

GUIDE TO THE REMOVAL OF PROTESTERS, ACTIVISTS AND ENVIRONMENTAL DEMONSTRATORS



**HIGH COURT
ENFORCEMENT
GROUP®**

Version 2.2 May 2024

Disclaimer: Please note that this guide does not constitute legal advice. The author has used his best endeavours to make this guide as accurate and complete as possible, but requests that the reader be aware that the law of England and Wales frequently changes. The author strongly advises the reader to take legal advice before embarking on any enforcement action.

Guide to the removal of protesters, activists and environmental demonstrators

Contents

Introduction	4
Authority to remove trespassers	5
Common law	5
Writs of possession	5
Where to start the claim.....	5
Transferring up a possession order	6
Writ of restitution	6
Removal of trespassers	7
Undertaking the eviction	7
Risk assessment and operational planning.....	8
Health and safety	8
Specialist teams	10
Post eviction security	12
The importance of specialist insurance	13
About High Court Enforcement Group	14
The National Eviction Team	14
For more information	14
Useful links	15

Introduction

When a site is occupied by trespassers, protesters or demonstrators, in the majority of cases, removal by specialists is required. This is to ensure the safety of all on site, as well as to protect the reputation of the site owner and client organisation.

High Court Enforcement Officers (HCEOs) are well placed to undertake these evictions due to their expertise and authority to remove under a High Court writ of possession.

Protesters, demonstrators and activist occupations

The most effective protester removals are undertaken quietly and calmly, away from the glare of potentially harmful publicity and inflamed emotions which can escalate matters quickly.

The trespassers may be squatters, political activists/protesters or, as in cases such as fracking and national infrastructure sites, environmental demonstrators. This guide covers all these different scenarios, going through the different legal authority under which a trespasser removal can be undertaken and the process thereof.

Each eviction will be different, depending on many factors, including the nature of the protest, the physical site, the degree of determination to resist and, very importantly, the speed with which the client needs the eviction completed.

Tenant evictions

This guide does not cover the eviction of tenants, whether from residential or commercial property.

These cases are all enforced by High Court Enforcement Group – you can read more about the process in our guides:

[CRAR & forfeiture of lease](#)

[Eviction of residential tenants](#)

Authority to remove trespassers

There are two alternative routes that may be taken to obtain the authority to remove the protesters:

- Common law (Halsburys)
- A High Court writ of possession

The appropriate route to be selected will depend on the circumstances of each case.

Common law

A landowner can remove trespassers under common law. *Halsburys Laws of England* (Paragraph 1400, Volume 45, 4th Edition) states that:

“If a trespasser peaceably enters or is on land, the person who is in or entitled to possession may request him to leave, and if he refuses to leave, remove him from the land using no more force than is reasonably necessary. This right is not ousted if the person entitled to possession has succeeded in an action at law for possession but chooses not to sue out his Writ.”

This applies to trespassers on land only or in buildings/structures that they have erected on the land. If the trespassers are occupying buildings/structures that were already there before their arrival, the landlord must remove them under a court order.

Writs of possession

A High Court writ of possession is against persons unknown and instructs the High Court Enforcement Officer (HCEO) to remove the persons from the land or property in question.

A writ of possession may be against trespassers (“persons unknown”) on land or in commercial property where there may be squatters, activists or travellers.

Where to start the claim

The vast majority of such possession claims will be started in the county court or via Possession Claim Online (PCOL).

Practice Direction 55A (1.3) states the circumstances which may, in an appropriate case, justify starting a claim in the High Court:

1. There are complicated disputes of fact;
2. There are points of law of general importance; or
3. The claim is against trespassers and there is a substantial risk of public disturbance or of serious harm to persons or property which properly require immediate determination.

Transferring up a possession order

The writ to evict trespassers will be made against “persons unknown” and the county court possession order can be transferred up to the High Court for enforcement without any additional permission required from the court.

The transfer up will be made using form N293A and follows the same process as transferring up a money judgment.

We offer to transfer any case to the High Court free of charge, but there is a court fee, payable to HMCTS, to pay for sealing the writ.

Once the writ is sealed, enforcement can commence.

Writ of restitution

If the property owner is unfortunate enough to have the same trespassers enter again, and it is within 12 months of the execution of the writ of possession, they can apply to the court for a writ of restitution.

This is a writ in aid of another writ, which means that the client does not need to start a new possession claim if the same people return.

Removal of trespassers

Trespassers may include squatters on commercial property or land, travellers and protesters/ activists, such as environmentalist or anti-capitalist campaigners.

Protesters can be the most challenging as they will have an agenda and can often summon additional support at short notice.

