



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART V

#### PUBLIC ORDER: [F1UNAUTHORISED ENCAMPMENTS AND] COLLECTIVE TRESPASS OR NUISANCE ON LAND

##### *Disruptive trespassers*

#### **68 Offence of aggravated trespass.**

- (1) A person commits the offence of aggravated trespass if he trespasses on land [F1in the open air] and, in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land [F2in the open air], does there anything which is intended by him to have the effect—
- of intimidating those persons or any of them so as to deter them or any of them from engaging in that activity,
  - of obstructing that activity, or
  - of disrupting that activity.

[F3(1A) The reference in subsection (1) above to trespassing includes, in Scotland, the exercise of access rights (within the meaning of the Land Reform (Scotland) Act 2003 (asp 2)) up to the point when they cease to be exercisable by virtue of the commission of the offence under that subsection.]

- (2) Activity on any occasion on the part of a person or persons on land is “lawful” for the purposes of this section if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.
- (3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale, or both.

*Changes to legislation: Criminal Justice and Public Order Act 1994, Cross Heading: Disruptive trespassers is up to date with all changes known to be in force on or before 30 June 2023. 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*

- (4) [<sup>F4</sup>A constable in uniform who reasonably suspects that a person is committing an offence under this section may arrest him without a warrant.]
- (5) In this section “land” does not include—
- [<sup>F5</sup>(a) a highway unless it is a footpath, bridleway or byway open to all traffic within the meaning of Part 3 of the Wildlife and Countryside Act 1981, is a restricted byway within the meaning of Part 2 of the Countryside and Rights of Way Act 2000 or is a cycle track under the Highways Act 1980 or the Cycle Tracks Act 1984;
  - (aa) a road within the meaning of the Roads (Scotland) Act 1984 unless it falls within the definitions in section 151(2)(a)(ii) or (b) (footpaths and cycle tracks) of that Act or is a bridleway within the meaning of section 47 of the Countryside (Scotland) Act 1967; or]
  - (b) a road within the meaning of the <sup>M1</sup>Roads (Northern Ireland) Order 1993.

#### Textual Amendments

- F1** Words in s. 68(1) repealed (E.W.S.) (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 59(2), 92, 93, **Sch. 3**; S.I. 2003/3300, **art. 2(e)(iii)(g)(ii)**
- F2** Words in s. 68(1) repealed (E.W.S.) (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 59(2), 92, 93, **Sch. 3**; S.I. 2003/3300, **art. 2(e)(iii)(g)(ii)**
- F3** S. 68(1A) inserted (S.) (9.2.2005) by Land Reform (Scotland) Act 2003 (asp 2), ss. 99, 100(3)(4), **Sch. 2 para. 13** (with s. 100(2)); S.S.I. 2005/17, **art. 2(a)**
- F4** S. 68(4) repealed (E.W.) (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174, 178, **Sch. 7 para. 31(6)**, **Sch. 17**; S.I. 2005/3495, **art. 2(1)(u)(xxxvi)** (subject to art. 2); s. 68(4) repealed (N.I.) (1.3.2007) by The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2)-(4), 15, 41, **Sch. 1 para. 28(1)**, **Sch. 2**
- F5** S. 68(5)(a)(aa) substituted for s. 68(5)(a) (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 84(11)**, 208(5)(i)

#### Marginal Citations

- M1** S.I. 1993/3160 (N.I. 15).

## 69 Powers to remove persons committing or participating in aggravated trespass.

- (1) If the senior police officer present at the scene reasonably believes—
- (a) that a person is committing, has committed or intends to commit the offence of aggravated trespass on land [<sup>F6</sup>in the open air]; or
  - (b) that two or more persons are trespassing on land [<sup>F7</sup>in the open air] and are present there with the common purpose of intimidating persons so as to deter them from engaging in a lawful activity or of obstructing or disrupting a lawful activity,
- he may direct that person or (as the case may be) those persons (or any of them) to leave the land.
- (2) A direction under subsection (1) above, if not communicated to the persons referred to in subsection (1) by the police officer giving the direction, may be communicated to them by any constable at the scene.
- (3) If a person knowing that a direction under subsection (1) above has been given which applies to him—

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- (a) fails to leave the land as soon as practicable, or
  - (b) having left again enters the land as a trespasser within the period of three months beginning with the day on which the direction was given,
- he commits an offence and is liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale, or both.
- (4) In proceedings for an offence under subsection (3) it is a defence for the accused to show—
- (a) that he was not trespassing on the land, or
  - (b) that he had a reasonable excuse for failing to leave the land as soon as practicable or, as the case may be, for again entering the land as a trespasser.
- (5) [<sup>F8</sup>A constable in uniform who reasonably suspects that a person is committing an offence under this section may arrest him without a warrant.]
- (6) In this section “lawful activity” and “land” have the same meaning as in section 68.

#### Textual Amendments

- F6** Words in s. 69(1) repealed (E.W.S.) (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 59(3), 92, 93, **Sch. 3**; S.I. 2003/3300, **art. 2(e)(iii)(g)(ii)**
- F7** Words in s. 69(1) repealed (E.W.S.) (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 59(3), 92, 93, **Sch. 3**; S.I. 2003/3300, **art. 2(e)(iii)(g)(ii)**
- F8** S. 69(5) repealed (E.W.) (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174, 178, Sch. 7 para. 31(7), **Sch. 17**; S.I. 2005/3495, **art. 2(1)(u)(xxxvi)** (subject to art. 2); s. 69(5) repealed (N.I.) (1.3.2007) by The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), art. 1(2)-(4), 15, 41, Sch. 1 para. 28(2), **Sch. 2**

**Changes to legislation:**

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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\(3\)](#)