

QUESTIONS TO ASK BAILIFFS AND WHAT TO SAY -

Be kind polite and courteous but firm and tell them you resist peacefully but will defend yourself according to the Law

- their bailiff's certificate number.
- which court certificated them.
- what their business is
- a full breakdown of their fees
- to see their warrant
- if they mind you taking a photograph of it and do so.
- tell them they are not in contract with you and you are in legal litigation with their client
- if they have a Walking Possession Order; if so, ask them to hold it for you while you take a photograph. (Don't take hold of it if he offers it to you?)
- ask them to complete and sign for your records, the template letter confirming their attendance on your property. When completed, post it through your mailbox.
- ask if they saw the notice at the front gate - the Notice of Removal of Implied Right of Access
- Take note if it has a court stamp and/or the signature of an agent of the court.
- Ask them have they seen a copy of the Implied Rights
- Tell them they will be trespassing if they step over the property boundaries
- They will be personally liable for any damages, arm or loss under common law which will not be covered under their employment liability - they are personally liable for their actions
- Demand a sworn statement under penalty of perjury

DO NOT

- Do NOT sign the Walking Possession Order or any other document offered to you by the bailiff.
- Do NOT confirm your name or identity.
- Do NOT admit the debt.

RULES

A Court Order which has a seal or stamp is called in law a 'conformed' version. The legal profession want you to believe it is valid, even if it is unsigned or unsealed when somebody serves it on you. This is nonsense. It is nonsense also if it is served as a photocopy.

The people in the legal industry will tell you to visit to the courthouse where YOU can buy a copy of the original ! But this too is nonsense. A Court Order must be signed and sealed and must be shown to be the ORIGINAL when it is served. Without which any person is fully entitled to doubt its authenticity.

It is NOT the job of a person himself/herself to seek for an Order from some file somewhere else which is supposedly to be served on him in the first place ! The defendant is fully entitled to refuse any version of a Court Order which lacks such basic proof as the signature of the Judge and/or the seal of the court which supposedly issued it. In the same way we can reasonably refuse a photocopied banknote or passport.

A Court Order is only deemed to be 'served' if it conforms/complies with the rules of issuing Court Orders and NOT if that process is deficient in respect of it being a photocopy or of it lacking a seal or signature. Since, in such a case, there are good grounds for doubting its authenticity.

I would tell the server of the notice that he has a job to do and that I do not accept any Court Order unless it is the original and is presented to me in a form that is signed/sealed by the Court. Since (I would explain) I have good grounds to doubt its authenticity and I refuse to accept any copy as proof of it being genuine. Nor has any Court Order been SERVED on me unless/until it IS the original. Since,

once again, there are fair and reasonable grounds for doubting its validity.

The onus is on the SERVER of the Court Order to SERVE the court order. Clearly so. Nobody else. He/she has not served any legitimate Court Order if he/she serves only a photocopy or one which is lacking a signature or court seal.

Tell him/her to do their job. And refuse to accept it as genuine until they do - politely giving the fair and reasonable grounds for refusing it in any other form. It is fair and reasonable to have the original Court Order signed and sealed at the time when he/she serves it for it to be genuinely served on me. And not until then.

You ask for the legal grounds of such an argument. Gladly. It's the Golden Rule. To do to others as we would have done unto ourselves. This enshrined within the Common Law. Since I would not wish to serve anyone with what is claimed to be a legal document unless it is an original signed and sealed by the Court who claims to have issued it. That job is not mine or yours. It's the job of the Court and of those whose job it is to serve such Orders.

You are fully entitled to plead the Golden Rule under Common Law in such a case.

And here are some examples of the truth of this -

1. 'Historia Placitorum Coronae' (1736) - Sir Matthew Hale
2. Blackstone, 'Commentaries on the Laws of England' (iv) - (1765)
3. 'Written 'Decision on Williams Case' - 'The Christian religion is part of the Law of England' - (Lloyd Kenyon - 1st Baron Kenyon - 1797).

Your defence for refusing any version of a Court Order whose genuineness is doubted is the Golden Rule. And the SERVER MUST serve a genuine original, signed and sealed document. Or else he has served nothing and you do not accept it. Stand your ground on the Golden Rule - a fundamental part of the Common Law....

