

Historical Perspectives of Homelessness



Legislative Responses



The history of homelessness legislation in the United Kingdom reflects the shifting social, economic and political attitudes towards poverty, homelessness, and the role of the state in addressing these issues.

This overview outlines the key legislative developments, from the medieval period to the present day.

Early Legislation

The 'Statute of Cambridge', which sought to control the movement of labourers, is considered to be the first formalised piece of legislation to address homelessness in England. It was passed in 1388 following the 'Black Death', which decimated the population and disrupted the feudal economy.

A key provision of the law prevented labourers from leaving their home parish unless they had documentation showing they were seeking work, and only those who were deemed 'genuinely' unable to work (due to age, infirmity, or illness) could obtain a license to beg.

It was designed to preserve the feudal order and prevent wage inflation by keeping people tied to the land, while also controlling the visible problem of vagrancy, reflecting early efforts to regulate homelessness.

Another early piece of legislation passed in England under the reign of King Edward VI, was the 'Vagabonds Act' of 1547. Its primary purpose was to address issues related to vagrancy and idleness, which were seen as growing social problems.

It was notorious for its harsh punishments and severe penalties.

Any person found to be a vagrant (defined as someone unemployed and wandering without any visible means of financial support) could be branded with the letter 'V' on their chest as a mark of disgrace, and they could also be enslaved for a period of two years to the person who reported them.

Those individuals would then have the legal right to force the vagrant to work under strict conditions, and those enslaved could be beaten or chained. If they tried to escape from servitude, the punishments could escalate dramatically, with the period of enslavement being extended, and repeat offenders being executed.

The legislation was a response to the economic changes during the mid-16th century. The dissolution of the monasteries under Henry VIII had removed an important source of charity for the poor. Furthermore, there was widespread unemployment due to changes in agriculture. This Act was part of broader efforts by the government to address the growing numbers of poor and unemployed people, who were seen as a threat to public order.

The Act was hugely unpopular and was widely criticised for its brutality. It was seen as excessively harsh and ultimately ineffective in dealing with the underlying causes of poverty and homelessness. As a result, it was repealed just two years after its introduction.

Although the Act was short-lived, its legacy influenced later laws and attitudes towards poverty and the criminalisation of vagrancy.



The Poor Laws

The Poor Laws were passed in 1601 and marked the next major phase of legislation addressing homelessness, by distinguishing between the 'undeserving poor' and the 'deserving poor'.

The legislation made local parishes responsible for providing relief to those in poverty within their boundaries, and 'workhouses' were later introduced to house the 'able-bodied poor', who were expected to work in exchange for food and shelter. The conditions were deliberately harsh to discourage any reliance on parish support.

The Poor Laws established a localised system of poverty relief that focused on maintaining social order through a mixture of charity and punishment. The emphasis was on controlling vagrancy while providing minimal support to those who were unable to work.

In the centuries that followed, vagrancy laws became increasingly punitive, and a series of other measures were introduced to criminalise homelessness.

The Vagrancy Act of 1824, was the culmination of efforts to control those affected by homelessness. It made it illegal to sleep rough, beg, and prohibited "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 wagon, and not giving good account of oneself".

The law represented the criminalisation of homelessness with a shift towards treating homelessness as a law enforcement issue rather than a social problem.

Industrial Revolution

The Industrial Revolution of the 19th century brought about rapid urbanisation, which exacerbated homelessness and poverty, and the government's response was to further refine the Poor Laws.

The 'Poor Law Amendment Act of 1834', made workhouses the central institution for poor relief, with the idea that only the truly desperate would seek help if conditions were harsh enough, and workhouses became notorious for their squalid conditions and the stigma associated with seeking help.

During this period, poverty and homelessness were increasingly viewed as moral failings, and the legislation mirrored Victorian attitudes in relation to self-reliance and personal responsibility.

It wasn't until the early 20th century, where there was a significant shift in attitudes toward poverty and homelessness, influenced by the rise of labour movements, two world wars, and the emergence of the modern welfare state.

The Liberal Reforms (1906–1914) introduced old age pensions, unemployment insurance, and health insurance for workers, marking a move toward state responsibility for poverty, and the Beveridge Report (1942) was landmark intervention, which laid the foundation for the post-war welfare state, calling for comprehensive social insurance, health care, and public assistance to tackle poverty.

The 'National Assistance Act of 1948' abolished the Poor Laws and established a new system of public support for those in need, closing the workhouses and reducing the stigma associated with seeking help. This moved away from the punitive measures of the past toward a more supportive approach to homelessness, and by the late 20th century, homelessness was increasingly viewed as a social issue rather than a criminal matter.

Contemporary Laws

One of the most significant pieces of modern legislation was the 'Housing (Homeless Persons) Act 1977', which denoted a turning point by legally obligating local authorities to provide housing to certain categories of homeless individuals. This law acknowledged homelessness as a housing issue rather than simply a welfare or criminal justice concern, although its scope was limited to those classified as having a 'priority need'.

