



# Briefing Note for CLA members

## Extinction Rebellion and Mass Trespass

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Extinction Rebellion (XR) and other activist groups appear to be again turning their attention to land ownership. They intend to encourage mass trespass events in the coming weeks around the anniversary of the Kinder Scout mass trespass in 1932. In a similar way to last year the suggestion is they will be calling for an extension to the open access provisions contained in the Countryside and Rights of Way Act 2000. At the moment these access provisions cover mountain, moorland, heath and down. They would like the powers extended to include all rivers, woodland and greenbelt.

They have also indicated that they are likely to focus their mass trespass on both institutional landowners and large estates.

This briefing note aims to set out information and advice that will be helpful both in deterring the activity happening on your land and also what to do if your business is targeted.

### Deterrence

It is always best to try and deter activists targeting your land in the first place, a few simple steps may make your property a less desirable target.

1. Think about likely entrance points, gates should be regularly locked with good quality padlocks and hinges can be reversed or capped. It must be borne in mind that gates crossing a public right of way should not be locked.
2. You should make sure that areas that are off limits to the public are signed as such. Rigid signs can be purchased online from agricultural suppliers.
3. Likewise, locks and security systems for barns, outbuildings and houses should be up to standard and regularly used.
4. Where areas are vulnerable or there are high value items it may be worth considering installing CCTV and security lighting. Technology has moved on a great deal in this area and effective systems can be set up on a relatively modest budget. Be aware that the use of CCTV falls within the scope of a number of rules and regulations, the body responsible for its enforcement is the Information Commissioners Office (ICO). The ICO have produced the CCTV Code of Practice to help organisations using CCTV stay within the law. Further information can be found on their website.
5. You should also make sure that vehicles are marked with an anti-theft system, like smart water, they should also be immobilised and preferably locked away in a secure building.
6. As an additional precaution it is always sensible to review your current insurance policy to check you have adequate cover for your needs. Whilst the XR previously stated they wish their mass trespass events to be peaceful, looking at their past demonstrations malicious

damage and vandalism would certainly be a concern. CLA Insurance can provide bespoke insurance solutions for Farms, Estates and Landowners to protect your property and legal liabilities. Telephone: 03301 658 940 Email: [insurance@cla.org.uk](mailto:insurance@cla.org.uk)

## Trespass

Although trespass is usually a civil matter, which means that it is a civil wrong for which the landowner may seek redress through the civil courts, there are many potential offences that may be committed by activists physically coming on to your property without permission. These might include aggravated trespass, criminal damage, harassment and violent disorder and affray to name a few.

### Reporting to the Police

Call 101 if it is not an emergency, however if there is a crime in progress or activists are causing you, your family or employees to feel in danger or you feel there is a risk of serious damage to property then you should call 999.

- You should be prepared to provide a description of the crime and what has happened.
- If asked you should also be prepared to provide any useful descriptions that may help either of the perpetrators or number plates for instance.
- You should also provide a postcode or method of identifying the location. Many police forces are now also using “what3words” as a more accurate way of finding a location, the website for this can be found [here](#). You can also download the app to your phone.
- For further information: <https://www.police.uk/>

## Considerations if activists enter your land?

Whilst such situations are undoubtedly fraught with emotion if you discover that activists are on your land it is important to try to stay calm. This is particularly so as activists are likely to be filming everything and any remarks made can be taken out of context and put on social media.

### Police Operations and Public Order

Where you think an offence may have been or is about to be committed contact the police as soon as possible. The police are often willing to attend, for instance where there may be a breach of the peace.

For the police, there is a balancing act which they are often faced with when dealing with protests. The European Convention on Human Rights protects, amongst other things, the right to peaceful protest, but does allow proportionate restrictions in certain circumstances. For instance, the Public Order Act 1986 allows proportionate restrictions where the police reasonably believe that the public assembly may result in serious public disorder, serious

damage to property, serious disruption to the life of the community or the purpose of those organising it is the intimidation of others.

For an overview of the issues surrounding police and public order operations the College of Policing provide a useful overview [here](#), you will note that there is a section within this on private land.

#### Aggravated Trespass

The offence of aggravated trespass is set out in Criminal Justice and Public Order Act 1994 and came about after a successful CLA campaign.

In essence the offence is committed when a person trespasses on land to intimidate someone engaged or about to be engaged in a lawful activity or to disrupt or obstruct a lawful activity on the land. Police may tell the trespasser to leave the land if an officer believes the person is committing or is about to commit the offence.

#### Collection of Evidence

If you think it is safe to do so you can try and collect any evidence that you can such as licence plate numbers which may be helpful in any future prosecutions. Most importantly though ensure that you keep out of harm's way and do not make yourself a target.

Following the event if there are any examples of damage to property or vandalism it would be a good idea to take photos. This may be useful for any future prosecutions or insurance claim. If you were willing to send examples to the CLA this may also be useful so that we can highlight the impact of these protests on private land to the media and to Government.

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