Liability Orders

We have recently discovered in the UK that Judges and Magistrates never sign the liability orders and warrants because they don't have the authority to do so and if they did it would create a liability in the reverse direction. How the con works is this, An application for a warrant is presented to the judge and the judge grants the application. This is like saying "Please Sir can I have some more soup" "Yes son help yourself" But there is no soup. This may be the same with the summons. check out the legal validity of the summons, Has it been signed by a court official like a judge or a Clark of the justice in wet ink. You want a certified copy of the actual summons and check for the wet ink signature if this is a photocopy it won't be a wet ink signature, then you want a sworn statement under penalty of perjury signed in wet ink by the Clark of the justice, that the summons is legal and has a wet ink signature by a judge or a court official. We discovered this after finding this document on their government website <http://www.judiciary.gov.uk/JCO%2fDocuments%2fSpeeches%2fbeatsonj040608.pdf> in the second paragraph the Rt. Hon. Lord chief Justice Sir Jack Beatson FBA states in his speech that the Judiciary is the weaker arm of the state where the two stronger arms are the legislator and the executive. To explain this in depth took 4 pages of text too much for here. You can download this document at the FB Group I_UV (OPPT) Warrington. in the file folder there is a document "The way it is" If you read this you will understand but basically they don't have the legal status to sign anything legally and if

they do you can charge them with fraud.

Vulnerable situations

Enforcement agents/agencies and creditors must recognise that they each have a role in ensuring that the vulnerable and socially excluded are protected and that the recovery process includes:

Procedures agreed between the agent/agency and creditor about how such situations should be dealt with. The appropriate use of discretion is essential in every case and no amount of guidance could cover every situation, therefore the agent has a duty to

contact the creditor and report the circumstances in situations where there is evidence of a potential cause for concern. If necessary, the enforcement agent will advise the creditor if further action is appropriate. The exercise of appropriate discretion is needed, not only to protect the debtor, but also the enforcement agent who should avoid taking action which could lead to accusations of inappropriate behaviour.

Enforcement agents must withdraw from domestic premises if the only person present is, or appears to be, under the age of 18; they can ask when the debtor will be home - if appropriate.

Enforcement agents must withdraw without making enquiries if the only persons present are children who appear to be under the age of 12.

Wherever possible, enforcement agents should have arrangements in place for rapidly accessing translation services when these are needed, and provide on request information in large print or in Braille for debtors with impaired sight.

Those who might be potentially vulnerable include:

the elderly;

people with a disability;

the seriously ill;

the recently bereaved;

single parent families;

pregnant women;

unemployed people; and,

those who have obvious difficulty in understanding, speaking or reading English.

If you are vulnerable under the National Standards for Enforcement Agents MOJ and that they must leave immediately

RULES OF LAW - CASE STUDIES

Forced entry into homes

Harassment Against Debtors Act 2004

Protection Against Harassment Act 1997

A debtor can remove right of implied access by displaying a notice at the entrance. This was endorsed by Lord Justice Donaldson in the case of *Lambert v Roberts* [1981] 72 Cr App R 223 - and placing such a notice is akin to a closed door but it also prevents a bailiff entering the garden or driveway, *Knox v Anderton* [1983] Crim LR 115 or *R. v Leroy Roberts* [2003] EWCA Crim 2753

Debtors can also remove implied right of access to property by telling him to leave: *Davis v Lisle* [1936] 2 KB 434 similarly, *McArdle v Wallace* [1964] 108 Sol Jo 483

A person having been told to leave is now under a duty to withdraw from the property with all due reasonable speed and failure to do so he is not thereafter acting in the execution of his duty and becomes a trespasser with any subsequent levy made being invalid and attracts a liability under a claim for damages, *Morris v Beardmore* [1980] 71 Cr App 256.

Bailiffs cannot force their way into a private dwelling, *Grove v Eastern Gas* [1952] 1 KB 77

Otherwise a door left open is an implied license for a bailiff to enter, *Faulkner v Willetts* [1982] Crim LR 453 likewise a person standing back to allow the bailiff to walk through but the bailiff must not abuse this license by entering by improper means or by unusual routes, *Ancaster v Milling* [1823] 2 D&R 714 or *Rogers v Spence* [1846] M&W 571

Ringing a doorbell is not causing a disturbance, *Grant v Moser* [1843] 5 M&G 123 or *R. v Bright* 4 C&P 387 nor is refusing to leave a property causes a disturbance, *Green v Bartram* [1830] 4 C&P 308 or *Jordan v Gibbon* [1863] 8 LT 391

Permission for a bailiff to enter may be refused provided the words used are not capable of being mistaken for swear words, *Bailey v Wilson* [1968] Crim LR 618.

