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nr. 23-24/2012-2013

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THE MARITIME CASE OF ROUGH TOWER, AN ABANDONED WORLD WAR II FORT THAT BECAME A STATE OF DENIAL

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Abstract: After retired British Army Major Roy (Paddy) Bates fought rival squatters and gained control over an abandoned British Navy World War II defense fort called Rough Tower, his actions precipitated a 1968 Meeting by the Cabinet of Prime Minister Harold Wilson. Their conclusion was that the United Kingdom should ignore Bates at that time and deal with any resulting consequences as quietly as possible. However, when Bates claimed sovereignty over that structure which was stationed outside British territorial waters, and he then styled it as the independent 'Principality of Sealand', he set in motion a state of confusion within the government of the United Kingdom. Over the years, the status of Rough Tower has also become a manifest state of denial by successive British governments, and in 2011, it remains a conundrum.

Keywords: sovereignty, territorial waters, British Crown, corporation sole, United Kingdom, nation, subject, citizen, Roy Bates, squatters, conundrum, Rough Tower, international waters, 'Principality of Sealand'

The Bench On The Horizon

In September 2011, dog walkers – Mervyn Hagger was among their number – with relatively good eyesight “watching the ships roll in” to the UK container port at Felixtowe⁸, could distinguish something akin to a tiny bench squatting upon the distant horizon⁹. It is, in fact, a rusting metal platform measuring 168 feet by 88 feet, rising approximately 100 feet above the waves, and while it is identified on maps as Rough Tower, in the popular press it has been promoted as the 'Principality of Sealand'. But to civil servants; police; courts; the Crown, and all of many its factotums at all levels of government who have ever come face-to-face with this relic of the past, it represents both a headache and paradox that was created as a result of illogical and irrational claims that remain unresolved by a UK court.

Rough Tower was born in 1942, which was the same year that author Enid Blyton dispatched her child's version of John Bunyan's *The Pilgrim's Progress* to her publisher. She called her book *The Land of Far-Beyond*, but in contrast to her utopia, she also included a description of a dystopian 'City of Turmoil' from which the children in her story had fled. While Blyton's title might seem like an apt name for the 'Principality of Sealand', its troubled history is more in keeping with a 'Tower of Turmoil'. Although Blyton's novel (1942) and the

⁸ “*And I watch em' roll away again*” – from '(Sittin' On) The Dock of the Bay', inspired by original lyrics written in 1967 by Otis Redding.

⁹ A shoreline photograph of Rough Tower from the vantage point of Felixtowe, Suffolk, 'HM Fort Roughs a.k.a. Principality of Sealand' is available Online at: <http://www.geograph.org.uk/photo/1325728> [Accessed: January 21, 2011].

'principality' are both the result of imaginative daydreaming, the history of Rough Tower began as a product manufactured during World War II.

Rough Tower was constructed in a shipyard as one of several heavily armed World War II offshore defense forts,¹⁰ with twin towers built inside a pontoon. Inside these two hollow 'legs' were seven floors which between them housed dining, sleeping and storage quarters for troops, generators and munitions. On top of the twin towers was a metal gun deck equipped with various types of weaponry, and at its center was a small radar tower.

After construction was completed, H. M. Fort Roughs was towed from its birth by three tugs with sailors on board, and then sunk on station¹¹ in only thirty-seven feet of water¹² eight miles off the Essex coastline, upon the Rough Sands sandbar¹³. About thirty minutes later, it became operational and it eventually gained a crew of approximately 300 personnel.¹⁴ From this strategic location off southeastern England, it helped to fight off attacks by Nazi bombers, fighters, 'doodlebugs',¹⁵ and naval craft. During WWII, British territorial waters extended from the last point of dry land visible above the low water mark to a limit of three miles, which placed H.M. Fort Roughs outside of UK territorial jurisdiction.

Offshore Broadcasting

In the years following the conclusion of WWII, the sunken Royal Navy vessel known as His Majesty's Fort Roughs was decommissioned, and its control passed from the Ministry of War - later known as the Ministry of Defence - to several entities that used it for a variety of purposes, all with UK Government approval.¹⁶ Because the sandbar upon which it was

¹⁰ Designed and constructed according to plans by Guy Anson Maunsell. See 'Navy Sea Forts, Thames Estuary' *Engineering Timelines*. Online at: <http://www.engineering-timelines.com/scripts/engineeringItem.asp?id=1168> [Accessed: January 21, 2011]

¹¹ A 'station' is a 'location', a word that forms the basis for the 1949 'Wireless Telegraphy Act' and related laws having application to the later use of offshore forts as broadcasting stations. It also defines the meaning of a railway station; police station; 'action stations' in war, and 'stations of the cross' in religion, etc.

