

A Halloween Miscellany

Witches

It is not illegal to be a witch. The Witchcraft Act of 1735 repeated the laws making witchcraft itself a crime, but did impose penalties on people claiming magical powers. This law came to an end in 1951 when The Fraudulent Mediums Act only penalised those who fraudulently misled others into believing they could act as a spiritual medium with the intention of gaining money. This law itself was repeated in 2008 by consumer rights laws.

Cats

Although there is folklore surrounding black cats, the law concentrates on the safety and wellbeing of cats and other animals. The main legislation is the Animal Welfare Act 2006. Owners must take appropriate steps to safeguard their animals, and in general it is illegal to harm any animals (Black cats should perhaps be watched more carefully as they can be targeted for attacks owing to superstition).

Apples

“Scrumping” for apples is a criminal offence. Helping yourself to another person’s fruit crop, including windfalls, is theft.

Fancy Dress

It is not illegal as such to dress up for Halloween but beware of choosing costumes which impersonate police officers or armed forces, as they are not permissible, nor are costumes which are racist or otherwise offensive.

It is also worth checking costumes for safety. There have been cases in the past where costumes have caught fire and those injured have not always succeeded in recovering damages.

Trick or Treat

There is no age limit on participating in this activity which is not unlawful. Although usually a children’s game, adults are not debarred. Adults should bear in mind that if their children damage property or commit public order offences while trick or treating, the parents can be liable.

Haunted Houses

There is not much law relating to the sale of haunted houses, possibly because haunting may be difficult to prove. If someone sells an allegedly haunted house, should they tell their buyer? There seems to be nothing in law which specifically deals with this point and no obvious question in the Property Information Form TA6, which mentions it. However, if for instance it has caused a dispute with a neighbour, this should be disclosed. Also, if a buyer asks a direct question about whether a house has a reputation for being haunted, the seller must not give a misleading reply.

For further information on these or more everyday aspects of law, feel free to contact us on 01285 653261.