



# Street Offences Act 1959

1959 CHAPTER 57 7 and 8 Eliz 2

An Act to make, as respects England and Wales, further provision against loitering or soliciting in public places for the purpose of prostitution, and for the punishment of those guilty of certain offences in connection with refreshment houses and those who live on the earnings of or control prostitutes. [16th July 1959]

## 1 Loitering or soliciting for purposes of prostitution.

(1) It shall be an offence for a <sup>F1</sup>person<sup>F2</sup> aged 18 or over<sup>F3</sup> (whether male or female) <sup>F4</sup>persistently to loiter or solicit in a street or public place for the purpose of prostitution.

<sup>F5</sup>(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine of an amount not exceeding level 2 on the standard scale, <sup>F6</sup> . . . or, for an offence committed after a previous conviction, to a fine of an amount not exceeding level 3 on that scale. ]

<sup>F7</sup>(2A) The court may deal with a person convicted of an offence under this section by making an order requiring the offender to attend three meetings with the person for the time being specified in the order (“ the supervisor ”) or with such other person as the supervisor may direct.

(2B) The purpose of an order under subsection (2A) is to assist the offender, through attendance at those meetings, to—

- (a) address the causes of the conduct constituting the offence, and
- (b) find ways to cease engaging in such conduct in the future.

(2C) Where the court is dealing with an offender who is already subject to an order under subsection (2A), the court may not make a further order under that subsection unless it first revokes the existing order.

(2D) If the court makes an order under subsection (2A) it may not impose any other penalty in respect of the offence.]

<sup>F8</sup>(3) . . . . .

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- (4) For the purposes of this section<sup>F9</sup>—
- (a) conduct is persistent if it takes place on two or more occasions in any period of three months;
  - (b) any reference to a person loitering or soliciting for the purposes of prostitution is a reference to a person loitering or soliciting for the purposes of offering services as a prostitute;
  - (c) “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public; and the doorways and entrances of premises abutting on a street (as hereinbefore defined), and any ground adjoining and open to a street, shall be treated as forming part of the street.

<sup>F10</sup>(5) .....

#### Textual Amendments

- F1** Word in s. 1(1) substituted (1.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 16(2)(a)**, 116(1) (with s. 16(5)); S.I. 2010/507, art. 5(c)
- F2** Words in s. 1(1) inserted (3.5.2015) by Serious Crime Act 2015 (c. 9), **ss. 68(7)**, 88(1) (with s. 86(11)); S.I. 2015/820, reg. 2(l)
- F3** Words in s. 1(1) inserted (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, **Sch. 1 para. 2**; S.I. 2004/874, art. 2
- F4** Word in s. 1(1) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 16(2)(b)**, 116(1) (with s. 16(5)); S.I. 2010/507, art. 5(c)
- F5** S. 1(2) substituted by Criminal Justice Act 1982 (c. 48, SIF 82), **s. 71**
- F6** Words in s. 1(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIV**.
- F7** S. 1(2A)-(2D) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 17(2)**, 116(1); S.I. 2010/507, art. 5(d) (with art. 6)
- F8** S. 1(3) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8)(8), Sch. 7 para. 14, **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)
- F9** Words in s. 1(4) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 16(3)**, 116(1) (with s. 16(5)); S.I. 2010/507, art. 5(c)
- F10** S. 1(5) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1**

#### <sup>F11</sup>1A Orders under section 1(2A): supplementary

- (1) This section applies to an order under section 1(2A).
- (2) The order may not be made unless a suitable person has agreed to act as supervisor in relation to the offender.
- (3) In subsection (2) “ suitable person ” means a person appearing to the court to have appropriate qualifications or experience for helping the offender to make the best use of the meetings for the purpose mentioned in section 1(2B).
- (4) The order must specify—
  - (a) a date (not more than six months after the date of the order) by which the meetings required by the order must take place;
  - (b) the local justice area in which the offender resides or will reside while the order is in force.
- (5) The supervisor must determine—