Despite some progressive steps, modern legislation has continued to criminalise aspects of homelessness, within a broader and more complex policy landscape. The Housing Act 1980, which introduced the 'Right to Buy', allowed council tenants to purchase their homes at discounted rates. While this helped many to become homeowners, it led to a reduction in social housing stock, compounding housing insecurity for those who couldn't afford to buy or rent on the private market.

The 'Criminal Justice Act 1982' made squatting a criminal offence, while subsequent legislation weakened tenant protections, making it easier for landlords to evict tenants, which contributed to rising homelessness during the housing crisis of that period.

The 'Public Order Act 1994' was another example of legislation that criminalised homelessness. It empowered police to move rough sleepers on, and close unauthorised encampments, making it difficult for rough sleepers to find shelter without facing legal repercussions.

Towards the end of the 20th century, the 'Housing Act 1996' and the 'Homelessness Act 2002' aimed to improve protections for those experiencing homelessness by expanding the definition of 'priority need' to include other vulnerable groups such as young people leaving care, those impacted by domestic violence, and individuals with mental health support needs.

While these changes provided a wider safety net, they still left significant gaps, and further legislation, such as the use of 'Public Space Protection Orders' and 'Community Protection Notices' continue to target rough sleepers.

Vagrancy Act

Throughout this history, there has been a persistent tension between homelessness as a social problem that requires support and intervention versus treating it as a criminal issue that necessitates control and punishment.

The 'Vagrancy Act 1824', although passed in the 19th century, remained in effect 200 years after its introduction.

In February 2022, both the House of Parliament and House of Lords supported the repeal of the Act in a landmark rejection of its outdated approach.

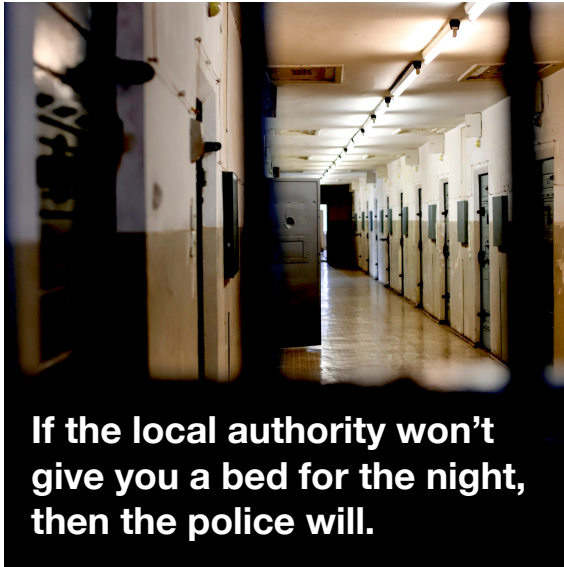
However, the Government at the time did not commence the formal repeal process until appropriate replacement legislation was passed, and in early 2024, sought to introduce even more punitive laws via the Criminal Justice Bill.

The Vagrancy Act not only impacted upon those experiencing homelessness. It was also historically used against Gypsy, Roma and Traveller communities, and disproportionately targeted other marginalised groups, including those with mental health support needs.

In 1898, the Act also prohibited importuning for immoral purposes. Originally intended as a measure against prostitution, in practice the legislation was almost solely used to convict gay and bisexual men for soliciting.

573 people were prosecuted under the Vagrancy Act in 2020

In 2014 three men were arrested and charged under Section 4 of the Vagrancy Act for stealing food that had been put in bins outside a supermarket in North London. They were due to stand trial after allegedly taking cheese, tomatoes and cakes worth £33 from bins behind the shop. The supermarket chain denied any involvement in contacting the police, and in a public statement it questioned why the Crown Prosecution Service (CPS) felt that it was in the public interest to pursue a case against those concerned. The three individuals, all of 'no fixed address', were due to attend a court hearing on 3 February 2014. However, just before that date, the CPS announced its decision to drop the case.



**If the local authority won't
give you a bed for the night,
then the police will.**

Criminalising homelessness is both unjust and ineffective. It punishes individuals for their circumstances rather than addressing the root causes of the issue.

It diverts resources from constructive solutions, such as social housing, towards financial penalties and incarceration, which do nothing to alleviate homelessness and often make it harder for individuals to break the cycle of poverty.

Instead of criminalisation, we need effective policies that offer pathways out of homelessness, which promote dignity and opportunity for all.



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This publication is part of an accompanying exhibition entitled 'Historical Perspectives of Homelessness', which was collaboratively created by people with direct experience of homelessness and/or substance addiction within York. The project was run by Good Organisation (Social Ventures) CIC thanks to funding from Historic England.



Historic England

Published in 2024