¹² See an animation of its grounding is at 'The Rough Towers' by The Harwich Society. Online at: http://www.harwich-society.co.uk/old/info_rough_towers.htm and a picture of its grounding Online: http://www.offshoreechos.com/forts/sea_forts.htm [Accessed: January 21, 2011].

¹³ According to the UK Foreign and Commonwealth Office, Fort Roughs is "six nautical miles south-east of Felixstowe across Cork Sands"; hear "The Sealand Affair - the last great adventure of the twentieth century?" [Podcast] (19 November, 2010) Foreign and Commonwealth Office. Online: <http://www.fco.gov.uk/en/news/latest-news/?view=News&cid=135724682> [Accessed: September 30, 2011].

¹⁴ H. M. Fort Roughs began with building its pontoon barge on September 4, 1941, at berth 2 of the Red Lion Wharf in Gravesend, Kent. It was moved on October 13 to an adjoining berth where work continued until December 10 when it was towed to berth 28 at Tilbury docks for equipment and stores to be loaded. On February 8, 1942, it left Tilbury and arrived at Rough Sands on February 11, where at 16.30 hours the sea-cocks were opened and the barge sank into place within fifteen minutes. Read engineering details at 'Navy Sea Forts, Thames Estuary'. Online at: <http://www.engineering-timelines.com/scripts/engineeringItem.asp?id=1168> [Accessed: September 29, 2011]

¹⁵ Nazi 'buzz bomb' Fieseler Fi 103 (V-1): so named for the buzzing sound made by its pulse-jet engine. See 'Fieseler Fi 103 "V1" *Museum of Flight*. Online at: <http://www.museumofflight.org/aircraft/fieseler-fi-103-v1> [Accessed: January 21, 2011]

¹⁶ The UK Foreign and Commonwealth Office states that, "It was maintained until 1955, when it was effectively abandoned". Hear podcast noted at "The Sealand Affair - the last great adventure of the twentieth century?" Online at: <http://www.fco.gov.uk/en/news/latest-news/?view=News&cid=135724682> [Accessed: September 30, 2011].

situated was in the middle of an increasingly busy shipping lane,¹⁷ Rough Tower (as it became known),¹⁸ served as an illuminated warning marker until 1956 when the Ministry of Defence decided to remove permanent staffing from the sunken barge, and in the alternative they contracted with Trinity House¹⁹ who placed several buoys around it. From 1956 until at least 1964, Rough Tower remained a desolate location except for the occasional visits by Trinity House personnel.

In 1964, the era of offshore commercial radio broadcasting began from ships anchored outside UK territorial waters off that same stretch of coastline.²⁰ It was not an enterprise for amateurs with shallow pockets,²¹ but the glamour attracted them nevertheless. One of the first amateur broadcasters was *Radio Sutch*²² that began transmitting from another, but larger disused WWII abandoned fort structure that was situated upon the Shivering Sands sandbar approximately seven miles off Herne Bay in Kent.²³ On September 23, 1964, *Radio Sutch* became *Radio City*, broadcasting pop music and sponsored American religious programming.²⁴ On July 17, 1964, *Radio Invicta* began broadcasting from the disused Red Sands Army fort complex, and on October 27, 1965, retired British Army Major Roy Bates took control of the former Knock John Navy fort twelve miles off Herne Bay and commenced broadcasting as a local station called *Radio Essex*. However, it is not the history of British offshore or 'pirate' radio stations that is of interest here,²⁵ but the actions taken by UK authorities to close down these fort-based stations, and the subsequent reaction of Roy Bates.

When *Radio 390*, *Radio City*, and *Radio Essex* began broadcasting their operators believed that they were transmitting from outside UK territorial waters. At that time, all broadcasting in the UK was regulated by the 1949 'Wireless Telegraphy Act', which was

¹⁷ Due to the advent of container ships and increased continental ferry traffic.