Undertaking the eviction

You should ensure that the company you select to undertake the eviction has a thorough and robust process of risk assessment and planning to ensure that every eviction is carried out correctly and effectively to safeguard all involved – the enforcement agents, the police (if attending), the trespassers and the general public.

Notice of eviction

In most instances in trespass cases, no notice of the eviction is given, as it is not required. Whether one is given will depend on the circumstances of the case. If it is likely to lead the occupiers putting up barricades or draft in reinforcements, then HCEOs do not generally give notice.

In addition, all will have been done to avoid alerting the trespassers to the eviction, and so prevent reinforcements being called for via social media. In the case of known protesters its social media profiles will be investigated.

Police support

If it is likely that police support is required, the numbers of officers deployed, timescales, arrest policy and the primacy policy are arranged with the local service.

Your selected HCEO should be able to demonstrate strong relationships with local police forces.

The team and the police, if requested, meet prior to the eviction to go through the final details of the operational plan. Depending on the circumstances, especially with squatters, entry to the premises is normally before the occupants are awake for the element of surprise or in the case of travellers, before they leave the site and go off to work.

Duty of care

There is a duty of care to enforcement agents and exit strategies are planned for and they are equipped with personal protection equipment, video recording equipment, mobile phone and vehicle tracking.

Once in, all occupants are removed after giving them time to pack their belongings, and then thoroughly search the site for anyone hiding away with the aim of letting the occupiers back in after the team has gone.

There is also a duty of care for the safety of the trespassers and the general public (for example, where the property is on a busy city street) and writs are executed in accordance with the Human Rights Act 1988 (HRA) and the Health and Safety at Work Act 1974 (HASAW).

Sites are secured and returned the premises to the owner. As part of the operational planning, ongoing security measures are considered to prevent re-entry.

Risk assessment and operational planning

Before the eviction, a detailed operational plan should be developed including risk assessments.

The general risk assessment will be based on information provided by the client. This will include details of the property or land, topography, estimated number of occupants, boundaries and, if possible, plans. If known, details of any affiliations of the occupants are helpful, for example they may be linked to the protest group Occupy.

A pre-planned risk assessment is the next phase, where clients are asked for any additional information. Site visits and intelligence from the local police are used to establish the layout, number of people on site, including children, vulnerable adults and animals, visible barricades, any signs of potential lock-ons and rooftop/treetop occupation.

Once this information is gathered, an operational plan is established having determined potential methods of entry; an evaluation of what specialist teams and equipment are needed; and the level of police support.

The Courts Act 2003 Schedule 7(5) grants the right to request police to assist in the enforcement of a High Court writ, and Section 10 of the Criminal Law Act 1977 makes it an offence to obstruct an enforcement agent executing a High Court writ of possession.

Health and safety

Health & safety measures are paramount: often the difficulty of dealing with these is planned by the protesters as a deterrent to enforcement.

At High Court Enforcement Group and the National Eviction Team, we have developed an extensive generic policy that has been written with wide-ranging, eminently practical policy, derived from many years' experience.

In addition to the general policy, we undertake dynamic risk assessment when enforcing on an eviction encampment, where our experience and knowledge really comes into play.

Environmental demonstrators are likely to set up encampments, dig tunnels, set up tree-top and roof occupations. There can be very extensive lock-ons, which are challenging to tackle, particularly from a health and safety perspective. Once they get wind of an eviction, they may also bring in reinforcements to escalate the protest.

Resistance

Sometimes, particularly in the case of protesters, a degree of resistance is to be expected. This can include:

- Barricades
- Missiles aimed at the enforcement agents
- Booby traps
- Lock-ons to the infrastructure, which can place both the trespasser and the enforcement agent at risk of injury, requiring specialist trained personnel to effect safe removal
- Rooftop and treetop protests, where specialist trained personnel are needed to safely remove persons
- Tunnels and secured confined spaces intended to prevent removal, requiring special equipment and training to effect safe access and removal.

Once the agents have gained access to the land and/or premises, they will rapidly secure the site to prevent further rooftop access and lock-ons.

Biological and chemical hazards are often present. With empty commercial buildings, many are likely to contain asbestos-bearing materials, which will require inspection by trained, licensed inspectors to check the site if any has been exposed.

Specialist teams

There are a number of specialist teams and equipment required to effect evictions including:

- Tunnelling
- Climbing
- Lock-on removal
- Ground enforcement
- Evidence gathering
- Specialist security

HCE Group is able to provide fully qualified, trained equipped and correctly insured teams to undertake any and all of these tasks.