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- (a) the times of the meetings required by the order and their duration, and
  - (b) the places at which they are held.
- (6) The supervisor must—
- (a) make any arrangements that are necessary to enable the meetings required by the order to take place; and
  - (b) once the order has been complied with, notify the court which made the order of that fact.
- (7) The court making the order must provide copies of it to the offender and the supervisor.
- (8) Subsection (9) applies where—
- (a) the order is made by the Crown Court, or
  - (b) the order is made by a magistrates' court but specifies a local justice area for which the court making the order does not act.
- (9) The court must provide to a magistrates' court acting for the local justice area specified in the order—
- (a) a copy of the order, and
  - (b) any documents and information relating to the case that it considers likely to be of assistance to that court in the exercise of any functions in relation to the order.
- (10) The order ceases to be in force (unless revoked earlier under section 1(2C) or under the Schedule to this Act)—
- (a) at the end of the day on which the supervisor notifies the court that the order has been complied with, or
  - (b) at the end of the day specified in the order under subsection (4)(a),
- whichever first occurs.
- (11) The Schedule to this Act (which relates to failure to comply with orders under section 1(2A) and to the revocation or amendment of such orders) has effect.]

**Textual Amendments**

**F11** S. 1A inserted (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 17\(3\)](#), [116\(1\)](#); S.I. 2010/507, [art. 5\(d\)](#) (with [art. 6](#))

**<sup>F13</sup>2 Application to court by [<sup>F12</sup>person] cautioned for loitering or soliciting.**

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**Textual Amendments**

**F12** Word in s. 2 heading substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), [s. 141](#), [Sch. 1 para. 3\(2\)](#); S.I. 2004/874, [art. 2](#)

**F13** S. 2 repealed (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 16\(4\)](#), [116\(1\)](#), [Sch. 8 Pts. 2](#); S.I. 2010/507, [art. 5\(c\)\(x\)](#)

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**Textual Amendments**

**F14** S. 3 repealed by [Licensing Act 1961 \(c. 61\)](#), **Sch. 9 Pt. II**

**4 Punishment for living on earnings of prostitution.**

The maximum term of imprisonment to which a person is liable if convicted on indictment of an offence under section thirty of the Sexual Offences Act, 1956 (man living on earnings of prostitution), or under section thirty-one of that Act (woman exercising control over prostitute) shall, for offences committed after the commencement of this Act, be seven years ; and accordingly, for offences so committed, in the Second Schedule to that Act, in items 30 and 31, “seven years” shall be substituted for “two years” in the third column.

**Modifications etc. (not altering text)**

**C1** The text of s. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**5 Short title, repeal, extent and commencement.**

- (1) This Act may be cited as the Street Offences Act 1959.
- (2) ..... <sup>F15</sup>
- (3) This Act shall not extend to Scotland or to Northern Ireland.
- (4) This Act shall come into force at the expiration of one month beginning with the date on which it is passed.

**Textual Amendments**

**F15** S. 5(2), Sch. repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**

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## F<sup>16</sup>SCHEDULE

### Textual Amendments

**F16** Original Sch. repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

F16

## [F<sup>17</sup>SCHEDULE

Section 1A(11)

### ORDERS UNDER SECTION 1(2A): BREACH, AMENDMENT ETC.

### Textual Amendments

**F17** Sch. inserted (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 17(4), 116(1), [Sch. 1](#); S.I. 2010/507, art. 5(d) (with art. 6)

## PART 1

### PRELIMINARY

#### *Interpretation and application*

- 1 (1) This Schedule applies to an order made under section 1(2A).
- (2) In this Schedule, in relation to the order—
  - “the offender” means the person in respect of whom the order was made;
  - “the supervisor” means the person for the time being specified as the supervisor in the order.
- (3) For the purposes of this Schedule, the offender fails to comply with the order if the offender fails to attend any of the three meetings mentioned in section 1(2A) at the time and place determined by the supervisor.

## PART 2

### BREACH OF REQUIREMENT OF ORDER

#### *Breach of requirement of order*

- 2 (1) If the supervisor is of the opinion that the offender has failed without reasonable excuse to comply with the order, the supervisor must cause an information to be laid before a justice of the peace in respect of the failure.
- (2) If it appears on information to the justice of the peace that the offender has failed to comply with the order, the justice may issue a summons requiring the offender to appear at the place and time specified in it.

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- (3) Any such summons must direct the offender to appear before [<sup>F18</sup>a magistrates' court acting in the relevant local justice area].
- (4) In sub-paragraph (3) “the relevant local justice area” means—
- (a) the local justice area for the time being specified in the order, or
  - (b) if it appears to the justice of the peace that the offender resides in another local justice area, that local justice area.

