

Petitions Committee: The potential impact of criminalising trespass

Activity

The Petitions Committee used an online survey to ask petitioners for their views on the importance of the ability to access outdoor spaces, and the potential impact that the criminalisation of trespass would have on them.

The survey was sent to people who signed the petition calling on the Government not to [criminalise trespass](#), which received over 134,000 signatures before closing in September 2020.

On our behalf, the Digital Engagement team in Participation also invited comments from users of online forums, including Reddit and The Farming Forum, to hear the views of others who would be affected by laws concerning trespass.

We have summarised the key themes below and illustrated them with quotes from respondents.

Response

3,260 responses to petitioner survey

484 forum comments

Methodology

Nvivo Pro 12 was used to identify and contextualise the most common words and phrases found in the entire set of responses submitted through the survey. This allowed us to group and summarise recurring themes which were threaded throughout much of the responses.

In addition to this analysis of the data, Committee staff manually reviewed hundreds

of individual comments and answers, using both subject searches and randomised selection.

Survey questions which produced statistical results have been included in the summaries of key themes.

About the survey respondents

- **89.5%** of respondents told us they live in England, with the most respondents living in the South East, South West, and North West.
- **2%** (46 respondents) told us they were a member of a Gypsy, Roma or Traveller community
- The remainder told us they live in Northern Ireland, Scotland or Wales.

Key themes:

The criminalisation of trespass would have a significant effect on petitioners

- We asked respondents what their main concern was when signing the petition. The most common concern, shared by 45% of respondents, was **'the impact on outdoor pursuits'** (for example camping, hiking or rambling). 24% were most concerned about **'the impact on rights of way'**. 9% were most concerned about **'Protecting the right to peaceful protest'** and 8% were most concerned about **'Travellers' rights'**.
 - Over **84%** of respondents told us that the criminalisation of trespass would have a **'major'** or **'moderate'** effect on how they live their lives as they do today.
-

Quotes:

Colin, Yorkshire & the Humber (forum user): "As [a] hiker and camper I fear it'll further restrict access to the countryside. I feel the legislation should be going the opposite direction and offer guarantees to responsible people to be able to enjoy the outdoors in peace".

Joshua, East Midlands: "For anyone who is not overly familiar with the countryside code, the threat of legal action if they get their navigation wrong is likely to just reduce numbers of outdoor participants in a time when this should be strongly encouraged".

Survey respondent: "My concerns here are informed by my wild camping, rambling, and exploring lifestyle. I believe it is my absolute god given right to explore the outdoors and to sleep under the stars. I do no harm, I leave as little trace as possible, and these activities are essential to my physical, mental and emotional well being. Under these proposed changes to the law I believe that there is the very real possibility of exploitation/manipulation of said law to criminalise me, and people like me. This will serve no public good whatsoever".

Survey respondent: "My concern is the private ownership and control over what are seen as public open spaces - parks, common land, river/canal banks, shorelines etc and open urban spaces (squares) etc. Equally, criminalisation of trespass threatens to be used to further reduce people's ability to participate in the democratic process, criminalising freedom of expression through protest".

The proposed change in the law risks further discriminating against Gypsies, Roma and Travellers

- Many respondents were concerned that criminalising trespass could increase pre-existing tensions, mistrust, and lack of understanding between their local community and Travellers
- There was consensus that more needs to be done to provide authorised sites for Travellers
- A number of respondents expressed concern that the rights of Gypsies, Roma and Travellers as an ethnic and cultural minority would be further undermined

Quotes:

Survey respondent: "This will disproportionately affect people from the traveller communities. These groups already experience a great deal of stigma which impacts on their health and life chances, this policy is unlikely to achieve anything useful. There are problems with the quantity and quality of legal sites provided".

Survey respondent: "I am not living as a Traveller now, but have done in the past. The availability of places to camp or live in this way has dramatically reduced over the last 30-40 years, with many traditional stopping places closed-off and a terrible lack of site provision. Negative things that sometimes happen around unauthorised encampments are covered by other laws. There is no need to criminalise the encampments themselves to deal with them. We have some of the most unequal land-ownership patterns on the planet, and much less publicly-accessible land

than most countries. Redressing this would massively reduce instances of trespass!”

Survey respondent: “The criminalisation of trespass will only aggravate the situation of travellers, leading to more potential for discrimination and confrontation... I 'd [propose] more education, about accepting different ways of life”.

Survey respondent: “Criminalisation of people simply trying to live their lives as human beings is outrageous. It will further stigmatise powerless people, especially travellers”.

Survey respondent: “Travellers, a traditional culture with ethnic origins, distinct from the majority, isn't protected under BAME legislation. Criminalising use of pavements or parks for daily prayer, having prevented widespread mosque building would be discriminatory. Criminalising the practice of Travelling, having eliminated most Traveller sites, is identically discriminatory”.

Survey respondent: “I believe the tension between permanent communities and traveller communities comes from a long-evolving vicious cycle of misunderstanding, fear and hatred. In my area, the 'dedicated' traveller site is situated right next to a sewage works. Can one blame them for wanting to move? When they do move, however, they are faced with hostility and fear. Like most people, when faced with hostility, they may often respond in turn with hostility. We must break this cycle by improving communication and understanding between permanent and traveller communities”.

Survey respondent: “There is far too much ingrained, inbred distrust and prejudice on all

fronts - travellers included. The criminalisation of trespass will simply exacerbate an already fraught relationship. Travellers will still camp but there'll be more prosecutions, more distrust, more public money spent on legalities”.

