



# 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 common prostitute [<sup>F1</sup>(whether male or female) ] to loiter or solicit in a street or public place for the purpose of prostitution.

[<sup>F2</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>F3</sup> . . . or, for an offence committed after a previous conviction, to a fine of an amount not exceeding level 3 on that scale. ]

(3) A constable may arrest without warrant anyone he finds in a street or public place and suspects, with reasonable cause, to be committing an offence under this section.

(4) For the purposes of this section “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>F4</sup>(5) . . . . .

#### Textual Amendments

- F1** 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](#)
- F2** S. 1(2) substituted by [Criminal Justice Act 1982 \(c. 48, SIF 82\), s. 71](#)
- F3** Words in s. 1(2) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt.XIV](#).
- F4** S. 1(5) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1](#)

*Status: Point in time view as at 01/05/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Street Offences Act 1959. (See end of Document for details)*

**2 Application to court by [F5 person] cautioned for loitering or soliciting.**

- (1) Where a [F6 person] is cautioned by a constable, in respect of [F7 his] conduct in a street or public place, that if [F8 he] persists in such conduct it may result in [F7 his] being charged with an offence under section one of this Act, [F8 he] may not later than fourteen clear days afterwards apply to a magistrates' court for an order directing that there is to be no entry made in respect of that caution in any record maintained by the police of those so cautioned and that any such entry already made is to be expunged; and the court shall make the order unless satisfied that on the occasion when [F8 he] was cautioned [F8 he] was loitering or soliciting in a street or public place for the purpose of prostitution.
- (2) An application under this section shall be by way of complaint against the chief officer of police for the area in which the [F9 person] is cautioned or against such officer of police as [F10 the chief officer] may designate for the purpose in relation to that area or any part of it; and, subject to any provision to the contrary in rules made under [F11 section 144 of the Magistrates' Courts Act 1980], on the hearing of any such complaint the procedure shall be the same as if it were a complaint by the police officer against the [F12 person cautioned ], except that this shall not affect the operation of [F11 sections 55 to 57 of that Act] (which relate to the non-attendance of the parties to a complaint).
- (3) Unless the [F13 person cautioned ] desires that the proceedings shall be conducted in public, an application under this section shall be heard and determined in camera.
- (4) In this section references to a street shall be construed in accordance with subsection (4) of section one of this Act.

**Textual Amendments**

- F5** 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
- F6** Word in s. 2(1) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 1 para. 3\(3\)\(a\)](#); S.I. 2004/874, art. 2
- F7** Word in s. 2(1) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 1 para. 3\(3\)\(b\)](#); S.I. 2004/874, art. 2
- F8** Word in s. 2(1) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 1 para. 3\(3\)\(c\)](#); S.I. 2004/874, art. 2
- F9** Word in s. 2(2) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 1 para. 3\(4\)\(a\)](#); S.I. 2004/874, art. 2
- F10** Words in s. 2(2) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 1 para. 3\(4\)\(b\)](#); S.I. 2004/874, art. 2
- F11** Words substituted by [Magistrates' Courts Act 1982 \(c. 43, SIF 82\), Sch. 7 para. 30](#)
- F12** Words in s. 2(2) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 1 para. 3\(4\)\(c\)](#); S.I. 2004/874, art. 2
- F13** Words in s. 2(3) substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 1 para. 3\(5\)](#); S.I. 2004/874, art. 2

*Status: Point in time view as at 01/05/2004.*

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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) ..... **F15**
- (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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F16F16 SCHEDULE

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**Textual Amendments**

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

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**F16**

**Status:**

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**Changes to legislation:**

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