**Textual Amendments**

**F18** Words in Sch. para. 2(3) substituted for Sch. para. 2(3)(a)(b) (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [Sch. 4 para. 2\(2\)](#) (with s. 86(11)); [S.I. 2015/820](#), [reg. 2\(r\)\(ii\)](#)

*Failure to answer to a summons*

- 3 (1) This paragraph applies where the offender does not appear in answer to a summons issued under paragraph 2.
- (2) The magistrates' court may issue a warrant for the arrest of the offender.
- (3) Any such warrant must require the offender to be brought before [<sup>F19</sup>a magistrates' court acting in the relevant local justice area].
- (4) In sub-paragraph (3) “the relevant local justice area” means—
- (a) the local justice area for the time being specified in the order, or
  - (b) if it appears to the magistrates' court that the offender resides in another local justice area, that local justice area.

**Textual Amendments**

**F19** Words in Sch. para. 3(3) substituted for Sch. para. 3(3)(a)(b) (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [Sch. 4 para. 2\(2\)](#) (with s. 86(11)); [S.I. 2015/820](#), [reg. 2\(r\)\(ii\)](#)

*Powers of magistrates' court*

- 4 (1) This paragraph applies where—
- (a) the offender appears or is brought before a magistrates' court in accordance with this Part of this Schedule, and
  - (b) it is proved to the satisfaction of the court that the offender has failed without reasonable excuse to comply with the order.
- (2) The court—
- (a) must revoke the order (if it remains in force), and
  - (b) may deal with the offender in respect of the failure by dealing with the offender, for the offence in respect of which the order was made, in any way in which the court could deal with the offender if the offender had just been convicted by it of the offence.
- (3) In dealing with an offender under sub-paragraph (2)(b), the court must take into account the extent to which the offender has complied with the order.

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- (4) A person sentenced under sub-paragraph (2)(b) may appeal to the Crown Court against the sentence.

### PART 3

#### AMENDMENT OF ORDER

##### *Change of supervisor*

- 5 (1) Where the supervisor is unable to continue acting in that capacity, the supervisor, a constable or the offender may apply to the relevant magistrates' court to amend the order by specifying a different person to act as supervisor.
- (2) Where the court is satisfied that the supervisor is unable to continue acting, the court must—
- (a) amend the order by specifying a different person to act as supervisor, or
  - (b) if no such person is available, revoke the order.
- (3) The person specified to act as supervisor must be a suitable person (within the meaning given by section 1A(3)).
- (4) In this paragraph “the relevant magistrates' court” means [<sup>F20</sup>a magistrates' court acting in the relevant local justice area].
- (5) In sub-paragraph (4) “the relevant local justice area” means—
- (a) the local justice area for the time being specified in the order, or
  - (b) if the offender resides in another local justice area, that local justice area.

#### **Textual Amendments**

**F20** Words in Sch. para. 5(4) substituted for Sch. para. 5(4)(a)(b) (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [Sch. 4 para. 2\(2\)](#) (with s. 86(11)); [S.I. 2015/820](#), [reg. 2\(r\)\(ii\)](#)

- 6 (1) Where a court revokes an order under paragraph 5(2)(b), it may deal with the offender, for the offence in respect of which the order was made, in any way in which the court could deal with the offender if the offender had just been convicted by it of the offence (other than by making an order under section 1(2A)).
- (2) In dealing with an offender under sub-paragraph (1), the court must take into account the extent to which the offender has complied with the order.
- (3) A person sentenced under sub-paragraph (1) may appeal to the Crown Court against the sentence.

##### *Substitution of different local justice area*

- 7 (1) The offender or the supervisor may apply to the relevant magistrates' court to amend the order by substituting another local justice area for the area specified in the order.
- (2) An application under sub-paragraph (1) may only be made if the offender resides or will reside in the other local justice area.

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- (3) If the application is made by the supervisor, the relevant magistrates' court must amend the order by substituting the other local justice area for the area specified in the order.
- (4) If the application is made by the offender, the relevant magistrates' court may amend the order by substituting the other local justice area for the area specified in the order.
- (5) Sub-paragraphs (4) and (5) of paragraph 5 apply for the purposes of this paragraph as they apply for the purposes of that paragraph.

#### *Supplementary*

- 8 (1) Where the relevant magistrates' court proposes to exercise its powers under paragraph 5, otherwise than on the application of the offender, it must summon the offender to appear before the court and, if the offender does not appear in answer to the summons, may issue a warrant for the arrest of the offender.
- (2) An order may not be amended under this Part of this Schedule while an appeal against the order is pending.

