



The Scottish Parliament  
Pàrlamaid na h-Alba

(For official use only)  
PUBLIC PETITION NO.

**PE1321**

**1. Name of petitioner**

Lynne Tammi on behalf of members of the Young Gypsy/Travellers' Lives Project

**2. Petition title**

Management of Gypsy/Traveller sites

**3. Petition text**

Calling on the Scottish Parliament to urge the Scottish Government to remove the Trespass (Scotland) Act 1865 from all future guidance on the management of Gypsy/Traveller temporary and halt sites.

**4. Action taken to resolve issues of concern before submitting the petition**

We have lobbied officials in Angus and Highland region and we are in the process of reviewing and lobbying the other key local authorities that have temporary/halt sites to encourage them to cease using the Trespass (Scotland) Act 1865. However, this is proving difficult given that Section 3 of the Act is recommended by the Scottish Government's '[Guidelines For Managing Unauthorised Camping By Gypsies/Travellers In Scotland](#)' (2004) as a medium for "moving on" Gypsy/Travellers from transient/temporary/halt sites.

We have contacted Andrew Welsh MSP and Jim Mather MSP outlining the background and our aim and asking them to support us and are awaiting their response.

We contacted the Scottish Government's Equalities Unit in January 2010 asking if there was any movement on revising site guidelines as per the '[Do the Right Thing](#)' document. We were informed that housing officials have still to scope out the content of the Site Management Guidance review, so no action has been taken yet.

In '[Do the Right Thing](#)' (section 5) the Scottish Governments commits to—

"Review our guidance on site management for local authorities in consultation with Gypsies/Travellers, including children and young people in the Gypsy/Traveller community."

**5. Petition background information**

Using Scottish Government guidance, local authorities and police forces are using section 3 of the ancient Trespass (Scotland) Act 1865 to move on Gypsy/Travellers from transient/temporary/halt sites. Section 3 empowers police officers to arrest, detain and present before a magistrate Gypsy/Travellers who are encamped on unauthorised sites.

This includes charging 16 year olds (classed as children under the United Nations definition of a child) and adults who have family members under the age of 18.

We believe this practice contravenes Article 30 of the United Nations Convention on the Rights of the Child:

*Young people have a right to learn and use the language and customs of their families, whether or not these are shared by the majority of the people in the country in which they live*

and Article 8 of the European Convention on Human Rights:

*The right to respect for private and family life: everyone has the right to respect for their private and family life, their home and their correspondence.*

In '[Do the Right Thing](#)' the Scottish Government's response to the United Nations Committee on the Rights of the Child's recent Concluding Observations on the state of Children's Rights in the UK, it has committed to reviewing its guidance on site management for local authorities. As part of that review, this petition calls on the Scottish Government to remove the Trespass (Scotland) Act 1865 from all future guidance on the management of transient/temporary/halt sites.

Links to further information—

Guidelines For Managing Unauthorised Camping By Gypsies/Travellers In Scotland (2004):

<http://www.scotland.gov.uk/Resource/Doc/30859/0023522.pdf>

Trespass (Scotland) Act 1865:

[http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1865/cukpga\\_18650056\\_en\\_1](http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1865/cukpga_18650056_en_1)

United Nations Convention on the Rights of the Child:

<http://www2.ohchr.org/english/law/crc.htm>

European Convention on Human Rights:

<http://www.echr.coe.int/nr/rdonlyres/d5cc24a7-dc13-4318-b457-5c9014916d7a/0/englishanglais.pdf>

Do the Right Thing:

<http://www.scotland.gov.uk/Resource/Doc/282927/0085645.pdf>

**6. Do you wish your petition to be hosted on the Parliament's website as an e-petition?**

**YES**

**7. Closing date for e-petition**

26 March 2010

**8. Comments to stimulate on-line discussion**

Scottish Gypsy/Travellers are a mobile community. Travelling, particularly in the summer months, is an integral part of their culture and lifestyle.

The Scottish Government's website states: *"Although for the purposes of GB race legislation [...] Scottish Travellers and Scottish Gypsies are not recognised as racial or ethnic groups, the Scottish Executive treats them as such, and acknowledges that all Gypsy/Traveller communities have specific requirements and require the same level of protection from discrimination and abuse in common with all of Scotland's minority ethnic communities."*

Fine words, which appear to recognise the distinct lifestyle of Gypsy/Travellers as worthy of protection. However, these words are meaningless in the context of the Guidelines For Managing Unauthorised Camping By Gypsies/Travellers In Scotland (2004) which actively encourages Local Authorities and Police Forces to use outdated legislation to deny the Scottish Gypsy/Traveller community the right to practise their customs whether or not these are shared by the majority of the people in the country in which they live. We can judge a society by the way it treats its minorities.