¹⁸ After decommissioning, it became officially designated by this name on official UK Crown Ordnance Survey maps.

¹⁹ See 'About Trinity House' *The Corporation of Trinity House*. Online at: <http://www.trinityhouse.co.uk/th/about/index.html> [Accessed: September 30, 2011].

²⁰ The UK originally created a total monopoly in broadcasting that was challenged from its earliest days. See Gilder, *Mass Media Moments*. Also see one example of two teenage brothers on March 8, 1934 who had been operating their own 'pirate' or unlicensed station, at 'United Kingdom: Nineteen year old Wilfred Barker and his brother Gerald detected as mystery broadcasters' *IITN Source*. Online: http://www.itnsource.com/shotlist/BHC_RTV/1934/03/08/BGX407190461/?s [Accessed: September 30, 2011] See also, 'Private [sic] Radio Station Located', *The Times*, p.12, c. 4, March 6, 1934.

²¹ Three of them were American high investment operations acting as clones of Texas and New York commercial radio broadcasting stations. See Gilder, *Mass Media Moments*.

²² *Radio Sutch* and similar broadcasting names have been italicized because they are the equivalent of the title to a publication; a common name known to the public but not the name of the human person or artificial entity (registered company) that claims ownership. (For this reason, BBC is not italicized since they are the initials of the owning operator, and the equivalent of a publisher.)

²³ For details of the Shivering Sands fort, see 'Shivering Sands Fort' *The Offshore Radio Fleet*. Online at: <http://www.offshore-radio.de/fleet/shivering.htm> [Accessed: January 21, 2011]

²⁴ A linked series of extremely detailed illustrated features about the history of *Radio Sutch* and *Radio City* on the Shivering Sands fort, are available at 'Radio Sutch & City in Pictures & Audio Part 1: Updated: 31st March 2010 Issue: 7 *Bob Le-Roi Scrapbook Item*. Online at: <http://www.bobleroi.co.uk/ScrapBook/SutchCityPics1/SutchCityPics1.html> [Accessed: January 21, 2011]. *Caveat*: While most of the illustrative information on this site is both unique and historically interesting, it also contains a certain amount of misinformation, although the site owner disclaims responsibility for verification of legal claims made by others.

²⁵ An account of these British offshore stations has been covered by the authors in several prior publications.

enforced by its General Post Office (GPO). The GPO knew that closing down the ship stations would pose a problem due to their mobility,²⁶ but to prosecute the fort-based stations under existing British law, they first had to prove that they were transmitting from within British territorial waters.

On September 21, 1966, the GPO began a series of legal actions against *Radio 390*, the most successful of the then three fort-based stations.²⁷ The case took many strange turns and it eventually came down to arguments by hydrographers arguing for both sides, about whether the fort station was within, or outside, UK territorial waters. On July 28, 1967, a final verdict in favor of the GPO was upheld, and *Radio 390* vanished from the airwaves.

Radio City also went through a checkered history that included the forceful takeover of the station on Shivering Sands by rival interests, but at that time Essex police stated that there was nothing they could do to assist, because the fort was outside British territorial waters. However, on February 8, 1967, a GPO case was brought against the station for violation of the 1949 'Wireless Telegraphy Act', in which the lack of police response during the boarding, and a statement that *Radio City* staff had to pass through UK Customs in order to get to the fort, counted for nothing. The court found that the station was under UK jurisdiction and it issued a nominal fine. *Radio City* closed down that night.

Radio Essex, the smallest of these fort-based offshore broadcasting operations, met with a similar fate. On November 30, 1966, the station now calling itself *BBMS (Britain's Better Music Station)* was also defeated in court using similar methodology. Although Bates appealed that decision, he vacated Knock John fort for Rough Tower after 4:30 PM on December 25, but he did not resume transmissions at that new location. After his 'Christmas Day' departure from the original former fort, Bates' final appeal was heard on January 17, 1967, and that court upheld earlier rulings that Knock John was within territorial waters.²⁸

