



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART V

#### PUBLIC ORDER: [F1UNAUTHORISED ENCAMPMENTS AND] 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,

*Changes to legislation: Criminal Justice and Public Order Act 1994, Section 77 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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 <sup>M1</sup>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.

#### Marginal Citations

M1 1960 c. 62.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)