

SQUATTING AND THE LAW

1. POLICE USED IN EVICTIONS

Evictions in this country have by law and by tradition been something in which the police did not involve themselves. However, as the threat of a criminal trespass law approaches, the authorities seem to be preparing for the situation they envisage after the Law Commission proposals have become effective, and there has been an increasing presence of large numbers of police at evictions, combined with their taking a much more active role in the eviction itself. Three major evictions which have taken place this year in London seem to show that both the police and the State are limbering up for a "final solution" to the squatting "problem" once they have the tools to do it.

Using the police actively seems to be the latest step in the increasing use of the law over the last three or four years. The process started with possession proceedings being taken more frequently against groups of organised squatters, rather than simply reaching informal agreements that they would move on to other houses when the council was ready to demolish or rehabilitate. Since the only clear indication that work might be about to start was the appearance of the court bailiffs (especially when many councils get possession orders well in advance of the work) more squatters started holding out until the last moment, and, for a wide range of reasons, actively resisted the evictions.

While in the late '60s and early '70s squatting was a movement which could more or less be contained within the general housing system, the increased number of squatters in the last three years (about 40,000 in London) on the one hand and the fact that the housing "crisis" seems to be irrevocably out of the control of the authorities on the other, have led to a situation in which those authorities (local and State) must either take concerted repressive action or acquiesce in the existence of a large number of people effectively having free housing. As a report from the Department of the Environment remarked recently, squatting "can also be seen as a social phenomenon of significance way beyond housing". This repression is taking place on two levels: local councils take steps to ensure that squatting empty houses does not happen (gutting to make them uninhabitable, actively intervening with gas and electricity boards to prevent services being connected, and now, in Camden, Hackney and elsewhere, special anti-squatters patrols to physically prevent squatters opening up houses) and at State level the criminal trespass proposals (PN 2017).

Until recently the official police attitude to all evictions by court order has been that it is a civil matter and therefore nothing to do with them. The only exception to this is the execution of high court writs, as the sheriffs (high court bailiffs) have the theoretical right to call on the police for assistance under the Sheriffs Act, 1887. This power is being increasingly used, and would be reinforced and extended to county court bailiffs under the new criminal trespass proposals. (All cases to repossess



squats are civil matters, and therefore come up either in county or high court. Evictions are then supposed to be carried out by the officials of the relevant court, with the exception mentioned above).

In Prince of Wales Crescent (PN 2017), where some sixty squatters were evicted, most of the actual eviction was carried out by the court officials, with a police presence of around 150 officers in case any "problems" arose (the occupants had put up barricades and threatened to fight the eviction); the sheriff and his men broke into the houses and moved people's things out, while the police looked on from a little distance. At Hornsey Rise (PN 2020) only about thirty squatters were left and no resistance was expected by the GLC, yet there were about sixty police in the cordon which was meant to isolate the estate from outside help (including people helping friends clear out their belongings); a further sixty police systematically breaking into flats, searching and clearing the estate under the direction of the sheriff and a superintendent; about twenty bailiffs actually moving people's possessions away; and a further fifty or so police hidden away in buses nearby. Police did not unduly harass the people being evicted or the friends who had come to support them, nor did they prevent people taking photographs (though one woman was taken and questioned about her foreign passport, her camera and film were left undamaged). This eviction had all the appearance of being a practice exercise for future reference: it must be more than coincidental that Charteris Road, which is in the same police division area, had already received notice from the bailiffs that they were due to be evicted.

