



1. Civil Law

Generally, trespass is a civil law offence, which means that the police have no power to arrest you for it.

Trespass is entering – or putting property on – land that belongs to someone else, without their permission.

If you have ‘implied permission’ to enter somewhere – for instance a shop open to members of the public – then you are not committing trespass until you have been asked to leave by the owner of the building or their representative. In a shop this is often a manager, but should not be police officer. If you fail to do so, then you could be taken to a civil court (‘sued’) by the owner.

When protesters occupy a building or land, landowners can lawfully use reasonable force to remove trespassers in an emergency but risk committing an assault or breaching Section 6 of the Criminal Law Act 1977, which makes it an offence to use violence to secure entry onto ‘premises’ (which includes buildings, land around it or a site with a number of buildings).

Section 6 explicitly says that “the fact that a person has any interest in or right to possession or occupation of any premises shall not² constitute lawful authority for the use or threat of violence.”

Landowners, leaseholders or holders of a licence to use land or property are more likely to therefore apply to the civil courts for a ‘possession order’, which requires that the claimant is granted possession (exclusive physical control).

Protesters may also face the threat of an ‘injunction’ – a court order that instructs them to stop an existing activity or refrain from undertaking a particular future action. For more information, see our [guide to dealing with injunctions](#).