If the entry is peaceful but without permission then a request to leave should always be made first. *Tullay v Reed* [1823] 1 C&P 6 or an employee or other person can also request the bailiff to leave, *Hall v Davis* [1825] 2 C&P 33

Excessive force must be avoided, *Gregory v Hall* [1799] 8 TR 299 or *Oakes v Wood* [1837] 2 M&W 791

A debtor can use an equal amount of force to resist a bailiff from gaining entry, *Weaver v Bush* [1795] 8TR, *Simpson v Morris* [1813] 4 Taunt 821, *Polkinhorne v Wright* [1845] 8QB 197. Another occupier of the premises or an employee may also take these steps: *Hall v Davis* [1825] 2 C&P 33.

Also wrongful would be an attempt at forcible entry despite resistance, *Ingle v Bell* [1836] 1 M&W 516

Bailiffs cannot apply force to a door to gain entry, and if he does so he is not in the execution of his duty, *Broughton v Wilkerson* [1880] 44 JP 781

A Bailiff may not encourage a third party to allow the bailiff access to a property (ie workmen inside a house), access by this means renders the entry unlawful, *Nash v Lucas* [1867] 2 QB 590

The debtor's home and all buildings within the boundary of the premises are protected against forced entry, *Munroe & Munroe v Woodspring District Council* [1979] Weston-Super-Mare County Court

Contrast: A bailiff may climb over a wall or a fence or walk across a garden or yard provided that no damage occurs, *Long v Clarke & another* [1894] 1 QB 119

It is not contempt to assault a bailiff trying to climb over a locked gate after being refused entry, *Lewis v Owen* [1893] *The Times* November 6 p.36b (QBD)

If a bailiff enters by force he is there unlawfully and you can treat him as a trespasser. *Curlewis v Laurie* [1848] or *Vaughan v McKenzie* [1969] 1 QB 557

A debtor cannot be sued if a person enters a property uninvited and injures himself because he had no legal right to enter, *Great Central Railway Co v Bates* [1921] 3 KB 578

If a bailiff jams his boot into a debtors door to stop him closing, any levy that is subsequently made is not valid: *Rai & Rai v Birmingham City Council* [1993] or *Vaughan v McKenzie* [1969] 1 QB 557 or *Broughton v Wilkerson* [1880] 44 JP 781

If a bailiff refuses to leave the property after being requested to do so or starts trying to force entry then he is causing a disturbance, *Howell v Jackson* [1834] 6 C&P 723 - but it is unreasonable for a police officer to arrest the bailiff unless he makes a threat, *Bibby v Constable of Essex* [2000] Court of Appeal April 2000.

Vaughan v McKenzie [1969] 1 QB 557 if the debtor strikes the bailiff over the head with a full milk bottle after making a forced entry, the debtor is not guilty of assault because the bailiff was there illegally, likewise *R. v Tucker* at Hove Trial Centre Crown Court, December 2012 if the debtor gives the bailiff a good slap.

If a person strikes a trespasser who has refused to leave is not guilty of an offence: *Davis v Lisle* [1936] 2 KB 434

License to enter must be refused BEFORE the process of levy starts, *Kay v Hibbert* [1977] Crim LR 226 or *Matthews v Dwan* [1949] NZLR 1037

A bailiff rendered a trespasser is liable for penalties in tort and the entry may be in breach of Article 8 of the European Convention on Human Rights if entry is not made in accordance with the law, *Jokinen v Finland* [2009] 37233/07

Criminal Law Act 1977

SECTION 6

OFFENCES RELATING TO ENTERING AND REMAINING ON PROPERTY

6.-(1) Subject to the following provisions of this section, any violence for person who, without lawful authority, uses or threatens violence securing entry.

for the purpose of securing entry into any premises for himself or for any other person is guilty of an offence, provided that-

(a) there is someone present on those premises at the time who is opposed to the entry which the violence is intended to secure ; and

(b) the person using or threatening the violence knows that that is the case. (2) The fact that a person has any interest in or right to possession or occupation of any premises shall not for the purposes of subsection

(1) above constitute lawful authority for the use or threat of violence by him or anyone else for the purpose of securing his entry into those premises.