The difference between these two cases and Charteris Road (PN 2024) is that Islington Council, owners of the houses, habitually uses the county court whilst Camden (Prince of Wales Crescent) and the GLC (Hornsey Rise) normally go to the high court. Thus the bailiffs, in executing the warrant in Charteris Road, had no right to call for police assistance. In fact the police role in Charteris Road was very specific: they cordoned the road off with a human barrier, as the bailiffs moved in, to stop outside help from the 300 squatters who live within half a mile or so. As at Prince of Wales Crescent, they did not play an active role in the eviction itself, but they did take a very active role as local residents appeared on the street in response to the eviction. They were highly selective, picking out active squatters from active tenants, and arresting first but not thinking up charges till the whole incident was over and the houses gutted. Two people were arrested whilst taking photographs, the bailiffs temporarily impounded their cameras and an attempt was made to spoil their film. One of the two cases which was heard next day, that of possessing implements with intent to commit criminal damage, was dismissed, but the woman against whom it was brought was bound over by the magistrate. There's nothing new about such binding overs, they date from the middle ages, but this tactic opens up a whole area of harassment: arresting squatters (or other political activists) on charges which won't stick and then curtailing their ability to take action which may break the law on other occasions.

CONTINUED OVERLEAF

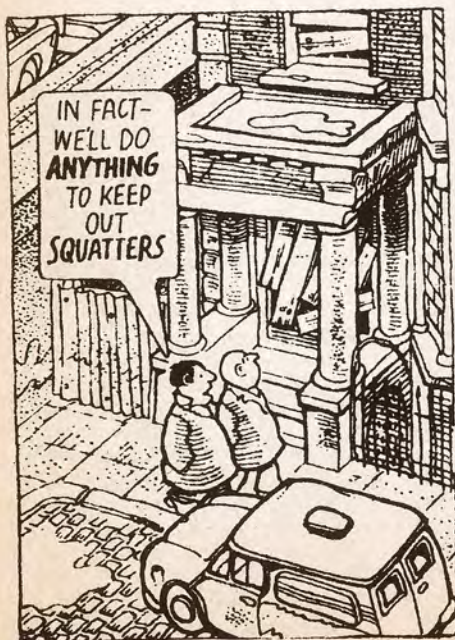
2. CRIMINAL TRESPASS

SQUATTING AND THE LAW: POLICE USED IN EVICTIONS continued from page 7

These recent cases raise important questions about police attitudes and actions if the criminal trespass proposals become law. Two of the new offences which would be created are obstructing any court officer (high or county court) whilst executing a possession writ or warrant against squatters, and being in possession of an "offensive weapon" as a trespasser. The first of these effectively allows a county court bailiff to call in the police to assist on any occasion and gives him the power to arrest if he decides that he is being obstructed, making even passive resistance a crime. The second, since the police will need no search or arrest warrant to enter a house, could easily lead to effective evictions by them simply arresting the entire household for possessing the most innocent things. (The woman mentioned above was arrested for having in her shopping bag, amongst other things she had just bought, two bags of flour).

Though the criminal trespass proposals are not directed solely against squatters but also against others taking direct action (student occupations, factory work-ins etc) it is becoming clear that squatters are likely to bear the brunt of the repressive measures in the immediate future. As long as the struggle against such repression is made only from a position of each grouping defending its own interests when it is attacked, we are likely to go down piecemeal, squatters, tenants, students, industrial workers. The Campaign Against a Criminal Trespass Law is attempting to create a united resistance to the new measures. For news and information of your nearest CACTL group contact: **CACTL, c/o 6 Bowden St, London SE11, Tel: 01-289 3877**. If you have information specifically relating to harassment of squatters and particularly on police involvement in evictions, please contact **Advisory Service for Squatters, 2 St Pauls Rd, London N1. Tel: 01-359 8814**.

**DIANA SHELLEY
PHIL JEFFRIES**



The next few months are going to be critical for the Campaign Against a Criminal Trespass Law (CACTL) and for working people and political activists in general. The Government has accepted the Law Commission's report on "Conspiracy and Criminal Law Reform" and will present it as a Bill to Parliament in the autumn.

What these recommendations set out are some long overdue but hardly fundamental reforms of the conspiracy laws followed by a closing of the loopholes which, so say the Law Commission, the tightening up of conspiracy would produce.

One such loophole the Commission foresaw was that it would no longer be possible to bring "trespassers" before criminal courts and give them prison sentences because, once denied the use of a conspiracy charge, it would not be possible for the police to get involved. Trespass would be a civil offence, pure and simple. Of course the "trespassers" these eminent lawyers are worried about missing are the political variety: squatters, workers who occupy their factories, students their colleges and foreign nationals their embassies.

