

S. D. S.  
(COPY)



S.B. No. 1 (Flimsy)

METROPOLITAN POLICE



SPECIAL BRANCH

Special Report

10 day of December 19 75

SUBJECT  
Campaign Against  
the Criminal  
Trespass Law

Reference to Papers  
00/75/12

1. The following information has been received from a reliable source:-

A public meeting was held by the committee of the Campaign Against the Criminal Trespass Law on Wednesday 3 December 1975 at Friends Meeting House, Easton Road, NI. The purpose of the meeting was to launch the campaign and to encourage support for the proposed demonstration being planned for 28 February 1976. Approximately seventy people attended the meeting, which began at 7.30pm and ended at 9.45pm.

3. A person from the organisation, referred to only as 'Zanda' (ph), opened the meeting and introduced the speakers, who were:-

- Dave WILKINSON, a barrister; Ernie JOHNSON, ASU;
- Bill FREEMAN, NAPSOPA; Piers CORRYN, Elgin Avenue Squatters; Pete GILLARD, NUS; and Charlie [redacted] Teachth Self Help.

4. WILKINSON spoke first and tried to explain how the new law would work in practice, but it was obviously well above the heads of his audience.

5. Ernie JOHNSON reminded those present that the new law would affect those wishing to occupy their places of work.

6. Continuing this theme Bill FREEMAN related the story of the sit-in at Bryant Colour Printers factory and the lessons to be learned from such an exercise.

Pete GILLARD said that the new law should be borne in mind by students who intended to organise sit-ins at their places of study. Such actions could, in the future, lead to their being arrested.

8. Piers CORRYN suggested that squatters could find themselves being arrested for offences under the new law and should bear this fact in mind when occupying premises.



(7/20/71)

MEMORANDUM FOR THE DIRECTOR

SPECIAL BRANCH

2. No. 1 (Priority)

Special Report

SUBJECT

2. ... Letting Charlie FORDMAN pointed out that under the proposed law it was inevitable that squatters would be in the front-line and that there was no doubt that the law was aimed at such people.

10. The theme of the meeting was summed up by 'Zanda', who said that the law was aimed at three sectors of the community: squatters; students occupying universities and colleges; and workers who occupied their places of work. This would lead eventually to all sectors of the working class being threatened by the new laws. He then invited those present that the Campaign Committee met every Thursday evening at 8pm at London University, Malet Street, W.C.1.

11. The following persons were identified as being present:

- Dave WILKINSON No trace
- Ernie JOHNSON Unable to identify
- Bill FREEMAN 402 Privacy
- Piers CORBYN 402/62/697
- Pete GILLARD 405 Privacy
- Charlie FORDMAN Unable to identify
- Zanda Unable to identify

The following persons were identified as being present:

Chief Inspector

Chief Superintendent

...

# campaign against a criminal trespass law

In June 1974 the Law Commission published a Working Paper in which they proposed to make trespass a criminal offence. They will shortly produce a Final Report on the subject to the Government, which will contain a draft Bill to set before Parliament.

## WHY A CRIMINAL TRESPASS LAW MUST BE STOPPED

These proposals will create a new class of criminals - people who take direct action, however peaceful, in support of their interests. They will do this by making it a crime for anybody to be on property when the owner doesn't want them there. So the following actions will be outlawed: OCCUPATIONS OF FACTORIES, STUDENT SIT-INS, DEMONSTRATIONS AND PICKETS ON PRIVATE OR STATE PROPERTY (eg Council or DSS offices), and SQUATTING. In these situations, if the people involved refuse to leave immediately when told to do so by a person 'legally' entitled to the property, they are liable to arrest and up to SIX MONTHS IMPRISONMENT. Moreover, if held under forcible entry charges, occupiers would be liable to up to TWO YEARS IMPRISONMENT. Owners could also prevent movement about their property. So, for example, in a work situation, this law could be used to restrict a shop steward from moving about a factory, and to prevent union meetings taking place on company premises. Also, as GYPSIES trespass on open land, they too will become criminals.