²⁶ Because the offshore stations onboard ships were mobile, they could always remain outside UK jurisdiction. To address this problem the 'Marine Offences (Broadcasting) Act' was enacted by Parliament to commence on August 15, 1967 at 00:00 hours in order to make British participation illegal. However, in the instance of *Radio Caroline North* anchored off the Isle of Man, it was not successful. That island is not a part of the UK, and its ancient Parliament would neither endorse nor enforce the new British censorship law. Because the Isle of Man is ultimately controlled by the British Crown, the Privy Council used its powers to extend coverage of the new law by imposing it upon the Isle of Man against the wishes of the Manx Parliament. (Hear a *Radio Caroline North* newscast on August 14, 1967 about this event Online at: <http://www.youtube.com/watch?v=yTSp3f9PxDE> and a typical sign-on with station identification and location information prior to this date at: <http://www.youtube.com/watch?v=hZeA2kOj2Pk&feature=related>) and read the *Daily Mail*, August 15, 1967, regarding Privy Council actions and the Isle of Man concerning *Radio Caroline North*, at 'The Final Countdown..... George Morris's press cuttings: 15th August 1967, Daily Mail - a reprieve for Caroline North' *The Pirate Radio Hall of Fame*. Online: <http://www.offshoreradio.co.uk/list28n.htm> and the obituary of Sir Charles Kerruish representing the Manx Parliament, who attempted to fight the 'Order in Council,' see 'Sir Charles Kerruish: Dominant force in Manx politics' Obituary (Saturday, 2 August 2003) *The Independent*. Online: <http://www.independent.co.uk/news/obituaries/sir-charles-kerruish-548519.html> [Accessed: September 30, 2011].

²⁷ *Radio 390* replaced *K-I-N-G* that replaced *Radio Invicta*. See details at 'Tom Pepper's Radio Invicta photographs' *The Pirate Radio Hall of Fame*. Online at: <http://www.offshoreradio.co.uk/album35.htm> and 'Red Sands Fort' *The Offshore Radio Fleet*. Online: <http://www.offshore-radio.de/fleet/redsands.htm> [Both sites accessed: January 21, 2011].

²⁸ The legal history about the prosecution of the three fort-based operations is lengthy, repetitive, and complicated. However, in each case the issue came down to jurisdiction and application of the 1949 'Wireless Telegraphy Act' defining a 'station' as a 'location.'

British offshore broadcasting had arisen from links to both American broadcasting interests, and a younger faction of the British Establishment who, after a limited form of commercial television had been introduced by the UK on September 22, 1955,²⁹ wanted to extend its scope to the licensing of commercial radio as well. Offshore broadcasting was one way of forcing the issue, but the GPO represented a succession of Postmaster-Generals in both Tory and Labour governments who had issued negative statements about both the legal status and the geographical locations of the fort-based stations, and consequently their tenure had always been insecure. When the hammer finally fell on August 14, 1967, the "Marine Broadcasting Act," slammed shut the financial loophole through which all of the marine stations had operated, because it declared that all future operations by persons having residence in the United Kingdom, would become illegal at one second after midnight that day (cf. Gilder 2003).

Squatting on Rough Tower

Roy Bates was still a British national with a home at Westcliffe-on-sea in Essex, and so he shuttled his wife and children out to Rough Tower by boat and sometimes by helicopter. Initially, he had to establish his ability to physically squat on Rough Tower by fighting off rival claimants, but in the end, he succeeded in doing so.³⁰ However, although Bates had transferred his radio broadcasting apparatus from the Knock John fort to Rough Tower, he did not resume broadcasting, even though he was outside British territorial waters. The same "Marine Broadcasting Act" which caused the closure of the larger ship-based offshore stations also applied to him, because he was a British national.

It was at this moment in time when Bates' daydreams soared into the sky on a flight of fancy while he was enjoying an alcoholic beverage with his wife Joan inside an Essex public house. Filling the newspapers were stories about the Investiture of Charles, son of Elizabeth Windsor, who as Queen Elizabeth II was about to bestow upon him the title of Prince of Wales. Following the pullback of the Roman Empire from the island of Great Britain, Celtic tribes occupied a large portion of its territory, but various invasions that followed pushed them back into the geographical area that is called Wales today. Although there never had been a single unified Welsh nation which occupied the current land mass, the residents of that area eventually coalesced around that identification, especially following its subjugation by the Kingdom of England within four years of the Norman Invasion (1066 C.E.). From this murky beginning originated the title 'Prince of Wales', and at one time this title did represent a principality. But today Charles Windsor holds this title unrelated to a principality, or the current political geographical area of Wales which forms a part of the United Kingdom of Great Britain and Northern Ireland.