(3) In any proceedings for an offence under this section it shall be a defence for the accused to prove-

(a) that at the time of the alleged offence he or any other person on whose behalf he was acting was a displaced residential occupier of the premises in question ; or

(b) that part of the premises in question constitutes premises of which he or any other person on whose behalf he was acting was a displaced residential occupier and that the part of the premises to which he was seeking to secure entry constitutes an access of which he or, as the case may be, that other person is also a displaced residential occupier.

(4) It is immaterial for the purposes of this section- (a) whether the violence in question is directed against the person or against property ; and

(b) whether the entry which the violence is intended to secure is for the purpose of acquiring possession of the premises in question or for any other purpose.

(5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000 or to both.

(6) A constable in uniform may arrest without warrant any- one who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under this section.

(7) Section 12 below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a displaced residential occupier of any premises or of any access to any premises.

Protection from Eviction Act 1977

1977 CHAPTER 43

An Act to consolidate section 16 of the Rent Act 1957 and Part III of the Rent Act 1965, and related enact-

ments. [29th July 1977] 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:

PART I

UNLAWFUL EVICTION AND HARASSMENT

1.-(1) In this section "residential occupier", in relation to any premises, means a person occupying the premises as a residence, whether under a contract or by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession of the premises.

(2) If any person unlawfully deprives the residential occupier of any premises or any part thereof, or attempts to do so, he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises.

(3) If any person with intent to cause the residential occupier of any premises-

(a) to give up the occupation of the premises or any part thereof; or
(b) to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof; does acts calculated to interfere with the peace or comfort of the residential occupier or members of his household, or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence, he shall be guilty of an offence.

Restriction on re-entry without due process of law.
(4) A person guilty of an offence under this section shall be liable-- (a) on summary conviction, to a fine not exceeding £400 or to imprisonment for a term not exceeding 6 months or to both; (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

(5) Nothing in this section shall be taken to prejudice any liability or remedy to which a person guilty of an offence thereunder may be subject in civil proceedings.

(6) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

2. Where any premises are let as a dwelling on a lease which is subject to a right of re-entry or forfeiture it shall not be lawful to enforce that right otherwise than by proceedings in the court while any person is lawfully residing in the premises or part of them.

3.-(1) Where any premises have been let as a dwelling under a tenancy which is not a statutorily protected tenancy without due process of law. (a) the tenancy (in this section referred to as the former tenancy) has come to an end, but

(b) the occupier continues to reside in the premises or part of them, it shall not be lawful for the owner to enforce against the occupier, otherwise than by proceedings in the court, his right to recover possession of the premises.

(2) In this section " the occupier ", in relation to any premises, means any person lawfully residing in the premises or part of them at the termination of the former tenancy. Protection from Eviction Act 1977 c. 43 3

(3) This section shall, with the necessary modifications, apply Part I where the owner's right to recover possession arises on the death of the tenant under a statutory tenancy within the meaning of the Rent Act 1977 or the Rent (Agriculture) Act 1976. 1977 c. 1976 c. 80.

4.-(1) This section shall apply where the tenant under the Special former tenancy (within the meaning of section 3 of this Act) provisions for occupied the premises under the terms of his employment as a employees. employed in agriculture, as defined in section 1 of the Rent (Agriculture) Act 1976, but is not a statutory tenant as defined in that Act.

(2) In this section " the occupier ", in relation to any premises, means-

(a) the tenant under the former tenancy ; or

(b) the widow or widower of the tenant under the former tenancy residing with him at his death or, if the former tenant leaves no such widow or widower, any member of his family residing with him at his death.

(3) Without prejudice to any power of the court apart from this section to postpone the operation or suspend the execution of an order for possession, if in proceedings by the owner against the occupier the court makes an order for the possession of the premises the court may suspend the execution of the order on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable.

(4) Where the order for possession is made within the period of 6 months beginning with the date when the former tenancy came to an end, then, without prejudice to any powers of the court under the preceding provisions of this section or apart from this section to postpone the operation or suspend the execution of the order for a longer period, the court shall suspend the execution of the order for the remainder of the said period of 6 months unless the court-

(a) is satisfied either-

(i) that other suitable accommodation is, or will within that period be made, available to the occupier ; or

(ii) that the efficient management of any agricultural land or the efficient carrying on of any agricultural operations would be seriously prejudiced unless the premises are available for occupation by a person employed or to be employed by the owner ; or 4

(iii) that greater hardship (being hardship in respect of matters other than the carrying on of such a business as aforesaid) would be caused by the suspension of the order until the end of that period than by its execution within that period ; or

(iv) that the occupier, or any person residing or lodging with the occupier, has been causing damage to the premises or has been guilty of conduct which is a nuisance or annoyance to persons occupying other premises ; and (b) considers that it would be reasonable not to suspend the execution of the order for the remainder of that period.

