# Government to abolish 1824 Vagrancy Act, ending criminalisation of rough sleeping in England and Wales



Rough sleeping is set to be decriminalised in England and Wales as the government seeks to abolish the Vagrancy Act, a law dating back to 1824 that has been a significant instrument for penalising homelessness. Deputy Prime Minister Angela Rayner described the Act as "cruel and outdated," and emphasised that the proposed changes mark a vital shift in how society addresses homelessness. The new legislation aims to focus on tackling serious crimes linked to homelessness, such as organised begging by gangs and trespassing, while ensuring that vulnerable individuals are treated with compassion.

This decision comes on the backdrop of declining prosecutions under the Vagrancy Act; data from 2023 show just 79 prosecutions and 59 convictions related to rough sleeping, a stark reduction from 1,050 and 810 respectively in 2011. The Vagrancy Act was initially intended as a response to the societal upheaval following the Napoleonic Wars, targeting homeless veterans. However, its legacy has been consistently critiqued for criminalising those who have already faced significant hardship. Rayner highlighted the urgency to address this historical injustice, stating, "No one should ever be criminalised simply for sleeping rough."

Though the initial intention was to replace the Vagrancy Act with tougher measures targeted at “nuisance” behaviours associated with homelessness, the government faced significant opposition. Earlier proposals by former Home Secretary Suella Braverman had suggested punitive measures that attracted widespread backlash from both MPs and charity organisations. These measures included fines for rough sleeping and criminalising those who emitted an “excessive smell.” The backlash prompted the current Home Secretary, James Cleverly, to amend the proposals significantly but still retained clauses that many deemed overly harsh.

Several Conservative MPs, including Bob Blackman and Nickie Aiken, expressed their discontent with the initial proposals and have spearheaded a rebellion advocating for the complete repeal of any legislation that would criminalise rough sleeping. Blackman pointed out the irony of punishing people for their homelessness, stating that the police should be facilitating access to support services rather than resorting to arrests. Aiken stressed that the focus should be on providing adequate support for those in need, as imposing fines would only exacerbate the plight of rough sleepers.

Support from various housing and homelessness organisations, including Crisis and the Salvation Army, has been crucial in pushing for reform. In response to the government’s initial proposals, these organisations collectively wrote to key officials urging the reconsideration of measures that would alienate and stigmatise rough sleepers. They argue that punitive laws merely replicate the failures of the Vagrancy Act and proposed that resources should instead be diverted towards increasing social housing and providing essential support services.

As the debate continues, there remains a broad coalition of support for fully decriminalising rough sleeping. Campaigners stress the importance of this legislative shift not just as a legal change but as a societal recognition of the human rights of vulnerable populations. The government's commitment to repealing the Vagrancy Act has been met with cautious optimism by advocates for the homeless, who hope that a more compassionate approach will emerge from this historic legislative change, paving the way for a more constructive dialogue about homelessness and the root causes leading to it.

This development signals a pivotal moment in the UK’s approach to homelessness. By scrapping a law that criminalises the act of sleeping rough, the government appears poised for a change in narrative — one that shifts from punitive measures to a framework focused on care and support for some of the most vulnerable in society.

### 📌 Reference Map:

* Paragraph 1 – [[1]](https://www.bbc.com/news/articles/czdyz848j0no), [[4]](https://www.theguardian.com/society/2024/apr/01/ministers-face-tory-revolt-over-plans-to-criminalise-rough-sleeping)
* Paragraph 2 – [[1]](https://www.bbc.com/news/articles/czdyz848j0no), [[2]](https://www.ft.com/content/80c112bf-450b-49b3-b17f-fa7a99c78033), [[5]](https://www.crisis.org.uk/about-us/media-centre/wales-homelessness-and-housing-organisations-speak-out-against-plans-to-criminalise-rough-sleeping/)
* Paragraph 3 – [[3]](https://www.ft.com/content/0247c181-3ecf-4e82-a853-91cd9b43429f), [[6]](https://www.crisis.org.uk/about-us/crisis-media-centre/leading-housing-and-homelessness-organisations-urge-home-secretary-to-reconsider-rough-sleeping-proposals/)