### PART 4

#### SUPPLEMENTARY

##### *Detention and remand of arrested offender*

- 9 (1) This paragraph applies where the offender is arrested in pursuance of a warrant under this Schedule and cannot be brought immediately before the court before which the warrant directs him to be brought (“the appropriate court”).
- (2) The person in whose custody the offender is must, as soon as practicable and in any event before the end of the period of 72 hours beginning with the time of the arrest, bring the offender before [<sup>F21</sup>any magistrates' court].
- (3) That person may make arrangements for the offender to be detained until brought before the court.
- <sup>F22</sup>(4) .....
- (5) A person who is detained in pursuance of arrangements made under sub-paragraph (3) is deemed to be in legal custody.

#### **Textual Amendments**

- F21** Words in Sch. para. 9(2) substituted for Sch. para. 9(2)(a)(b) (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [Sch. 4 para. 2\(3\)](#) (with s. 86(11)); [S.I. 2015/820](#), [reg. 2\(r\)\(ii\)](#)
- F22** Sch. para. 9(4) omitted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [Sch. 4 para. 2\(4\)](#) (with s. 86(11)); [S.I. 2015/820](#), [reg. 2\(r\)\(ii\)](#)

- 10 (1) This paragraph applies where the court before which an offender is brought under paragraph 9(2) is not the appropriate court (within the meaning of paragraph 9).



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- (2) The alternative court may direct that the offender is to be released forthwith or remand him to appear before the appropriate court.
- (3) For the purposes of sub-paragraph (2), section 128 of the Magistrates' Courts Act 1980 (remand in custody or on bail) applies as if the court referred to in subsections (1)(a), (3), (4)(a) and (5) were the appropriate court.
- (4) Any power to remand the offender in custody which is conferred by section 128 of the Magistrates' Court Act 1980 (as modified by sub-paragraph (3)) is to be taken to be a power to remand the offender [<sup>F23</sup>to a prison].

<sup>F24</sup>(5) .....

#### Textual Amendments

- F23** Words in Sch. para. 10(4) substituted for Sch. para. 10(4)(a)(b) (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [Sch. 4 para. 2\(5\)](#) (with s. 86(11)); [S.I. 2015/820](#), [reg. 2\(r\)\(ii\)](#)
- F24** Sch. para. 10(5) omitted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [Sch. 4 para. 2\(6\)](#) (with s. 86(11)); [S.I. 2015/820](#), [reg. 2\(r\)\(ii\)](#)

#### Adjournments

- 11 (1) This paragraph applies to any hearing relating to an offender held by a <sup>F25</sup>... magistrates' court in any proceedings under this Schedule.
- (2) The court may adjourn the hearing, and, where it does so, may—
  - (a) direct that the offender be released forthwith, or
  - (b) remand the offender.
- (3) Where the court remands the offender under sub-paragraph (2)—
  - (a) it must fix the time and place at which the hearing is to be resumed, and
  - (b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.
- (4) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—
  - (a) it may fix the time and place at which the hearing is to be resumed, but
  - (b) if it does not do so, must not resume the hearing unless it is satisfied that the offender and, where appropriate, the supervisor have had adequate notice of the time and place for the resumed hearing.
- (5) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.
- (6) This paragraph—
  - (a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but
  - (b) is not to be taken to affect the application of that section to hearings of any other description.

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**Textual Amendments**

**F25** Words in Sch. para. 11(1) omitted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [Sch. 4 para. 2\(7\)](#) (with s. 86(11)); [S.I. 2015/820](#), [reg. 2\(r\)\(ii\)](#)

*Notification*

- 12 (1) This paragraph applies where a court revokes or amends an order under any provision of this Schedule.
- (2) The proper officer must—
- (a) provide copies of the revoking or amending order to the offender and the supervisor, and
  - (b) in the case of an amending order which substitutes a new local justice area, provide a copy of the amending order to a magistrates' court acting for that area.
- (3) If the court that revokes or amends the order is a magistrates' court acting in a local justice area other than the area specified in the order, the proper officer must provide a copy of the revoking or amending order to a magistrates' court acting in the local justice area specified in the order.
- (4) Where the proper officer acts under sub-paragraph (2)(b), the officer must also provide to the court such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in the exercise of any function in relation to the order.
- (5) In this paragraph “proper officer” means the designated officer for the court.]

**Changes to legislation:**

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