In addition, these proposals will provide a tool with which a landlord can harass unwanted tenants; he need only tell the police that they are squatters and, unless they can produce a rent book, the police must arrest them. There is also a much broader range of civil liberties that will be affected. For instance, you will be committing a criminal offence if you stay in a shop to demand your right money when you've been short-changed and asked to leave by the management.

## HOW THE LAW COMMISSION SUMMARISE THEIR PROPOSALS

- "(1) The Forcible Entry Acts (1381-1623) should be repealed, and the common law offences of forcible entry and detained and conspiracy to trespass, as defined in *KAYARA v. DPP*, should be abolished.
- "(2) In place of the offences repealed and abolished there should be two new offences namely:
- "(a) without lawful authority entering property by force adversely to any person in physical occupation of it, or entitled to occupy it; and
  - "(b) being unlawfully on property and failing to leave as soon as reasonably practical after being ordered to leave by a person entitled to occupation.

"The offences should carry maximum penalties of imprisonment for 2 years and 6 months respectively, with the police having a power of arrest where they have reasonable grounds for believing that an offence has been committed."

Pages 73, The Law Commission Working Paper No. 54: "Criminal Law - Offences of Entering & Remaining on Property, 28th/74. Published by and available from Her Majesty's Stationary Office.

## BACKGROUND—THE CURRENT ATTACKS ON DIRECT ACTION

CACTI sees these proposals as an attempt to both consolidate and expand legal restraints on direct action. They put into neat, easy, legislative form crimes that have been recently created by judges' rulings and by raking up old laws. The Shrewsbury picketers were jailed for picketing under the 100 year-old Conspiracy Laws; Islington tenants have had injunctions granted against them by a High Court judge forbidding them from picketing Prebbles estate agents. These injunctions set a precedent making non-industrial picketing illegal. Speedy procedures for the eviction of squatters have been introduced merely by altering court rules. These procedures have also been used to evict workers from occupied factories (eg Crossfields, Islington, 1975) and students in occupation of university buildings (eg Warwick University, 1975). In both cases the property-owners used Order 113 of the High Court, which is but one of many court rules which judges have recently re-interpreted to make it still easier for owners to repossess their properties. Conspiracy to Trespass charges too have been increasingly used against demonstrators who have peacefully occupied public buildings. The most recent cases involve 21 Iranians who occupied their embassy in protest at the deaths of political prisoners in their country, and 19 people who occupied the Iberia airline office in protest at the impending execution by garroting of 5 political prisoners in Spain.

These proposals come at a time of falling living standards, large scale redundancies and massive cuts in social expenditure. They strengthen the legal machinery to back up attacks already being made against those people who are prepared to fight for their interests by direct action. And they give the full and active backing of the law and the police to property-owners who leave houses empty at a time when tens of thousands are homeless.

## THE LAW COMMISSION

The Law Commission are a group of lawyers who advise the government on changes in the law. Most of their proposals have become law sooner or later. Since March 1975, the Law Commission have been working on their Final Report on trespass. This should be published around Christmas and will contain a draft Bill for Parliament.

## CONSPIRACY—tying up loose ends

The Law Commission claim to be abolishing Conspiracy to Trespass; in fact, they strengthen and extend the Conspiracy laws, as it will be an offence to conspire to commit either of the two new offences. The Law Commission's Final Report on trespass will form part of their Final Report on conspiracy. Their Working Paper on conspiracy (no. 50) recommends that the conspiracy laws should be limited to conspiracies to commit crimes - at the moment you can be charged with conspiring to do something which is not in itself a crime (eg trespass, at present a civil matter, or 'outraging public decency', a moral affair). This limitless scope of the conspiracy laws has provoked widespread criticism. BUT: in proposing to limit conspiracy to crimes, the Law Commission say: "the relevant areas of the law should be examined for possible gaps which this limitation may cause, with a view to the creation of any new substantive offences which may be necessary." (Working Paper no. 50 para 62). In other words, while restricting the conspiracy laws to conspiracy to commit crimes, the Law Commission want to maintain the wide scope of the conspiracy laws - by creating a range of NEW CRIMES.