Ban on trespass with “intent to reside” could have unintended consequences

- The Government’s response to the petition states that the proposed criminalisation of trespass would be limited to circumstances relating to trespass with “intent to reside”. However, over **57%** of respondents **‘strongly disagreed’** or **‘disagreed’** that putting such limitations in place would ensure this change in the law would not affect ramblers, the right to roam or rights of way.
- Many expressed concerns about the unintended consequences of such a change in the law, especially if “intent to reside” was not very carefully defined in the legislation.
- Many feared that restrictions could impact tourism and negatively affect local rural communities
- Some expressed a concern about the ethics of criminalising someone’s “intent” to reside on private land, rather than the more provable, physical act of doing so.

Quotes:

Survey respondent: “Even with this (limitation in place), a rambler who strays off a right of way might end up being arrested with the claim that they were intending to reside on the land. Even more so if they are carrying a large pack. It's important to note that many

rights of way across the country are poorly marked and it is very easy to stray off them”.

Survey respondent: “The intent to reside clause could be used against users of the countryside who like me undertake multi day human powered trips, walking, cycling, canoeing. Who need to find somewhere to sleep at end of day and need to find discreet low impact, no trace sites. It is at times impossible to find landowner to ask permission. We generally move on after one night without anyone being aware we were there, leaving no trace of our stay”.

Survey respondent: “BAME and working class people already have less access to outdoor spaces in England. They are also more likely to be victimised by police. This change in law could become another barrier to outdoor access for these groups”.

Andy, North West (forum user): “Go the other way, improve the rights of way network, open up more footpaths to horse riders and cyclists. Do this and the economic benefits to rural communities in the form of tourism and services will be huge and help transform broadly agricultural economies into diverse and more robust places to live.”

Survey respondent: “Trespass with Intent to Reside would also be used by police to prevent those protests where participants encamp in an area for a period as part of that protest, unless specifically excluded in the legislation”.

Survey respondent: “The definition of intent to reside has not been made clear, would carrying a tent or other camping equipment be sufficient? I do long multi day walks where I will wild camp alongside the trail. My concern is that sleeping in the wrong place

would give me a criminal record, whereas today I would move on if asked to by a landowner”.

Most feel that criminalising trespass is unnecessary

- Over **63%** of survey respondents felt that criminalising trespass would be **‘not at all helpful’** or **‘not so helpful’** in addressing the problem of unauthorised encampments, which the Government has stated is the intention behind the proposed legislation¹.
- When presented with a list of alternative measures, the action survey respondents felt would be most helpful was **‘Better liaison between local people, local authorities and Traveller communities’** (75% said this would be ‘Extremely helpful’ or ‘Very helpful’).
- Other alternatives were comparably popular, namely:
 - **‘Better liaison between police and Traveller communities’**;
 - **‘Better communication relating to available sites and other support’**;
 - **‘More dedicated Traveller sites made available’**; and
 - **‘Land ownership and access reform** (e.g. the provision of more public land)’.
- While most members of The Farming Forum who commented had concerns about unauthorised encampments and the impact of Travellers on their businesses, they were split on whether criminalisation was necessary. Some

¹ <https://petition.parliament.uk/petitions/300139>

felt that stricter enforcement of existing laws would suffice.

- Many respondents, particularly rambblers, hikers and mountain bikers, felt that land access should be liberalised rather than further limited by law.

Quotes:

Survey respondent: "Trespass should remain a matter of civil law, I can imagine innumerable circumstances where a person ends up with a criminal record due to mistakes or prejudice. The criminal justice system and police time should be used where needed, and not where liaison, communication, education, land ownership and access reform could solve any perceived problems so much better!".

Survey respondent: "Right to reside should be qualified eg more than 6 weeks. Living in a rural area I know how people get worried by illegal encampment, but a time limit and it then becomes illegal would help. Increasing permanent sites in theory is good but people are even more upset by the thought of a permanent site near them. Many gypsies and travellers cause no problems, put their children into local schools etc. More communication and understanding of their way of life would be helpful. But Criminalising trespass per se is definitely using a sledgehammer to crack a hazelnut".

Farming Forum member, Wales: "If the police actually used the powers they already have, rather than avoid doing so [...] there would be no need for any further legislation. If all 'trespass' were to be criminalised, anyone turning around using another person's driveway would be guilty, and there are countless other examples just as ridiculous."

Farming forum member: "Ensuring existing Aggravated Trespass Laws are promptly enforced needs sufficient resources, and a

reset of priorities and mindsets within police forces, plus better communications and collaboration between police forces."

Max, South West (forum user): "The criminalisation of trespassing would be great as it may make people think twice about using someone's land, it would also be good as once one person is punished word soon spreads around. In turn hopefully they will stop trespassing and we won't have to contemplate spending our own money to build higher fences."

Survey respondent: "This is all due to the continued failure of local authorities to make proper provision for those obliged to still travel for an economic purpose to retain their Traveller status. The answer is to ensure there is a national network/ chain of transit sites for Travellers utilising existing private sites and building new sites. But local authorities refuse to address this in their local plans claiming it is a regional issue/ needs joint working which they all seem incapable of doing".

Phil, South West (forum user): "A better option would be a right to roam as enjoyed in Scotland with resources and education invested in helping people understand the principle of 'leave no trace'".