
STATUTORY INSTRUMENTS

2005 No. 1961

The Unauthorised Encampments (Northern Ireland) Order 2005

Power to remove trespassers on land

Power to remove trespassers: alternative site available

5.—(1) If the senior police officer present at a scene reasonably believes that the conditions in paragraph (2) are satisfied in relation to a person and land, he may direct the person—

- (a) to leave the land;
- (b) to remove any vehicle and other property he has with him on the land.

(2) The conditions are—

- (a) that the person and one or more others (“the trespassers”) are trespassing on the land;
- (b) that the trespassers have between them at least one vehicle on the land;
- (c) that the trespassers are present on the land with the common purpose of residing there for any period;
- (d) if it appears to the officer that the person has one or more caravans in his possession or under his control on the land, that there is a suitable pitch on a relevant caravan site for that caravan or each of those caravans; and
- (e) that the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land.

(3) A direction under paragraph (1) may be communicated to the person to whom it applies by any constable at the scene.

(4) Paragraph (5) applies if—

- (a) a police officer proposes to give a direction under paragraph (1) in relation to a person and land; and
- (b) it appears to him that the person has one or more caravans in his possession or under his control on the land.

(5) The officer shall consult—

- (a) the district council within whose district the land is situated; or
- (b) where the trespassers are members of the Irish Traveller community, the Northern Ireland Housing Executive,

as to whether there is a suitable pitch for the caravan or each of the caravans on a relevant caravan site.

(6) In this Article—

- (a) “caravan” and “caravan site” have the same meanings as in the Caravans Act (Northern Ireland) 1963 (c. 17);
- (b) “relevant caravan site” means a caravan site which is—
 - (i) situated within a reasonable distance of the land; or

- (ii) where the trespassers are members of the Irish Traveller community, provided by the Northern Ireland Housing Executive under Article 28A of the Housing (Northern Ireland) Order 1981 (NI 3) and situated within a reasonable distance of the land;
- (c) any reference to the Irish Traveller community shall be construed in accordance with Article 5(2)(a) of the Race Relations (Northern Ireland) Order 1997 (NI 6).

Changes to legislation:

There are currently no known outstanding effects for the The Unauthorised Encampments (Northern Ireland) Order 2005, Section 5.