

# Offences Arising from Unlawful Eviction And Enforcement Action

This document outlines the criminal and civil offences that may be committed by police constables, enforcement agents, and council employees who participate in, or assist with, any eviction or enforcement action carried out under fraudulent, invalid, or non-court-authorised paperwork.

## Police Constables Assisting an Unlawful Eviction

### 1 ~ Criminal Liability:

If police constables knowingly or negligently assist in an eviction **without lawful authority** (i.e., no valid court order), they can commit or be complicit in:

#### Misconduct in Public Office (Common Law offence)

- Occurs when a public officer **wilfully neglects to perform a duty** or **wilfully misconducts themselves** to such a degree as to amount to an abuse of the public's trust.
- Assisting in or turning a blind eye to an unlawful eviction, especially after being informed of its illegality, fits this definition.
- **Case law:** R v Dytham [1979] QB 722, R v Bowden [1996] 1 WLR 98.
- **Maximum penalty:** life imprisonment.

#### Assault / Battery / Criminal Damage

- If police constables use force to remove occupants or assist agents doing so without lawful authority, they could be liable for **assault** or **battery** under the **Offences Against the Person Act 1861**.
- Damage to property (doors, locks, belongings) could amount to **Criminal Damage** under **Criminal Damage Act 1971**.

## **Aiding and Abetting Trespass**

- Where an eviction is not authorised by a genuine court order, those assisting may be committing or aiding **trespass to land** (civil) or **aggravated trespass** (criminal) under **Criminal Justice and Public Order Act 1994, s.68**.

## **Perverting the Course of Justice** (Common Law)

- Knowingly assisting an unlawful enforcement process or covering up the absence of lawful authority may amount to attempting to **pervert the course of justice** — a very serious offence.

## **2 ~ Civil Liability:**

**Trespass to Land and Goods:** Acting without lawful authority exposes officers to civil claims for trespass and damages.

**Human Rights Breach:** Violation of **Article 8, ECHR (Right to Respect for Home and Family Life)** — enforceable via the **Human Rights Act 1998**.

**Negligence / Dereliction of Duty:** Failure to verify lawful authority before using force may amount to negligence or breach of statutory duty.

# **Enforcement Agents**

## **1 ~ Criminal Offences:**

### **Fraud by False Representation (Fraud Act 2006, s.2)**

- If an agent presents or relies on **forged, altered, or unauthorised documents** (claiming they are lawful court orders) to gain entry or seize property, that is fraud by false representation.
- **Penalty:** Up to 10 years' imprisonment.

### **Obtaining a Pecuniary Advantage or Services by Deception (Fraud Act, s.11)**

- Demanding or taking money, fees, or goods under colour of a false order constitutes criminal fraud.

### **Forgery and Counterfeiting Act 1981, s.1–2**

- Creating, altering, or using a false instrument (such as a “Notice of Eviction” bearing fake seals or court titles) is forgery.
- **Penalty:** Up to 10 years’ imprisonment.

### **Burglary / Criminal Damage / Assault**

- Forcing entry or damaging property without a genuine warrant is **burglary** (Theft Act 1968, s.9) if done with intent to take goods or commit damage.
- Any physical interference with occupants is assault or battery.

### **2 ~ Civil Liability:**

- **Trespass to Land and Goods**
- **Conversion (Theft in civil law)**
- **Unlawful Distress or Enforcement Action** under the **Tribunals, Courts and Enforcement Act 2007**
- **Harassment** under the **Protection from Harassment Act 1997**

## **Council Officers and Local Authority Employees**

If a council employee authorises or supports the use of fraudulent or non-court eviction paperwork:

### **1 ~ Criminal Offences:**

- **Fraud by False Representation or Abuse of Position (Fraud Act 2006, ss.2 & 4).**  
False representation or abuse of position for gain — issuing or authorising false enforcement paperwork is criminal fraud.
- **Forgery and Counterfeiting (1981 Act).**  
Producing or using counterfeit “court” seals or signatures.

- **Conspiracy to Defraud (Common Law).**
- **Misconduct in Public Office (Common Law).**

If multiple officials or agents act together to deceive the public or a property owner into compliance with a false process.

## 2 ~ Civil Liability:

- **Misfeasance in Public Office (tort).** A civil wrong where a public officer knowingly abuses their position causing harm to an individual.  
*Example:* Issuing documents purporting to be court orders when they are not, or instructing bailiffs to act on them. Damages can be substantial.
- **Trespass and Abuse of Process.**
- **Breach of Article 8 ECHR.**

## Summary of Potential Offences

| Party              | Criminal Offences                                                                                | Civil Offences / Liabilities                  |
|--------------------|--------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Police Constables  | Misconduct in Public Office;<br>Perverting Justice; Assault;<br>Criminal Damage; Aiding Trespass | Trespass; Negligence;<br>Article 8 HRA breach |
| Enforcement Agents | Fraud; Forgery; Burglary; Assault;<br>Criminal Damage                                            | Trespass; Conversion;<br>Unlawful Enforcement |
| Council Employees  | Fraud; Forgery; Conspiracy to<br>Defraud; Misconduct in Public<br>Office                         | Misfeasance; Trespass;<br>Abuse of Process    |

## Key Legal References

- Fraud Act 2006 (Sections 2, 4, 11)
- Forgery and Counterfeiting Act 1981 (Sections 1–2)
- Criminal Damage Act 1971
- Misconduct in Public Office (Common Law)
- Misfeasance in Public Office (Tort)
- Tribunals, Courts and Enforcement Act 2007 (Part 3)
- Human Rights Act 1998 (Article 8 ECHR)
- Criminal Justice and Public Order Act 1994, s.68 (Aggravated Trespass)