

UNAUTHORISED ENCAMPMENTS(NORTHERN IRELAND) ORDER 2005

S.I. 2005 1961

EXPLANATORY MEMORANDUM

COMMENTARY ON PROVISIONS

Article 3: Power to remove trespassers on land

Paragraphs (1) and (2) set out the conditions that the most senior police officer at the scene must reasonably believe are satisfied before issuing a direction to a person to leave and remove any vehicle or other property with him on the land. The conditions are:

- at least two persons must be trespassing or, although not originally, are now trespassing, on land with the intention of residing there;
- the occupier of the land has asked them to leave;
- any person trespassing on the land has behaved in a manner outlined in paragraph (1)(a) or the persons trespassing have six or more vehicles on the land.

Paragraphs (4) and (5) provide that a person commits an offence for which he may be arrested if he fails to comply with a direction under paragraph (1) or if, within 3 months of the direction given, he returns to the land as a trespasser. The maximum penalty is 3 months imprisonment or a level 4 fine (or both).

Paragraph (6) provides for defences which can be mounted in court proceedings for an offence under this Article.