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1 Background

Going onto another person's land to organise a rave or for any other purpose, without the owner's permission, amounts to a trespass. Trespass to land is a civil wrong, but trespass alone is not a criminal offence. Generally the police have no powers to intervene when a civil wrong is being or is about to be committed. If the landowner has advance warning of a threatened trespass, he or she can apply to the civil court for an injunction to restrain those threatening to commit the wrong from doing so. Also, when people are trespassing, the landowner can apply for an injunction ordering them to cease doing so. Breach of the terms of an injunction would be a contempt of court, which may be punished by imprisonment.

Although, in an emergency, an injunction can be obtained very quickly, there are practical difficulties when the problem is a rave. The landowner is unlikely to have much, if any, notice of the organisers' intentions, he will not be able to identify them, and the duration of the rave is likely to be hours or perhaps days, rather than a long term occupation. It would therefore be, at best, difficult, and often impossible to prevent a threatened rave, or remove raving trespassers, by action through the civil courts. Past governments were unwilling to criminalise trespass itself, but did bring in legislation aimed at dealing with mischiefs seen to be associated with particular kinds of trespass.

2 Powers in the *Criminal Justice and Public Order Act 1994*

It was in recognition of those difficulties that new powers were introduced in the 1990s to deal with the developing problems of squatting and unlicensed *open air* gatherings at which loud music was played in the night.

Sections 63-66 of the *Criminal Justice and Public Order Act 1994* created new police powers to stop or prevent raves, i.e. unlicensed gatherings at which loud music is played during the night. Originally, the provisions applied only to open air gatherings of 100 or more people. However, the *Anti-social Behaviour Act 2003* extended them to gatherings of 20 or more and to raves held in buildings as well. It also made it an offence to attend another trespassory rave within 24 hours of the police giving a direction to leave land, in order to deal with the problem of rave organisers just moving to another area.¹

Section 63(1) of the Act (as amended) defines the gatherings which are caught by the provisions as follows:

¹ Section 58 *Anti-social Behaviour Act 2003*