6 BOWDEN ST LONDON SE 11

## DIVIDE AND RULE ?

The Law Commission have been taken aback by what they call the "extraordinary amount of opposition to the proposals set out in Working Paper no. 54." As a result they may finally recommend a series of more specific offences instead of the blanket criminal trespass offence (offence 2b in the Working Paper). Possibilities include (1) an offence of 'resisting or obstructing a bailiff of the County Court in the execution of his duty'. This would mean that the active involvement of the police in all evictions would become routine - since most evictions are carried out through the County Court, and because even the most token presence by the occupiers could be seen as 'resistance'.

(2) an offence of 'being unlawfully on residential property and failing to leave as soon as reasonably practical etc.' 'Residential property' includes empty houses and is obviously aimed at squatters. In fact this would also threaten tenants without rent books, illegal sub-tenants and licencees in the same way as Working Paper no. 54.

(3) the increasing use of conspiracy to trespass charges against demonstrators suggests that the Commission may propose a specific offence to cover the occupation of public buildings.

These are only possibilities. THE CRIMINAL TRESPASS LAW PROPOSALS HAVE NOT BEEN DROPPED - we won't know the final shape of the Law Commission's proposals until the Final Report is published.

## FORCIBLE ENTRY

Offence 2a in the Working Paper is an altered version of the Forcible Entry Act of 1381 which gave protection against violent eviction to all occupiers. The Law Commission have altered it in two ways to make things easier for property-owners: (1) they have defined force so as to exclude force used against objects in a forcible entry - this means a landlord could smash up a house and make it uninhabitable as a 'back-door' way to evict squatters. (2) under the new version, a 'person of reasonable fortitude' (eg a factory security guard) need only allege that he was 'put in fear of violence to his person' and occupiers will be committing an offence - this situation often occurs at the start of factory or student occupations, and so they could be broken up immediately by the police, and the occupiers arrested.

## TORIES MOVE IN

Tory Housing Spokesperson Hugh Rossi has sponsored a motion in Parliament calling for immediate legislation to make 'the unlawful entry upon and occupation of residential accommodation' a criminal offence. The Government say they won't act until the Law Commission's Final Report, but Rossi and other Tories are likely to introduce a Private Member's Bill in the next Parliamentary session.

Rossi is the landlord's friend - he organised the filibuster attempt to stop Labour's 1974 Rent Act which gave security to furnished tenants. When the Act was passed, taking advantage of a printers strike which stopped it being published for several months, he brought a book advising landlords on ways round the Act. He has the full backing of the media for his anti-squatting motion.

The pretext Rossi has used for his motion is a well-publicised incident involving the 'squatting' of an occupied house in Chelsea. Such cases have received publicity out of all proportion to their frequency. Squatters, as people seeking homes, are interested in empty and unused houses. Where occupied homes are taken over, damage is invariably caused, and there are ample legal remedies for the owner, such as charges of Criminal Damage.

**OUTLAWING SQUATTING MAKES HOMELESSNESS A CRIME** - vagrancy is already a criminal offence. The 1974 Local Government Act made the housing of homeless families a discretionary power of local authorities - it used to be an obligatory duty. And councils don't have to (and don't) do anything for single people and childless couples. **THE NUMBERS OF HOMELESS ARE GOING UP ALL THE TIME** - in 1969, 27,434 families applied for local council temporary accommodation for the homeless; in 1973, 33,225 families applied. On top of that, there are an estimated 30,000 people squatting, many of them families.

**THE NUMBER OF EMPTY HOUSES IS INCREASING TOO** - in 1961 - 314,141 in England and Wales; in 1971 - 675,000. And the cuts in public spending on housing are going to make the situation much worse.

**OUTLAWING SQUATTING WON'T MAKE THE HOMELESS GO AWAY - IT WILL MAKE A FORTUNE (AT THE RATEPAYERS' EXPENSE) FOR THE OWNERS OF BED AND BREAKFAST EMPIRES. AND IT WILL PUT HOMELESS PEOPLE IN JAIL FOR BEING HOMELESS.**

**SQUATTING IS NOT THE PROBLEM: THE PROBLEM IS THE HOUSING CRISIS.**

Rossi's Bill threatens tenants without rent books, illegal sub-tenants and licencees too. They would face the same danger of eviction as squatters as under the Law Commission's proposals.