(5) Where the court suspends the execution of an order for possession under subsection (4) above it shall do so on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable.

(6) A decision of the court not to suspend the execution of the order under subsection (4) above shall not prejudice any other power of the court to postpone the operation or suspend the execution of the order for the whole or part of the period of 6 months mentioned in that subsection.

(7) Where the court has, under the preceding provisions of this section, suspended the execution of an order for possession, it may from time to time vary the period of suspension or terminate it and may vary any terms or conditions imposed by virtue of this section.

(8) In considering whether or how to exercise its powers under subsection (3) above, the court shall have regard to all the circumstances and, in particular, to-

(a) whether other suitable accommodation is or can be made available to the occupier ;

(b) whether the efficient management of any agricultural land or the efficient carrying on of any

agricultural operations would be seriously prejudiced unless the premises were available for occupation by a person employed or to be employed by the owner ; and

(c) whether greater hardship would be caused by the suspension of the execution of the order than by its execution without suspension or further suspension.

(9) Where in proceedings for the recovery of possession of the premises the court makes an order for possession but suspends the execution of the order under this section, it shall make no order for costs, unless it appears to the court, having regard to the conduct of the owner or of the occupier, that there are special reasons for making such an order.

(10) Where, in the case of an order for possession of the premises to which subsection (4) above applies, the execution of the order is not suspended under that subsection or, the execution of the order having been so suspended, the suspension is terminated, then, if it is subsequently made to appear to the court that the failure to suspend the execution of the order or, as the case may be, the termination of the suspension was-

(a) attributable to the provisions of paragraph (a)(ii) of subsection (4), and

(b) due to misrepresentation or concealment of material facts by the owner of the premises, the court may order the owner to pay to the occupier such sum as appears sufficient as compensation for damage or loss sustained by the occupier as a result of that failure or termination.

Criminal Law Act 1977

1977 CHAPTER 45

(1) In this Part of this Act—

(a) “premises” means any building, any part of a building under separate occupation, any land ancillary to a building, the site comprising any building or buildings together with any land ancillary thereto, and (for the purposes only of sections 10 and 11 above) any other place; and

(b) “access” means, in relation to any premises, any part of any site or building within which those premises are situated which constitutes an ordinary means of access to those premises (whether or not that is its sole or primary use).

(2) References in this section to a building shall apply also to any structure other than a movable one, and to any movable structure, vehicle or vessel designed or adapted for use for residential purposes; and for the purposes of subsection (1) above—

(a) part of a building is under separate occupation if anyone is in occupation or entitled to occupation of that part as distinct from the whole; and

(b) land is ancillary to a building if it is adjacent to it and used (or intended for use) in connection with the occupation of that building or any part of it.

(3) Subject to subsection (4) below, any person who was occupying any premises as a residence immediately before being excluded from occupation by anyone who entered those premises, or any access to those premises, as a trespasser is a displaced residential occupier of the premises for the purposes of this Part of this Act so long as he continues to be excluded from occupation of the premises by the original trespasser or by any subsequent trespasser.

(4) A person who was himself occupying the premises in question as a trespasser immediately before being excluded from occupation shall not by virtue of subsection (3) above be a displaced residential occupier of the premises for the purposes of this Part of this Act.

(5) A person who by virtue of subsection (3) above is a displaced residential occupier of any premises shall be regarded for the purposes of this Part of this Act as a displaced residential occupier also of any access to those premises.

(6) Anyone who enters or is on or in occupation of any premises by virtue of—

(a) any title derived from a trespasser; or
(b) any licence or consent given by a trespasser or by a person deriving title from a trespasser, shall himself be treated as a trespasser for the purposes of this Part of this Act (without prejudice to whether or not he would be a trespasser apart from this provision); and references in this Part of this Act to a person's entering or being on or occupying any premises as a trespasser shall be construed accordingly.

(7) Anyone who is on any premises as a trespasser shall not cease to be a trespasser for the purposes of this Part of this Act by virtue of being allowed time to leave the premises, nor shall anyone cease to be a displaced residential occupier of any premises by virtue of any such allowance of time to a trespasser.