Principality without a Principal

Bates decided that if Charles could be prince of a principality that did not exist, then his wife Joan could easily become the princess of Rough Tower, which did exist. From this informal merriment was born the 'Principality of Sealand', which was to be jointly ruled by

²⁹ Official (but scant) 'History' *ITV*: Online at: <http://www.itvplc.com/about/history/> and detailed unofficial history at 'British TV History: The ITV Story Part 1' *Teletronic: The Television History Site*. Online: <http://www.teletronic.co.uk/itvstory1.htm> [Accessed: September 30, 2011].

³⁰ 'New to the family of Sealand rulers' *East Anglian Daily Times*, p.15; May 29, 1985: Mention is made of an attempt to buy him off by the Ministry of Defence, who then threatened military action to remove him. The second part is somewhat substantiated by Hibberd in his 2010 paper for the FCO. (See below)

himself as Prince Roy and his beauty pageant wife as Princess Joan. However, there was a fundamental flaw in his plan, because Charles did not turn himself into a prince, his mother the Queen did that via the sovereign Crown corporation sole institution that she represents. Roy was acting without any superior authorization. Had he called himself a king or even a president it would have made more sense, even though his plan was nonsense to begin with.

Nevertheless, Roy Bates overlooked this basic fact of nation building and acted as if he already had sovereign powers to cause passports to be printed, coins to be minted, and postage stamps to be issued. In the early days, Bates ran into trouble when his German colleagues turned on him, and because he was outside British jurisdiction, he could not count on the help of British law enforcement when they evicted him. His only recourse was to reclaim the old anti-German WWII fort from a post-WWII generation of freebooting Germans by relying upon the help of other friends. In the aftermath, Bates blustered on to the general media about his 'Royal Family' and how he would expand Rough Tower by either trying to build up a land mass around it on the sea bed, or tethering floating additions that would house guests at a hotel and entertain them at a casino, and even broadcast to the UK from his own *Sealand TV* station.³¹

To accomplish the latter project, he would have to overcome the "Marine Broadcasting Act" which rested upon the 1949 Act of defining a transmitting station in terms of activity taking place at a geographical location within the United Kingdom. Since Rough Tower was outside British territorial waters, and because he was claiming that it was now a principality with sovereign powers, Roy Bates believed that he would have the power to create his own body of law that could establish a government capable of issuing its own broadcasting licenses from within his own territorial waters radiating outwards for twelve miles.³²

His joke then became a problem for successive UK governments, who eventually concluded that the only way to defeat him, while ignoring him, was to apply the same procedure with which they had shut down his previous radio broadcasting stations. By extending its territorial waters from three miles to twelve miles, which international treaties permitted the UK to do; it brought Rough Tower within the jurisdiction of the 1949 'Wireless Telegraphy Act' with its successive modifications and related Acts of Parliament.

Policing without Principle

The story of the authors' previous involvement in the saga of 'Sealand' has been previously related within "Of Drugs, Documents, and Pseudo States: The Odd Story of the Missing Broadcasting Ship."³³ It is a complicated story and will not be substantially repeated here, but it is necessary to add that in the prior article, details are provided as to how and why on January 13, 1989, the government of the UK cooperated with the government of the USA (see endnote 31 at p. 148). That event led on to the discovery of a UK legal instrument that

³¹ 'Hostages held after hijackers overpowered', *Harwich and Manningtree Standard*, August 18, 1978. 'Emerging Nations: Prince Valiant'; *Newsweek*, p.40, August 28, 1978. 'Shots fired in Sealand's defence of a small freedom', *The Independent*, p.6., February 24, 1990. 'Global fraudsters use sea fortress as passport to riches', *The Independent*, p.10, September 23, 1997. 'Concrete island that fought to rule waves'; *East Anglian Daily Times*, p.1, March 29, 2000.

