

## TABLE OF OTHER STATUTORY OFFENCES INVOLVING TRESPASS

Act and Section	Offence	Mens rea	Actus reus	Statutory Defences	Preconditions	Allocation & penalty	Comments
<a href="#">s20(1)</a> Firearms Act 1968 ("FAA")	Trespass in a building with a firearm or imitation firearm		Entering or being in any building as a trespasser with a firearm or imitation firearm.	Reasonable cause (proof on defendant on balance of probabilities.)		See Legal Guidance chapter on <a href="#">Firearms</a>	
s20(2) <a href="#">FAA</a>	Trespass on land with a firearm		Entering or being on any land as a trespasser with a firearm	As FAA s20(1) above		See Legal Guidance chapter on <a href="#">Firearms</a>	
<a href="#">s6 CLA</a>	Violence to secure entry	Knowing there is someone on premises opposed to their entry	Using or threatening violence to secure entry without lawful authority.	Displaced residential occupier.		Summary only.  6 months prison &/or a level 5 fine.	See <a href="#">s12</a> for "displaced residential occupier."
<a href="#">s7 CLA</a>	Adverse occupation of residential premises.	See under "statutory defences" for honest belief as a defence.	Failing to leave on being asked to do so by a displaced/intending residential occupier.	<ul style="list-style-type: none"> <li>Did not believe the person requiring them to leave was a displaced residential occupier; (etc.) (sub-</li> </ul>	D must be a trespasser at the time of being asked to leave and also have entered the premises as such.	Summary only.  6 months prison &/or a level 5 fine.	As amended by s73 CJPOA.  See <a href="#">s12 CLA</a> for "displaced residential occupier" and s12A (inserted by s74 CJPOA) for "intending occupier."

				<p>section (2).)</p> <ul style="list-style-type: none"> <li>• Premises mainly non-residential and they were not in any part that was residential.</li> </ul>			<p>See s144 LASPOA <b>below</b>. Note there is no need to prove D was requested to leave for s144 LASPOA but the definition for residential premises is narrower. Unless the premises in question do not meet that definition prosecutors should charge s144 to avoid having to prove the request to D to leave.</p> <p>See also <a href="#">Ministry of Justice Circular 2012/04</a>.</p>
<a href="#">s8 CLA</a>	Trespassing with a weapon of offence		After entering as a trespasser, being a trespasser on premises having with them a weapon of offence without lawful authority or reasonable excuse.		Note the need to have initially entered as a trespasser.	<p>Summary only.</p> <p>3 months prison &amp;/or level 5 fine.</p>	<p>“Weapon of offence” means any article made, adapted or intended by the defendant for use to injure or incapacitate. For caselaw on this and on the meaning of “has with him” see</p>

							the section on aggravated burglary (where same wording is used) in the Theft Acts chapter of the Legal Guidance
<a href="#">s9 CLA</a> NB Attorney General's consent required	Trespassing on premises of a foreign mission		Entering or being on consular etc premises as a trespasser.	Did not believe s9 applied to the premises.		Summary. 6 months prison and/or level 5 fine	See chapter on <a href="#">Diplomatic Immunity and Diplomatic Premises</a>
<a href="#">s144 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPOA)</a>	Squatting in residential premises.	<ul style="list-style-type: none"> <li>When they know or ought to know they are trespassing and</li> <li>with the intention to reside there</li> </ul>	Being in a residential building which they entered as a trespasser	Does not apply to person who is holding over after their lease has expired.		Summary. 6 months prison and/or level 5 fine	<p>"Building" includes temporary or moveable structures. "Residential" means it was adapted to be lived in before the entry.</p> <p>See s7 CLA <b>above</b>. Note there is no need to prove D was requested to leave for s144 LASPOA but the s144 definition for residential premises is narrower. Unless the premises in</p>

							<p>question do not meet that definition prosecutors should charge s144 to avoid having to prove the request to D to leave.</p> <p>See also <a href="#">Ministry of Justice Circular 2012/04.</a></p>
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