



# Injunctions

## What is an injunction?

Protesters may also face the threat of an injunction – a court order that instructs them to stop an existing activity or refrain from undertaking a particular future action. Breach of the terms of an injunction is contempt of court and can result in a fine or imprisonment. Like possession orders, injunctions may name particular individuals or ‘persons unknown’.

The grounds for an injunction include preventing:

- A breach of criminal law
- A current or planned trespass
- Harassment, through an injunction under the Protection from Harassment Act 1997
- The obstruction of a highway

Harassment injunctions under the 1997 Act have been criticised because it provides corporations with the same legal protection as individuals who face intimidation by stalkers and has been used widely against anti-war, climate and animal rights protesters (in 2013, for example, in Gloucestershire against opponents of the badger cull). These injunctions typically ban demonstrations against companies’ premises but have also been granted preventing protesters from raising their voices or, in a case involving energy company npower in Oxfordshire, from taking photographs of security staff.

Court orders have been granted based on claims that protesters are “alarming or distressing” employees, often at emergency hearings and using police statements of support or hearsay evidence that is impossible to challenge because protesters were not invited or were unrepresented.

However it is possible for protesters to challenge injunctions. In 2007, the British Airports Authority (BAA) sought an injunction to try to prevent the Heathrow Camp for Climate Action, which named 15 environmental groups including Friends of the Earth, RSPB and the National Trust. It was drafted so widely that it could potentially have banned millions of people from much of the Piccadilly Line and part of the M25 motorway. The High Court instead granted an injunction banning three named protesters and members of the anti-aviation protest group Plane Stupid from Heathrow, but its scope was limited and did not include the Climate Camp organisers or prevent the camp from going ahead.

Similarly in 2012, EDF Energy failed in their bid to impose an injunction to stop an alliance of anti-nuclear groups from protesting on land for a nuclear power station near Hinkley Point in Somerset. The High Court granted a possession order for a squatted farmhouse and an injunction against three named individuals, preventing them from entering the site, but not a blanket ban on all protest groups.

## Local authority powers

In March 2015, the government published revised guidance to councils and the police on dealing with “illegal and unauthorised encampments”, including traveller sites, protest camps and squatters on both public and private land.

### *Restrictions on caravans and tents*

Councils’ main power to direct unauthorised campers to leave land is under section 77 of the Criminal Justice and Public Order Act 1994 (see **Other Offences**)

### *Use of the Highways Act 1980*

In December 2014, East Riding of Yorkshire Council used sections 143 and 149 of the Highways Act 1980 to issue notices at the anti-fracking camp at Crawberry Hill near Beverley. The notices requested protesters remove all caravans, tents and wooden structures within 35 days in order to comply. Two weeks after this notice period, bailiffs and police moved in to demolish structures built by the campaigners.

**Section 130** enables councils to seek an injunction to “assert and protect the rights of the public to the use and enjoyment of any highway”.

**Section 143** gives councils powers to remove structures from highways by serving a notice requiring “the person having control or possession of the structure to remove it within such time as may be specified in the notice.” If this notice is not complied with, a council can “remove the structure and recover the expenses reasonably incurred by them in so doing”.

**Section 149** provides councils with powers to remove any item deposited on a highway that may constitute a nuisance. Once again, the council can issue a notice requiring removal and if this is not complied with, it can seek a removal and disposal order from a magistrates’ court.

## ***Temporary Stop Notices***

In 2013, the government removed restrictions on the ability of local councils to use ‘Temporary Stop Notices’ under **Section 171E of the Town and Country Planning Act 1990**, in order to stop any activity that breaches planning control for a period of 28 days. This was aimed primarily at Gypsy and Traveller sites like Dale Farm and gave councils powers to take immediate action against the establishment of any ‘illegal encampment’ without first seeking an enforcement order.

The penalty for non-compliance is a fine of up to £20,000 on conviction.

## ***Powers of entry onto land***

Councils also have powers (under Sections 196A, 196B and 196C of the Town and Country Planning Act 1990) enabling authorised officers of the local planning authority to enter onto land to obtain information required for enforcement purposes. They are likely to try and do so without obtaining a warrant, unless they expect a refusal to allow them access.

Wilful obstruction of an authorised person is an offence.