(8) No rule of law ousting the jurisdiction of magistrates' courts to try offences where a dispute of title to property is involved shall preclude magistrates' courts from trying offences under this Part of this Act.

[F2412A Protected intending occupiers: supplementary provisions.

(1) For the purposes of this Part of this Act an individual is a protected intending occupier of any premises at any time if at that time he falls within subsection (2), (4) or (6) below.

(2) An individual is a protected intending occupier of any premises if—

(a) he has in those premises a freehold interest or a leasehold interest with not less than two years still to run;

(b) he requires the premises for his own occupation as a residence;

(c) he is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser; and

(d) he or a person acting on his behalf holds a written statement—

(i) which specifies his interest in the premises;

(ii) which states that he requires the premises for occupation as a residence for himself; and

(iii) with respect to which the requirements in subsection (3) below are fulfilled.

(3) The requirements referred to in subsection (2)(d)(iii) above are—

(a) that the statement is signed by the person whose interest is specified in it in the presence of a justice of the peace or commissioner for oaths; and

(b) that the justice of the peace or commissioner for oaths has subscribed his name as a witness to the signature.

(4) An individual is also a protected intending occupier of any premises if—

(a) he has a tenancy of those premises (other than a tenancy falling within subsection (2)(a) above or (6)(a) below) or a licence to occupy those premises granted by a person with a freehold interest or a leasehold interest with not less than two years still to run in the premises;

(b) he requires the premises for his own occupation as a residence;

(c) he is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser; and

(d) he or a person acting on his behalf holds a written statement—

(i) which states that he has been granted a tenancy of those premises or a licence to occupy those premises;

(ii) which specifies the interest in the premises of the person who granted that tenancy or licence to occupy ("the landlord");

(iii) which states that he requires the premises for occupation as a residence for himself; and

(iv) with respect to which the requirements in subsection (5) below are fulfilled.

(5) The requirements referred to in subsection (4)(d)(iv) above are—

(a) that the statement is signed by the landlord and by the tenant or licensee in the presence of a justice of the peace or commissioner for oaths;

(b) that the justice of the peace or commissioner for oaths has subscribed his name as a witness to the signatures.

(6) An individual is also a protected intending occupier of any premises if—

(a) he has a tenancy of those premises (other than a tenancy falling within subsection (2)(a) or (4)(a) above) or a licence to occupy those premises granted by an authority to which this subsection applies;

(b) he requires the premises for his own occupation as a residence;

(c) he is excluded from occupation of the premises by a person who entered the premises, or any access to them, as a trespasser; and

(d) there has been issued to him by or on behalf of the authority referred to in paragraph (a) above a certificate stating that—

(i) he has been granted a tenancy of those premises or a licence to occupy those premises as a residence by the authority; and

(ii) the authority which granted that tenancy or licence to occupy is one to which this subsection applies, being of a description specified in the certificate.

(7) Subsection (6) above applies to the following authorities—

(a) any body mentioned in section 14 of the M9 Rent Act 1977 (landlord's interest belonging to local authority etc.);

(b) the Housing Corporation;

F25. . . and

[F26(d) a registered social landlord within the meaning of the Housing Act 1985 (see section 5(4) and (5) of that Act).]

[F27(7A) Subsection (6) also applies to the Secretary of State if the tenancy or licence is granted by him under Part III of the M10 Housing Associations Act 1985.]

(8) A person is guilty of an offence if he makes a statement for the purposes of subsection (2)(d) or (4)(d) above which he knows to be false in a material particular or if he recklessly makes such a statement which is false in a material particular.

(9) In any proceedings for an offence under section 7 of this Act where the accused was requested to leave the premises by a person claiming to be or to act on behalf of a protected intending occupier of the premises—

(a) it shall be a defence for the accused to prove that, although asked to do so by the accused at the time the accused was requested to leave, that person failed at that time to produce to the accused such a statement as is referred to in subsection (2)(d) or (4)(d) above or such a certificate as is referred to in subsection (6)(d) above; and

(b) any document purporting to be a certificate under subsection (6)(d) above shall be received in evidence and, unless the contrary is proved, shall be deemed to have been issued by or on behalf of the authority stated in the certificate.

(10) A person guilty of an offence under subsection (8) above shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.

