
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 \(NI 6\)](#).