Ground enforcement team

The ground enforcement team is made up of highly trained male and female enforcement agents, supported by security officers who are SIA licenced and trained to Level 2 as a minimum standard.

Lock on removal team

The lock on removal team is highly experienced in dealing with protestors who have locked themselves on, with the aim of delaying their removal from site. The team are all PUWER (Provision and Use of Work Equipment Regulations 1998) trained and certified and fully equipped to safely and successfully deal with all forms of resistive devices using any materials, from reinforced concrete to high tensile steel.

Evidence gathering team

The evidence gathering team is deployed to record all relevant events on or around the site for evidential purposes. The recordings are protected under the Data Protection Act and GDPR: such evidence will be made available to the appropriate authorities for the investigation and prosecution of crimes. The EGT members are clearly identifiable when deployed by the use of badges and hi-vis clothing marked "EGT".

Climbing team

The climbing team is a core component of the protestor removal team, the members of which are fully equipped and accredited to IRATA level 3. The team carries specialist insurance, which covers the removal of persons from height, including persons resisting such removal, as opposed to the passive rescue of persons.

The climbing team is highly experienced in the safe removal of protestors from trees and from structures at height, including such locations as buildings, chimneys and high platform structures of all types and in all conditions using features and devices such as cargo nets, platforms, rope walkways, tripods and roof-top structures.

Tunnelling team

The tunnelling team is essential for demonstrator removal from underground locations and from confined spaces. Team members have undertaken the working in confined space course to Water UK level NC1/NC2. This course assesses the individuals on awareness of the Confined Space Regulations 1997 of the Health and Safety at Work Act 1974, ventilation and communications in confined space, atmospheric monitoring, biohazards, decontamination and managing persons in confined spaces.

It has become apparent after several major evictions that protesters have evolved their tunnel digging to incorporate resistive devices and tactics, such as back-filling the tunnel (often incorporating booby traps) and installing locked doors and hatches, to which they often attach themselves in a manner designed to cause injury to themselves or to others if removal is attempted.

Such resistive measures are intended to prolong the eviction process and to potentially render it not viable economically. In order to counteract such measures, we plan our operations to achieve safe and successful completion within 24 hours.

Site security team

Following any eviction, the landowner is often faced with the task of cleaning and securing the land and/or premises. We frequently deploy an SIA licensed specialist enforcement security team, comprising security officers appropriately trained and with extensive experience of securing sites of all types, including construction sites several kilometers in extent, structures at height, national infrastructure sites and historic buildings, as well as commercial and residential premises of all types.

Such deployment of security personnel is effective in preventing the former occupiers from returning after eviction. It gives the landowner the peace of mind of knowing that his land or buildings are protected.

Post eviction security

Clearing a site of protesters is the priority task; thereafter the site will often need to be properly secured against the potential actions of determined activists, which is often beyond the scope of services provided by normal commercial security guards.

Risk of re-occupation

If a site is not properly secured after an eviction, there is usually a very high risk of re-occupation, particularly in environmental protests where emotions are running high.

Post eviction security planning and implementation

To prevent this, clients are advised on what actions should be undertaken to prevent re-occupation, depending on the level of risk. Plans are prepared in advance, so that these can be agreed and ready to be implemented as soon as the eviction is complete.

Appropriately trained, equipped and experienced security teams can be provided to guard the perimeter, whilst more permanent security measures are being put in place, or indeed whilst construction activities commence.

Vacant possession and enforcement of the writ

The writ commands the HCEO to give vacant possession to the claimant. However, the definition of vacant possession is such that it may be necessary to defer completion of the enforcement process (by formally giving possession of the land and/or premises to the claimant) until such time that the occupants are removed and prevented from returning to the site.

The importance of specialist insurance

It is imperative that in undertaking the eviction process, those acting are covered by appropriate insurance. Whilst all HCEOs have, as a condition of their appointment, professional indemnity insurance, this will not usually extend to the specialist cover required to effect the removal of persons from hazardous locations, using various methods of access and removal techniques.

The National Eviction Team and High Court Enforcement Group deal with evictions, whether from residential property, commercial premises or by forfeiture of commercial premises, on a daily basis all over the country, and as such hold insurance cover specific to the tasks that we undertake and the methods and skills that we use.

Purpose-specific insurance

A purpose-specific policy has been developed and appropriate insurance cover is available for every eviction operation, irrespective of location, circumstances or size.

Whilst certain specialist trades who undertake work in hazardous environments (e.g. in confined spaces, below ground or at height) may hold insurance cover for such activities, it is highly likely that the policy covers such work as part of the delivery of services to the construction industry or similar contracts for the rescue of trapped individuals.

