
STATUTORY INSTRUMENTS

2005 No. 1961

The Unauthorised Encampments (Northern Ireland) Order 2005

Power to remove trespassers on land

Failure to comply with direction under Article 5: offences

6.—(1) A person commits an offence if he knows that a direction under Article 5(1) has been given which applies to him and—

- (a) he fails to leave the relevant land as soon as reasonably practicable; or
- (b) he enters any land in the district of the relevant district council as a trespasser before the end of the relevant period with the intention of residing there.

(2) The relevant period is the period of 3 months starting with the day on which the direction is given.

(3) A person guilty of an offence under this Article is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(4) A constable in uniform who reasonably suspects that a person is committing an offence under this Article may arrest him without a warrant.

(5) In proceedings for an offence under this Article it is a defence for the accused to show—

- (a) that he was not trespassing on the land in respect of which he is alleged to have committed the offence;
- (b) that he had a reasonable excuse—
 - (i) for failing to leave the relevant land as soon as reasonably practicable; or
 - (ii) for entering land in the district of the relevant district council as a trespasser with the intention of residing there; or
- (c) that, at the time the direction was given, he was under the age of 18 years and was residing with his parent or guardian.

Changes to legislation:

There are currently no known outstanding effects for the The Unauthorised Encampments (Northern Ireland) Order 2005, Section 6.