



CHAPTER 57

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]

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.—(1) It shall be an offence for a common prostitute to loiter or solicit in a street or public place for the purpose of prostitution. Loitering or soliciting for purposes of prostitution.

(2) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding ten pounds or, for an offence committed after a previous conviction, to a fine not exceeding twenty-five pounds or, for an offence committed after more than one previous conviction, to a fine not exceeding twenty-five pounds or imprisonment for a period not exceeding three months or both.

(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.

(5) The following enactments shall cease to have effect, that is to say—

- (a) paragraph 11 of section fifty-four of the Metropolitan Police Act, 1839; and
- (b) the paragraph beginning “ Every common prostitute ” in section twenty-eight of the Town Police Clauses Act, 1847, and any later Act in so far as it incorporates that paragraph; and
- (c) paragraph 11 of section thirty-five of the City of London Police Act, 1839, and the paragraph beginning “ Every common prostitute ” in section one hundred and two of the Manchester Police Regulation Act, 1844;

but for the purposes of subsection (2) of this section a conviction of the offence mentioned in any of those paragraphs shall be taken into account as a previous conviction in the same way as a conviction of an offence under this section.

Application
to court by
woman
cautioned for
loitering or
soliciting.

2.—(1) Where a woman is cautioned by a constable, in respect of her conduct in a street or public place, that if she persists in such conduct it may result in her being charged with an offence under section one of this Act, she 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 she was cautioned she 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 woman is cautioned or against such officer of police as he 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 section fifteen of the Justices of the Peace Act, 1949, 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 woman, except that this shall not affect the operation of sections forty-seven to forty-nine of the Magistrates’ Courts Act, 1952 (which relate to the non-attendance of the parties to a complaint).

(3) Unless the woman 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.

Punishment
of offences in
connection
with
night cafés.

3.—(1) The following provisions of this section shall have effect in relation to the punishment of offences to which section twenty-six of the Licensing Act, 1949, applies (being certain

offences in connection with refreshment houses, that is to say, houses, rooms, shops or buildings kept open for public refreshment, resort and entertainment between ten o'clock at night and five o'clock on the following morning, not being licensed for the sale of beer, cider, wine or spirits).

(2) The maximum fines which may be imposed by virtue of subsection (3) of the said section twenty-six for offences against sections eighteen and thirty-two of the Refreshment Houses Act, 1860 (which provide for penalties for obstructing the police from entering refreshment houses, for allowing unlawful gaming therein, for allowing prostitutes, thieves or disorderly or drunken persons to be therein and for permitting contraventions of licences under that Act), shall be—

- (a) in the case of a person not previously convicted of an offence to which the said section twenty-six applies, twenty pounds (instead of five pounds); and
- (b) in the case of a person previously convicted as aforesaid, fifty pounds (instead of twenty pounds).

(3) In section nine of the said Act of 1860 (which imposes a penalty of twenty pounds for keeping an unlicensed refreshment house) for the words " shall forfeit a sum not exceeding twenty pounds " there shall be substituted the words " shall be liable on summary conviction to the penalties provided by section twenty-six of the Licensing Act, 1949 ", and subsection (3) of the said section twenty-six, as amended by subsection (2) of this section, shall apply, so far as it relates to fines, in relation to the said section nine as it applies in relation to sections eighteen and thirty-two of the said Act of 1860; and accordingly in subsection (1) of the said section twenty-six for the words " is adjudged liable to forfeit any sum " there shall be substituted the words " is convicted ".

(4) The powers conferred by subsections (1) and (2) of the said section twenty-six to make on a person's conviction of an offence under the said section nine of the said Act of 1860 a disqualification order or an order for the forfeiture of a licence under the said Act of 1860, and the powers conferred by subsection (3) of the said section twenty-six to make such an order on a person's conviction of an offence under the said section eighteen or thirty-two of the said Act of 1860, shall be exercisable on a conviction, whether or not the person convicted has been previously convicted of an offence to which the said section twenty-six applies; and any power to make such an order under the said subsection (3) as so amended shall be exercisable also on a person's conviction of any of the other offences to which the said section twenty-six applies, that is to say, certain offences by a person keeping a refreshment house against section one hundred and twenty and subsection (3) of section one hundred and forty-nine of the

Licensing Act, 1953 (which relate to the sale of intoxicating liquor without a licence, and to the consumption of intoxicating liquor at parties organised for gain).

(5) This section shall not have effect on a person's conviction of an offence committed before the commencement of this Act.

Punishment
for living on
earnings of
prostitution.

4. 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.

Short title,
repeal, extent
and com-
mencement.

5.—(1) This Act may be cited as the Street Offences Act, 1959.

(2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, except as respects offences committed before the commencement of this Act.

(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.

SCHEDULE

REPEALS

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Vict. c. 47.	The Metropolitan Police Act, 1839.	Paragraph 11 of section fifty-four.
2 & 3 Vict. c. xciv.	The City of London Police Act, 1839.	Paragraph 11 of section thirty-five.
7 & 8 Vict. c. xl.	The Manchester Police Regulation Act, 1844.	In section one hundred and two, the paragraph beginning "Every common prostitute".
10 & 11 Vict. c. 89.	The Town Police Clauses Act, 1847.	In section twenty-eight, the paragraph beginning "Every common prostitute".
23 & 24 Vict. c. 27.	The Refreshment Houses Act, 1860.	In section nine, the words from "which penalty" onwards.
3 Edw. 7. c. cxxiii.	The Manchester Corporation Act, 1903.	In section seventy-nine, the words "importunate prostitutes".
7 Edw. 7. c. 53.	The Public Health Acts Amendment Act, 1907.	In section eighty-one, the paragraph beginning "Every common prostitute".
12, 13 & 14 Geo. 6. c. 59.	The Licensing Act, 1949	In section twenty-six, in subsection (1), the words from "where" to "applies", and in subsection (3) the words from the beginning of paragraph (a) to "offence" in paragraph (b), the words "not exceeding twenty pounds" in paragraph (b), and the words "in a case falling within paragraph (b) of this subsection".

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Metropolitan Police Act, 1839	2 & 3 Vict. c. 47.
City of London Police Act, 1839	2 & 3 Vict. c. xciv.
Manchester Police Regulation Act, 1844	7 & 8 Vict. c. xl.
Town Police Clauses Act, 1847	10 & 11 Vict. c. 89.
Refreshment Houses Act, 1860... ..	23 & 24 Vict. c. 27.
Licensing Act, 1949	12, 13 & 14 Geo. 6. c. 59.
Justices of the Peace Act, 1949... ..	12, 13 & 14 Geo. 6. c. 101.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Licensing Act, 1953	1 & 2 Eliz. 2. c. 46.
Sexual Offences Act, 1956	4 & 5 Eliz. 2. c. 69.

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