Such insurance policies will not provide indemnity for the removal of protesters, whether passive or resistant, from such hazardous locations and who have, intentionally or otherwise, put themselves at risk of injury.

Cover

The NET holds insurance policies covering the following specific activities, amongst others:

- The enforcement of High Court writs, orders and evictions at Common Law
- Removal of protestors from height, in confined spaces and underground
- Resisted evictions
- Pre- and post-execution intelligence gathering and surveillance
- Security guarding and shepherding

A word of caution - check the adequacy of cover

When considering which HCEO to use to undertake an eviction that involves removal of protesters from hazardous locations (e.g. at height or below ground), check that they have to correct level of insurance cover in place covering the specific activity to be undertaken, to avoid incurring any liability in the event that any claims arising as a result of the enforcement action.

Insurance cover for construction, maintenance works, or "rescue" activities is not adequate to provide indemnity against actions and events involving persons actively resisting removal, not being rescued. The resistance activity clearly increases the risk of injury significantly.

About High Court Enforcement Group

Clients trust us to deliver and service is paramount – we are committed to meeting and exceeding their expectations. Transparency and ethical behaviour are also at the heart of our business, for our clients, claimants and defendants.

We achieve this by recruiting excellent people and investing in their development. All our enforcement agents are employees, allowing us to ensure quality, transparency and ethical behaviour – firm but fair enforcement.

We also believe in sharing our knowledge and expertise with our clients to help them make informed choices.

We are the largest independent High Court enforcement company in the country, with more authorised and experienced officers than anyone else. We are independent and privately owned, all of which allows us to build and manage our business in a way that puts our clients first.

Our highly skilled enforcement agents are recognised for their impressive local knowledge and their steadfast commitment to upholding the values of responsibility and accountability with exemplary professionalism and a time-honoured dedication to firm but fair enforcement.

At High Court Enforcement Group, we are committed to educating as well as enforcing. We believe that an informed decision is a correct decision and that our clients should understand the processes associated with enforcement.

The National Eviction Team

The National Eviction Team was formed in 1995 and is part of High Court Enforcement Group.

The National Eviction Team has dealt with, and continues to deal with more evictions of trespassers, unwanted environmental protesters and squatters than anyone else in the country. We have a very large workforce, enabling us to manage even the largest of environmental protests.

We have all the specialist personnel, equipment and insurance in place to deal with all types of eviction, wherever in the UK they may take place: we have been asked to work on sites in Scotland by the Scottish Parliament and by Scottish Coal.

We consistently meet and exceed our deadlines to provide our clients with the safe and effective removal of trespassers and protesters and to ensure the security of the site afterwards to prevent recurrence.

For more information

If you would like any further information or would like us to come and run a seminar for your team, please call us on 01792 450031 or [send us an email](#).



Useful links

National Eviction Team demonstrator evictions examples

<https://nationalevictionteam.co.uk/clients/client-list>

<https://nationalevictionteam.co.uk/clients/case-studies>

Instruction forms

<https://www.hcegroupp.co.uk/common-law-eviction-request-form/>

<https://www.hcegroupp.co.uk/repossession-and-eviction-instruction-form/>

Possession Claim Online

<https://www.possessionclaim.gov.uk/pcol/>

Ministry of Justice Civil Procedure Rules

<http://www.justice.gov.uk/courts/procedure-rules/civil/rules/part-83-writs-and-warrants-general-provisions>

Insolvency Service

<https://www.insolvencydirect.bis.gov.uk>

Companies House

<https://www.gov.uk/government/organisations/companies-house>

Registry Trust

<http://www.trustonline.org.uk/>

Human Rights Act 1988 (HRA)

<https://www.legislation.gov.uk/ukpga/1998/42/contents>

Health and Safety at Work Act 1974 (HASAW).

<https://www.legislation.gov.uk/ukpga/1974/37>

Court fees and enforcement fees

<https://hcegroupp.co.uk/services/court-fees-enforcement-fees>

Further reading

<https://www.hcegroupp.co.uk/articles/>

<https://nationalevictionteam.co.uk/news-articles>

To find out more or instruct us

If you have any questions or wish to instruct High Court Enforcement Group then please contact us on **08450 999 666** or visit our website at **[hcegroup.co.uk](https://www.hcegroup.co.uk)**, go to the instruct us page and select the service you require from the menu.

-  property@hcegroup.co.uk
-  [@HCEGroup](https://twitter.com/HCEGroup)
-  [HCEGroup](https://www.facebook.com/HCEGroup)
-  [High-court-enforcement-group](https://www.linkedin.com/company/high-court-enforcement-group)