## THE CAMPAIGN

CACTL was formed to co-ordinate opposition to the Law Commission's proposals, which we condemn absolutely. The active members of CACTL are a group of trade unionists, squatters, tenants, students and lawyers. We work through open fortnightly planning meetings in London. There are also CACTL groups in Manchester, Liverpool, South Shields, Oxford and York, and contacts in other parts of the country.

CACTL has received, and is continuing to receive, resolutions of support for the campaign and of total opposition to the proposals from a large number of trade union, student, housing and community groups, including ASIMs and NUS nationally, the Greater London Association of Trades Councils and 10 other Trades Councils, and the Gypsy Council. We have sent copies of all resolutions to the Law Commission as evidence of the depth of opposition to their proposals.

## HOW TO SUPPORT CACTL

FEBRUARY 26TH

- (1) Raise the matter in your group. Propose that your group pass a resolution supporting CACTL and opposing the Criminal Trespass proposals, to be sent on to CACTL and any organisation to which it belongs or is affiliated to (eg Federations, Trades Councils, Regional and National bodies).
- (2) Lobby your local MP and Constituency Party, and urge them to resist and defeat all Criminal Trespass proposals in Parliament.
- (3) Support CACTL's NATIONAL DEMONSTRATION in LONDON on ~~February 26th~~. Get your group to officially endorse the demonstration and mobilise for it.
- (4) Set up a local CACTL group to publicise the implications of the proposals and gain support for the campaign. Organise a public meeting in your area - we can send speakers and leaflets.
- (5) CACTL urgently needs money to cover the cost of printing leaflets, posters, bulletins and a pamphlet. Please send donations; cheques are payable to the Campaign Against A Criminal Trespass Law.

**DEMONSTRATE  
AGAINST THE  
CRIMINAL TRESPASS PROPOSALS**

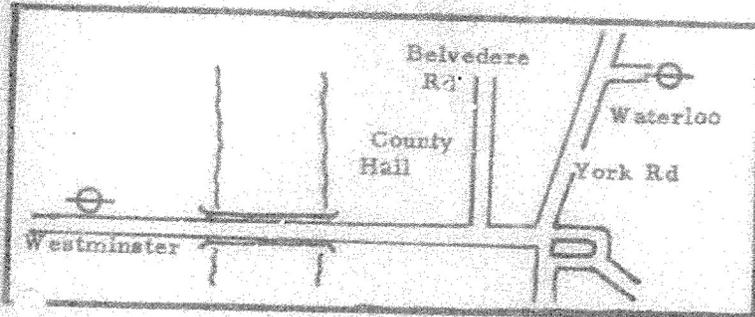
**SATURDAY 28<sup>th</sup> FEBRUARY**

Assemble 1.30pm.

**BELVEDERE ROAD, SE1 (behind County Hall)**

Street Theatre

**MARCH to a RALLY in TRAFALGAR SQUARE.**



WHEN THE  
**CRIMINAL TRESPASS PROPOSALS**  
BECOME  
**LAW**

**WORKERS WHO DEFEND THEIR JOBS BY OCCUPYING  
FACTORIES..**

(Thousands of workers have saved their jobs by  
occupations; e.g. Upper Clyde Shipbuilders; Fisher-Bendix  
Kirkby, Liverpool; Norton-Villiers-Triumph, Meriden)

**WORKERS AND ANYONE ELSE WHO PICKETS...**

(Mass pickets were a vital part of winning the Miners'  
Strike. Many other people, including community groups,  
also use picketing as a form of protest)

**HOMELESS PEOPLE WHO OCCUPY EMPTY HOUSES...**

(Vagrancy is already a crime; Squatters will become  
criminals, therefore homelessness will become a crime)

**IN FACT, ANYONE WHO TAKES DIRECT ACTION,  
HOWEVER PEACEFUL, IN DEFENCE OF THEIR  
INTERESTS WILL BECOME A CRIMINAL AND COULD  
BE CHARGED WITH CONSPIRACY FOR BEING  
INVOLVED IN ANY OF THESE ACTIONS.**

Printed and published by Campaign Against A Criminal  
Trespass Law (CACTL) 6, Bowden Street, SE 11.