³² One prime example of why Wikipedia articles are unreliable and of suspect origin is illustrated by its long-running toleration of nonsense concerning the entry for 'Sealand' At various times this article has contained absolute rubbish that has been vigorously defended by persons acting towards this subject like true believers in a religious cult. See 'Principality of Sealand' *Wikipedia*. Online: <http://en.wikipedia.org/wiki/Sealand> [Accessed: October 16, 2011]

³³ *East-West Cultural Passage* (a journal of the 'C. Peter Magrath' Research Center for Cross-Cultural Studies). Edited by Alexandra Mitrea. No.9 – 2000, pp.137-150.

had been filed in a Washington, DC. Administrative Court, which stated that James Murphy, a UK special investigator on behalf of the ancient temporal office of Official Solicitor, and on loan from the Department of Trade and Industry, Radio Investigation Unit, had submitted to the FCC a sworn statement about the legal status of Rough Tower. Murphy reported that he had personally undertaken surveillance by air and sea of “the old wartime Flak Fort which is situated off the Port of Harwich in the United Kingdom”. He concluded that ‘Sealand’ “is not in the eyes of the United Kingdom a Sovereign Nation...” A US Administrative Court Judge then concluded that the ‘Principality of Sealand’ was nothing more than Bates’ name for the old Rough Tower.

On January 27, 2000, Essex Police Headquarters responded to associate Genie Baskir as part of a series of enquiries, the record of which now forms part of the authors’ private research into the subject of Roy Bates and his claim to possession of Rough Tower. Through their Superintendent Jeapes, Essex Police stated that:

Mr Bates first took over Rough Towers [sic] in 1967. At this time [sic] it was situated outside British Territorial Waters and therefore not subject to English Law [sic]. Mr. Bates declared Rough Towers a principality and re named it ‘Sealand’. In October 1968 as a result of a court case the situation was further clarified in that a judge ruled that he was unable to hear a case as he did not have jurisdiction over Rough Towers. However following the EEC revision on territorial waters British jurisdiction was extended by twelve miles which would now make Rough Towers within the scope of British Laws [sic], applicable from 1st October 1987. It would seem that in calculating which police force would have responsibility for Rough Towers on the information I have available to date, it appears to be Essex Police. Therefore if crimes’s [sic] are being committed Essex Police would have to take the responsibility of investigating them in the way crimes on the mainland are dealt with. It would appear that in 1996 enquiries were being carried out regarding ‘Rough Tower’ [sic] but these resulted in no further action, without the details of the incidents you refer to it is still unclear as to whether these have been investigated. I am unclear as to the position regarding any possible offences that predated ‘Rough Towers’ [sic] inclusion within British Waters, but depending on your clarification of the above this may or may not be relevant.³⁴

On November 19, 2010, Grant Hibberd, a Research Assistant with the UK Foreign and Commonwealth Office (FCO) posted on their official Internet web site, an official account titled: “The Sealand Affair - the last great adventure of the twentieth century?”³⁵

About two years ago, I was contacted by a gentleman writing an essay for his degree on micro-nations He drew my attention to Sealand, a would-be state the existence of which I, like I suspect many people, had previously been ignorant of. I was able to point my enquirer in the direction of a number of FCO files from the 1970s on Sealand which were open at Kew.³⁶ it planted the germ of an idea in my own mind for a paper, which would allow me to tell the whole strange tale from the perspective of Whitehall. I gave this paper at the British International History Group’s annual conference last year and have since developed it for publication. This³⁷ ... is a revised version of that paper (n.p.)

³⁴ Original letter in authors’ possession.

³⁵ See ‘The Sealand Affair - the last great adventure of the twentieth century?’ (19 November 2010) Foreign and Commonwealth Office. Online at: <http://www.fco.gov.uk/en/news/latest-news/?view=News&id=135724682> [Accessed: September 30, 2011]

³⁶ London location of UK National Archives.

³⁷ Referring to the Online document.

