

Vagrancy Act (Repeal) Bill

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TO

Make provision to repeal the Vagrancy Act 1824; to make provision about the exercise of certain powers under the Anti-social Behaviour, Crime and Policing Act 2014 in relation to persons begging or sleeping in public places; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: –

1 Repeal of Vagrancy Act 1824

- (1) The Vagrancy Act 1824 is repealed.
- (2) The consequential repeals set out in the Schedule have effect.

2 Interpretation

In this Act—

“the 2014 Act” means the Anti-social Behaviour, Crime and Policing Act 2014;

“begging” means asking for money on streets or in other public places; and

“sleeping rough” refers to homeless people sleeping on streets or in other public places.

3 Enforcement principles

The following principles are to be applied in the exercise of powers under the 2014 Act—

- (a) begging or sleeping rough does not in itself amount to action causing alarm or distress (in the absence of other factors);
- (b) policing and other enforcement action should balance protection of the community with sensitivity to the problems that cause people to engage in begging or sleeping rough; and
- (c) powers under the 2014 Act should not in general be used in relation to people sleeping rough, and should be used in relation to people begging only where no other approach is reasonably available.

4 Referral for help

- (1) This section applies to a constable exercising functions under the Anti-social Behaviour, Crime and Policing Act 2014, or considering whether to exercise functions under that Act, in

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connection with a person who has been, or may have been, involved in begging or sleeping rough.

- (2) The constable must consider whether the person could be referred to public authorities, or charitable or other persons, for help in addressing the problems that cause them to be involved in begging or sleeping rough.

5 Guidance

- (1) The Secretary of State must issue guidance to local authorities and police forces about the implementation of sections 3 and 4.
- (2) Local authorities and police forces must—
 - (a) have regard to the guidance; and
 - (b) take reasonable steps to provide education and training designed to ensure consistent and effective implementation of sections 3 and 4.
- (3) Before issuing (or revising) the guidance the Secretary of State must consult—
 - (a) representatives of police forces;
 - (b) representatives of local authorities; and
 - (c) persons representing the interests of homeless persons.

6 Commencement, extent and short title

- (1) This Act comes into force at the end of the period of two months beginning with the date of Royal Assent.¹
- (2) This Act extends to England and Wales only.²
- (3) This Act may be cited as the Vagrancy Act (Repeal) Act 2020.

SCHEDULE

CONSQUENTIAL REPEALS

<i>Enactment</i>	<i>Extent of repeal</i>
Vagrancy Act 1898	The whole Act.
Vagrancy Act 1935	The whole Act.
Sentencing Act 2020	(1) Section 20(1)(g); and

¹ Drafting Note: Commencement by Appointed Day Regulations make implementation uncertain; this formula gives a standard interval for preparation and ensures implementation.

² Drafting Note: This will require a Legislative Consent Motion in the Senedd.

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<i>Enactment</i>	<i>Extent of repeal</i>
	(2) Section 24(1)(f).
Violent Crime Reduction Act 2006	Section 55(2)(b).
Serious Organised Crime and Police Act 2005	Schedule 8, paragraph 18.
Police Reform Act 2002	(1) Schedule 3C, paragraph 3(3)(b); (2) Schedule 3C, paragraph 7(3); and (2) Schedule 5, paragraph 2(3)(aa).
Criminal Justice and Court Services Act 2000	Schedule 6, paragraph 4.
Mental Health Act 1983	Section 43(5).
Criminal Justice Act 1982	Section 70.
Criminal Justice Act 1967	Section 20.
Forestry Act 1967	In section 48(2), the words “or against the Vagrancy Act 1824”.
New Towns Act (Northern Ireland) 1965	In section 20(4), the words “or against section 4 of the Vagrancy Act 1824”.
House to House Collections Act 1939	Section 2(3)(c).
Public Health Acts Amendment Act 1907	In section 81, the words “shall for the purpose of the Vagrancy Act 1824 and of any Act for the time being in force altering or amending the same, be deemed to be an open and public place, and”.