [Andriyko Podilnyk](#) on [Unsplash](#)

resources are available to assist those who wish to come off the streets and that they are assisted holistically. Rather than being given short-term bedspace, meeting their need for adequate and long-term accommodation should remain a continuing priority in terms of public spending. The enquiry into the nature of the society which we wish to live in should include a questioning of values which underpin existing and emerging legislation on homelessness.

In a recent House of Commons debate, which took place on 13 April 2021, Members of Parliament (MPs) confirmed that they did not want the state to be able to continue to criminalize street homeless people, with some MPs acknowledging that many of the street homeless people, in fact, needed practical assistance with their substance abuse problems.¹² Furthermore, a number of MPs argued that a different policy approach would be required to assist street homeless people, for example, a ‘housing-first’ approach, advocated by Bob Blackman: ‘We take people off the streets, provide them with secure accommodation, and then build a network of support around them.’¹³ Despite the Parliamentary Under-Secretary of State for Housing, Communities and Local Government noting that the 1824 Act needs to be ‘replaced’, reporting that, ‘We are currently finalizing the conclusions of the review and will announce our

¹² [Hansard, 13 April 2021](#).

¹³ *Ibid* column 38WH.

position shortly',¹⁴ the repeal of the 1824 Act was not included in the [Queen's Speech](#) delivered on 11 May 2021.¹⁵

The hardships endured while street homeless, means that such homeless people have a much shorter life span compared to those who have stable accommodation, where time does not have to be spent in trying to stay clean, safe, protected from harsh weather and ensuring that personal belongings are secured. The sad reality is that the life span of a street homeless person is likely to be much shorter, with the mean age of death for men being 45.9 years, and the mean age of death for women being 43.4 years in 2019. The mean age at death for the general population of England and Wales at that time was 76.1 years for men, and 80.9 years for women (see [Office for National Statistics](#)). Helping to bring an end to rough sleeping by reform or abolition of the Vagrancy Act 1824 will assist in reducing such inequality.

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¹⁴ In terms of the experiences 'of those on the frontline, including the police, local authorities and the homelessness sector ... those with experience of rough sleeping initiatives' in order to be able to acquire a 'full picture' of the 1824 Act, see above note 12, Hansard column 49WH.

¹⁵ Hansard 11 May 2021 [Queen's Speech debate](#); Demianyk (2021).

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Legislation

Anti-social Behaviour, Crime and Policing Act 2014

Homelessness Act 2002

Homelessness Reduction Act 2017

Housing (Homeless Persons) Act 1977

Metropolitan Houseless Poor Act 1864

National Assistance Act 1948

Poor Law Amendment Act 1834

Vagrancy Act 1824