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.bbc.com/news/articles/czdyz848j0no> - Please view link - unable to able to access data
2. <https://www.ft.com/content/80c112bf-450b-49b3-b17f-fa7a99c78033> - The UK government has retracted its plans to criminalise rough sleepers following backlash from Tory MPs and charities. The initial proposals by former home secretary Suella Braverman included restrictions on the use of tents by homeless people, fines, and criminal penalties for sleeping rough or emitting an 'excessive smell.' These measures were criticised for potentially increasing street deaths and unfairly targeting vulnerable individuals. In response to the criticism and the threat of rebellion from around 40 Conservative MPs, current home secretary James Cleverly announced amendments to the bill. The revised legislation focuses on specific behaviours such as harassment and environmental damage, while ensuring the police direct rough sleepers to support services first. Charity leaders like Matt Downie of Crisis welcomed the changes but called for the full removal of measures related to 'nuisance rough sleeping' and urged for additional funding for support services and social housing.
3. <https://www.ft.com/content/0247c181-3ecf-4e82-a853-91cd9b43429f> - Rishi Sunak's government is under scrutiny for its proposal to grant police extensive powers to tackle rough sleeping through new criminal justice legislation. The bill, which includes criminalising homeless individuals for issues such as odour, aims to replace the 1824 Vagrancy Act. Critics, including homeless charities and some Conservative MPs, argue that the bill is counterproductive and perpetuates negative stereotypes instead of providing effective support for the homeless. Matt Downie, CEO of Crisis, urges the government to focus on sustainable solutions like increasing social housing. Opposition also comes from Tory MPs like Bob Blackman and Nickie Aiken, who label the provisions as excessively harsh and logistically unfeasible. In response to the backlash, the government is considering narrowing the scope of the bill to ensure its powers are only used as a last resort.
4. <https://www.theguardian.com/society/2024/apr/01/ministers-face-tory-revolt-over-plans-to-criminalise-rough-sleeping> - Under proposals that form part of the UK government’s flagship crime bill, police in England and Wales are to be given powers to fine or move on rough sleepers deemed to be causing a 'nuisance'. The move has infuriated many Conservative MPs, about 40 of whom have warned whips they will vote against the measures, the Times reported. Bob Blackman, the Tory MP who is coordinating the rebellion, told the paper: 'A lot of colleagues believe that the bill as it stands is completely unacceptable because it would have the effect of criminalising people who have no choice but to sleep on the streets. We are urging ministers to think again.' On Monday, Kevin Hollinrake, a business minister, refused to say whether he supported the plans. 'I believe that those things are not within my auspices,' he told Times Radio. 'I’ll be interested to see the legislation as it goes through. And what the prime minister has planned.'
5. <https://www.crisis.org.uk/about-us/media-centre/wales-homelessness-and-housing-organisations-speak-out-against-plans-to-criminalise-rough-sleeping/> - A number of leading homelessness and housing organisations in Wales have expressed grave concerns about the impact of proposed new laws on people facing street homelessness. The organisations have written to a Senedd Committee to caution against plans in the UK Government’s Criminal Justice Bill. UK ministers are proposing new police powers around so-called 'nuisance rough sleeping' and 'nuisance begging' in England and Wales. If passed, these powers would include the ability to move on, fine up to £2,500, or imprison a person who is, or appears as though they are intending to, sleep rough or beg. The letter, addressed to the Chair of the Legislation, Justice and Constitution Committee, states that these laws would reapply the worst parts of the archaic 200-year-old Vagrancy Act, which the UK parliament previously voted to scrap. The co-signatories, which include Crisis, CIH (Chartered Institute of Housing) Cymru, Cymorth Cymru, Llamau, The Salvation Army in Wales, Shelter Cymru, Tai Pawb and The Wallich, emphasise that 'no one should be punished for being homeless.'
6. <https://www.crisis.org.uk/about-us/crisis-media-centre/leading-housing-and-homelessness-organisations-urge-home-secretary-to-reconsider-rough-sleeping-proposals/> - Thirty-seven organisations working on housing and homelessness have written to the Home Secretary urging him to reconsider plans to move on, fine and imprison people forced to sleep rough in England and Wales. In a letter to James Cleverly, organisations including Crisis, Amnesty UK, St Mungo’s and the National Housing Federation argue that the proposals in the new Criminal Justice Bill risk stigmatising people forced to sleep on the streets and pushing them away from help. The government claims that the Criminal Justice Bill will update the 200-year old Vagrancy Act, under which people could be moved on or fined for rough sleeping. Pointing to the new proposals, however, MPs and charities have argued that the new legislation would simply make these laws more punitive. The proposals include increased fines of up to £2,500 and prison terms for people deemed a 'nuisance' when rough sleeping. The definition includes people who look like they have slept rough, who 'intend' to sleep rough, who appear 'likely' to cause a nuisance and who carry an 'excessive smell'.
7. <https://www.theguardian.com/society/2024/apr/01/tory-rebels-plan-to-decriminalise-rough-sleeping-repealing-200-year-old-law> - Rough sleeping could be fully decriminalised after 200 years under proposals from rebel Conservative MPs to repeal legislation dating from the aftermath of the Napoleonic wars. A group of Tories working with Labour and Liberal Democrat MPs want to strip out proposed and existing legislation that criminalises homelessness. The revolt is focused on government plans to introduce harsher policing of rough sleepers in its crime bill. Under proposals announced by the former home secretary Suella Braverman, police in England and Wales are to be given powers to fine or move on rough sleepers deemed to be causing a 'nuisance'. The move has infuriated MPs across the Conservative party. Several dozen are supporting proposals by Bob Blackman, the Tory MP coordinating the rebellion, to remove parts of the bill that criminalise rough sleeping and repeal the 200-year-old Vagrancy Act. The combined effect of these proposals, if passed, would be to fully decriminalise rough sleeping. The government has committed to repealing the Vagrancy Act 1824, which was introduced to target wounded soldiers who began begging on the streets after returning from the Napoleonic wars homeless and destitute. However, ministers have yet to announce a date for the act to be repealed and campaigners say that in its current form the criminal justice bill would go even further. Almost 4,000 people have been arrested under vagrancy laws in the five years to 2023, according to data collated by the local government expert Jack Shaw. Blackman said aspects of the proposed bill, under which rough sleepers could be moved on, fined up to £2,500 or imprisoned, were 'outrageous' and 'worse than the Vagrancy Act'. 'The police should assist people who are homeless to find somewhere that they can stay safely rather than arrest them and put them in a prison cell,' he said. 'What we’ve got to make sure of is that we consign the Vagrancy Act to the history book, not the statute book, and ensure that people are assisted to find somewhere to live.' Nickie Aiken, the Tory MP for Cities of London and Westminster and a longstanding campaigner against the Vagrancy Act, said: 'I’ve been working with Bob Blackman on the amendment as it’s ridiculous to think we should criminalise rough sleepers. How are they going to pay their £2,500 fine? They need proper services addressing the reasons why they are on the street, not a criminal record.' Matt Downie, the chief executive of the homelessness charity Crisis, said: 'If these amendments pass – and they appear to have cross-party support from huge numbers of people – they would have the effect of finally moving on from 200 years of punitive and cruel interventions that stop people accessing the help they need and punish them for their circumstances.'