



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART V

#### PUBLIC ORDER: COLLECTIVE TRESPASS OR NUISANCE ON LAND

##### *Powers to remove unauthorised campers*

#### **77 Power of local authority to direct unauthorised campers to leave land**

- (1) If it appears to a local authority that persons are for the time being residing in a vehicle or vehicles within that authority's area—
  - (a) on any land forming part of a highway;
  - (b) on any other unoccupied land; or
  - (c) on any occupied land without the consent of the occupier,the authority may give a direction that those persons and any others with them are to leave the land and remove the vehicle or vehicles and any other property they have with them on the land.
- (2) Notice of a direction under subsection (1) must be served on the persons to whom the direction applies, but it shall be sufficient for this purpose for the direction to specify the land and (except where the direction applies to only one person) to be addressed to all occupants of the vehicles on the land, without naming them.
- (3) If a person knowing that a direction under subsection (1) above has been given which applies to him—
  - (a) fails, as soon as practicable, to leave the land or remove from the land any vehicle or other property which is the subject of the direction, or
  - (b) having removed any such vehicle or property again enters the land with a vehicle within the period of three months beginning with the day on which the direction was given,

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he commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (4) A direction under subsection (1) operates to require persons who re-enter the land within the said period with vehicles or other property to leave and remove the vehicles or other property as it operates in relation to the persons and vehicles or other property on the land when the direction was given.
- (5) In proceedings for an offence under this section it is a defence for the accused to show that his failure to leave or to remove the vehicle or other property as soon as practicable or his re-entry with a vehicle was due to illness, mechanical breakdown or other immediate emergency.
- (6) In this section—
- “land” means land in the open air;
  - “local authority” means—
    - (a) in Greater London, a London borough or the Common Council of the City of London;
    - (b) in England outside Greater London, a county council, a district council or the Council of the Isles of Scilly;
    - (c) in Wales, a county council or a county borough council;
  - “occupier” person entitled to possession of the land by virtue of an estate or interest held by him;
  - “vehicle” includes—
    - (a) any vehicle, whether or not it is in a fit state for use on roads, and includes any body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by, and anything attached to, such a vehicle; and
    - (b) a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960;
- and a person may be regarded for the purposes of this section as residing on any land notwithstanding that he has a home elsewhere.
- (7) Until 1st April 1996, in this section “local authority” means, in Wales, a county council or a district council.

## **78 Orders for removal of persons and their vehicles unlawfully on land**

- (1) A magistrates' court may, on a complaint made by a local authority, if satisfied that persons and vehicles in which they are residing are present on land within that authority's area in contravention of a direction given under section 77, make an order requiring the removal of any vehicle or other property which is so present on the land and any person residing in it.
- (2) An order under this section may authorise the local authority to take such steps as are reasonably necessary to ensure that the order is complied with and, in particular, may authorise the authority, by its officers and servants—
- (a) to enter upon the land specified in the order; and
  - (b) to take, in relation to any vehicle or property to be removed in pursuance of the order, such steps for securing entry and rendering it suitable for removal as may be so specified.

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- (3) The local authority shall not enter upon any occupied land unless they have given to the owner and occupier at least 24 hours notice of their intention to do so, or unless after reasonable inquiries they are unable to ascertain their names and addresses.
- (4) A person who wilfully obstructs any person in the exercise of any power conferred on him by an order under this section commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Where a complaint is made under this section, a summons issued by the court requiring the person or persons to whom it is directed to appear before the court to answer to the complaint may be directed—
  - (a) to the occupant of a particular vehicle on the land in question; or
  - (b) to all occupants of vehicles on the land in question, without naming him or them.
- (6) Section 55(2) of the Magistrates' Courts Act 1980 (warrant for arrest of defendant failing to appear) does not apply to proceedings on a complaint made under this section.
- (7) Section 77(6) of this Act applies also for the interpretation of this section.

## **79 Provisions as to directions under s. 77 and orders under s. 78**

- (1) The following provisions apply in relation to the service of notice of a direction under section 77 and of a summons under section 78, referred to in those provisions as a “relevant document”
- (2) Where it is impracticable to serve a relevant document on a person named in it, the document shall be treated as duly served on him if a copy of it is fixed in a prominent place to the vehicle concerned; and where a relevant document is directed to the unnamed occupants of vehicles, it shall be treated as duly served on those occupants if a copy of it is fixed in a prominent place to every vehicle on the land in question at the time when service is thus effected.
- (3) A local authority shall take such steps as may be reasonably practicable to secure that a copy of any relevant document is displayed on the land in question (otherwise than by being fixed to a vehicle) in a manner designed to ensure that it is likely to be seen by any person camping on the land.
- (4) Notice of any relevant document shall be given by the local authority to the owner of the land in question and to any occupier of that land unless, after reasonable inquiries, the authority is unable to ascertain the name and address of the owner or occupier; and the owner of any such land and any occupier of such land shall be entitled to appear and to be heard in the proceedings.
- (5) Section 77(6) applies also for the interpretation of this section.

## **80 Repeal of certain provisions relating to gipsy sites**

- (1) Part II of the Caravan Sites Act 1968 (duty of local authorities to provide sites for gipsies and control of unauthorised encampments) together with the definition in section 16 of that Act of “gipsies” is hereby repealed.

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- (2) In section 24 of the Caravan Sites and Control of Development Act 1960 (power to provide sites for caravans)—
- (a) in subsection (2), after paragraph (b) there shall be inserted the following—
- “, or
- (c) to provide, in or in connection with sites for the accommodation of gipsies, working space and facilities for the carrying on of such activities as are normally carried on by them,”; and
- (b) in subsection (8), at the end, there shall be inserted the words “and “gipsies” means persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showmen, or persons engaged in travelling circuses, travelling together as such.
- (3) The repeal by subsection (1) above of section 8 of the said Act of 1968 shall not affect the validity of directions given under subsection (3)(a) of that section; and in the case of directions under subsection (3)(c), the council may elect either to withdraw the application or request the Secretary of State to determine the application and if they so request the application shall be treated as referred to him under section 77 of the Town and Country Planning Act 1990.
- (4) The repeal by subsection (1) above of the definition of “gipsies” in section 16 of the said Act of 1968 shall not affect the interpretation of that word in the definition of “protected site” in section 5(1) of the Mobile Homes Act 1983 or in any document embodying the terms of any planning permission granted under the Town and Country Planning Act 1990 before the commencement of this section.
- (5) Section 70 of the Local Government, Planning and Land Act 1980 (power to pay grant to local authorities in respect of capital expenditure in providing gipsy caravan sites) is hereby repealed so far as it extends to England and Wales except for the purposes of applications for grant received by the Secretary of State before the commencement of this section.