The attempts to introduce this law should be seen in their proper context. The idea was first raised at the Tory Selsdon conference in 1970. Then it was thought to be "too hot". However 1971-72 were years of horror for the Tories and their ilk; the first of the miners' strikes and their successful mass picketing at Saltley; the building workers' strike and the ensuing Shrewsbury trials; the first big wave of factory occupations on the Clyde and at Fischer-Bendix; the Manchester Engineering sit-ins when 35 factories were occupied as a tactic in wage bargaining; the growth of unofficial squatting. The result was Establishment paranoia. The Law Commission, who were then considering changes in the conspiracy laws were told by Hailsham, the then Lord Chancellor, to look into ways of introducing a Criminal Trespass Law. Their initial working paper, issued in 1974, outlined a horrifyingly all-encompassing trespass law. It would be an offence, punishable by two years imprisonment and a fine to trespass by means of "violence" and you would get six months inside and a fine if you did not vacate premises after the "rightful owner" had told you to do so. This provoked a lot of opposition and many groups, as diverse as the Trades Union Congress, the Greater London Council and even the Small Property Owners Association, were critical of these proposals in their evidence to the Commission, though for different reasons.

When the final report was published in March the proposals had been considerably changed (*Peace News* 2017). Instead of two blanket offences there were now, on the face of it, five more specific offences. This, so the media would have us believe, made them all so reasonable and sensible. These laws were necessary, the Law Commission say, to deal with the recent widespread problems of squatters taking over people's homes whilst they're away on holiday, the almost inevitable violence involved in occupations and evictions and the need to guarantee peace and quiet to foreign embassies.

The fact that the report does not produce a shred of evidence to back up these assertions is interesting. But it is more important to realise that, although the final recommendations are framed differently from those in the working paper, their intent and ultimate effect remain the same. They are an attack on the ability of people to take direct action as part of their struggle for a better life.

The wording of the proposals is vague and loose. It leaves them open to abuse by property owners and they are certainly not limited to squatters. The intention behind them is not only to provide a means of breaking occupations, it is also intended to be an intimidatory law. For the authorities it is a good way of frightening people off taking this form of direct action.

Furthermore, whatever limitations there are to these laws is no guarantee against their abuse or extension. Abuse of laws needs no further comment, but the idea that a law supposed to be aimed at squatting will not be used against other political undesirables is a myth. The eviction orders Nos 113 of the High Court and 26 of the County Courts were originally dreamed up by judges to speed up evictions of squatters. They have since been used to break factory and student occupations.

Realistically, the struggle to prevent the proposals becoming law is ultimately a fight within the existing machinery of power. But that is not to say that the campaign is reformist. It is not looking to reform anything but to prevent a worsening of the increasingly repressive conditions we have to endure in this society and to maintain some of the limited scope for action still open to us.

Nor is it a negative campaign. If criminal trespass is not to become law then it will mean having to overcome a sophisticated legal and media campaign of divide and rule. These proposals are put forward as being anti-squatting and that means explaining to trade unionists and ordinary people the truth about squatting. This means opening up a lot of new personal and political contacts and therefore ideas for both trade unionists and squatters. This will be an important gain in the long run. It means laying bare the whole establishment tactic of "divide and rule", particularly the role of the media in this. Any success in this field makes it more difficult for such methods to be successful in the future. Also, CACTL local groups are active in supporting direct action eg one group recently squatted a house and handed it over to a women's group for a battered women's centre. In these ways CACTL is making a very positive and non-sectarian contribution to the struggle in general.

The aim of the campaign is hardly inspirational but its success and the work it does along the way will be very important. It is something to which *PN* readers could contribute a great deal and CACTL certainly needs all the people, contacts and initiative it can get.

Contact: CACTL, c/o 6 Bowden St, London SE11 (01-289 3877).

FRANK KEELEY