Squatting on Veracity

While Hibberd claims that he had never heard of 'Sealand', he was able to point his enquirer in the direction of a number of FCO files from the 1970s about 'Sealand', and yet he pleaded his own ignorance to a time dating back two years before he wrote his extremely detailed and explicit Internet article. Since his article is time dated by the year 2010, it would mean that his own lack of knowledge would have lasted up until the year 2008, according to his own calculations. While it is true that the FCO is not listed as a participant in the original 1968 Cabinet Meeting³⁸ about 'Sealand', surely that document was not a secret hidden from the FCO, yet available to the authors?³⁹ The 1968 decision by Prime Minister Harold Wilson's Cabinet was that: the problem of its unauthorized occupation by Mr. Roy Bates, when criminal proceedings had been opened and it had been agreed that the report should be withheld until the outcome of the prosecution was known [page 1]. Mr. Bates ... was doing no actual harm ... and the [MoD] had no need of the Fort themselves. There were no pressing reasons for evicting Mr. Bates, certainly none that would justify the use of force or the passage of special legislation. [p2] ... for the present, however, it was not proposed to apply to the courts for a declaration that the Roughs Tower [sic] belonged to the Crown. [p.3] there was some advantage in refraining from prosecutions which would enhance Mr. Bates local reputation as a colourful adventurer persecuted by authority. ... there were no reasonable or justifiable measures open to the Government for the eviction of Mr. Bates from Roughs Tower [sic] Mr. Bates might well start some new activity and attract attention but there was no alternative to awaiting such developments and dealing with them if they happened.

Because of enquiries by the authors and their associates, Roy Bates and his activities on Rough Tower have been continually discussed at the highest level of the British government.⁴⁰ The 'Sealand' fantasyland is not an ambiguous story as painted by Hibberd for

³⁸ Cabinet 1st Meeting Minutes 163(68), a copy is in the possession of the authors.

³⁹ See authors' associates now defunct Internet web site containing details which is preserved Online by the Internet 'Wayback Machine' at: <http://web.archive.org/web/20010331012722/http://freebornjohn.com/> and at: <http://web.archive.org/web/20010401034125/http://freebornjohn.com/RSG-LAW-1.htm> [Accessed: September 30, 2011].

⁴⁰ On June 24, 1994, associate Genie Baskir wrote to H.M. Queen Elizabeth II concerning the issue involving UK sovereignty in relation to Rough Tower. On September 22, 1994, A. J. Street at the Ministry of Defence wrote to associate Paul Byford that the MOD Estate had 'no trace of the property known as "Rough Towers"' [sic]. On October 26, 1994, Lord Henley for the MOD wrote indirectly to Byford that 'Rough's Tower' [sic] is not a part of the Defence Estate and consequently not within the jurisdiction (of the MOD). On December 13, 1994, The Crown Estate wrote to Byford and that they "have no proprietary interest in the structure known as 'Roughs Tower' [sic]...it is not therefore the property of the Crown Estate". On February 28, 2000, Barry Maxwell, Director of the RA/DTI wrote to Baskir that "...since 1989 the Crown has lost title to the platform (without losing title to the seabed on which it stands or impairing Crown sovereignty over the Rough's [sic] Tower site arising under the Territorial Sea Act 1987)..." But on October 5, 1995, L.B. Mitchell, Chief Clerk at The Court Service, Colchester County Court had written to Byford that the correct description is 'Rough Tower', and that the court only had Admiralty jurisdiction out to 3 miles, even though the Territorial Sea Act of 1987 had extended it to 12 miles. On December 15, 1999, Andrew Leithead for The Treasury Solicitor was furious when told this information and he wrote to Byford, "The fort is clearly part of the sovereign territory of the United Kingdom and the Courts of this country clearly have jurisdiction over anything that happens on or in relation to the fort". On December 24, 1999, Leithead for the Treasury Solicitor wrote to Baskir "It is correct to say that I described the claim to have set up a sovereign principality of Sealand as 'rubbish'". On December 23, 2004, Ian Taylor for HM Treasury wrote to Mervyn Hagger

the FCO, but a record of the 1968 Cabinet paper in action. Behind the scenes Bates and his fellow squatters on the equivalent of a shipwrecked houseboat, have been “dealt with”. They have been warned that bizarre and eccentric pronouncements are one thing, but actions that challenge the British Crown are another. Therefore, the heirs to Bates’ dream can only wait upon the day when Nature causes Rough Tower to disintegrate and slip into the sandbar upon which it rests, and which is claimed by the Crown Estate.

References

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that issues raised about potential terrorism on Rough Tower had been passed on to the Department of Transport who advised Taylor at Treasury that ‘security colleagues’ at the Home Office would be ‘discussing the issues’. All of this correspondence is in the possession of the authors. See also, ‘Sealand row heading towards High Court’, a news feature relating to author’s associate Paul Byford, *East Anglian Daily News*, p.1, August 8, 2000.