(11) A person who is a protected intending occupier of any premises shall be regarded for the purposes of this Part of this Act as a protected intending occupier also of any access to those premises.]

Criminal Law Act 1977

SECTION 10

10 Obstruction of court officers executing process for possession against unauthorised occupiers.

(1) Without prejudice to section 8(2) of the M1 Sheriffs Act 1887 but subject to the following provisions of this section, a person is guilty of an offence if he resists or intentionally obstructs any person who is in fact an officer of a court engaged in executing any process issued by the High Court or by any county court for the purpose of enforcing any judgment or order for the recovery of any premises or for the delivery of possession of any premises.

(2) Subsection (1) above does not apply unless the judgment or order in question was given or made in proceedings brought under any provisions of rules of court applicable only in circumstances where the person claiming possession of any premises alleges that the premises in question are occupied solely by a person or persons (not being a tenant or tenants holding over after the termination of the tenancy) who entered into or remained in occupation of the premises without the licence or consent of the person claiming possession or any predecessor in title of his.

(3) In any proceedings for an offence under this section it shall be a defence for the accused to prove that he believed that the person he was resisting or obstructing was not an officer of a court.

(4) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding [F1 level 5 on the standard scale] or to both.

(5) A constable in uniform or any officer of a court may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under this section.

(6) In this section "officer of a court" means—

(a) any sheriff, under sheriff, deputy sheriff, bailiff or officer of a sheriff; and

(b) any bailiff or other person who is an officer of a county court within the meaning of the M2 County Courts Act 1959.

TRESPASS

Trespass is defined by the act of knowingly entering another person's property without permission. Such action is held to infringe upon a property owner's legal right to enjoy the benefits of ownership. Criminal charges, which range from violation to felony, may be brought against someone who interferes with another person's legal property rights. Criminal trespasses, depending on the venue of jurisdiction and case circumstances, fall under different subsets of law. When a trespass is carried out against another person, rather than against his/her property, the trespasser is likely to be charged with assault or battery. Actions violating the real property of another are handled as Trespasses to Land. Violations to personal property are handled as torts.

Under Tort Law, a property owner may bring a Civil Law suit against a trespasser in order to recover damages or receive compensatory relief for injury suffered as a direct result of a trespass. In a tort action, the plaintiff must prove that the offender had, but knowingly violated, a legal duty to respect another person's right to property, which resulted in direct injury or loss to the plaintiff.

DEFINITION FROM NOLO'S PLAIN-ENGLISH LAW DICTIONARY

The act of entering someone's property without permission or authority. (Although it usually refers to real estate, trespass can apply to personal property as well.) Trespassing can be a tort (a civil wrong, which the property owner can sue over) and can be a crime if it's done willfully. Examples of trespass include erecting a fence on another's property or dumping debris on another's real estate. Definition provided by Nolo's Plain-English Law Dictionary.

Criminal Law Act 1977

CHAPTER 45

Part II

Offences Relating to Entering and Remaining on Property

6 Violence for securing entry.

(1) Subject to the following provisions of this section, any person who, without lawful authority, uses or threatens violence for the purpose of securing entry into any premises for himself or for any other person is guilty of an offence, provided that—

(a) there is someone present on those premises at the time who is opposed to the entry which the violence is intended to secure; and

(b) the person using or threatening the violence knows that that is the case.

[F11(1A) Subsection (1) above does not apply to a person who is a displaced residential occupier or a protected intending occupier of the premises in question or who is acting on behalf of such an occupier; and if the accused adduces sufficient evidence that he was, or was acting on behalf of, such an occupier he shall be presumed to be, or to be acting on behalf of, such an occupier unless the contrary is proved by the prosecution.]

(2) [F12 Subject to subsection (1A) above,] the fact that a person has any interest in or right to possession or occupation of any premises shall not for the purposes of subsection (1) above constitute lawful authority for the use or threat of violence by him or anyone else for the purpose of securing his entry into those premises.

F13(3)

(4) It is immaterial for the purposes of this section—

(a) whether the violence in question is directed against the person or against property; and

(b) whether the entry which the violence is intended to secure is for the purpose of acquiring possession of the premises in question or for any other purpose.

(5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding [F14 level 5 on the standard scale] or to both.

(6) A constable in uniform may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under this section.

(7)Section 12 below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a displaced residential occupier of any premises or of any access to any premises [F15and section 12A below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a protected intending occupier of any premises or of any access to any premises.].