



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART V

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

Squatters

72 Violent entry to premises: special position of displaced residential occupiers and intending occupiers.

- (1) Section 6 of the ^{M1}Criminal Law Act 1977 (which penalises violence by a person for securing entry into premises where a person on the premises is opposed and is known to be opposed to entry) shall be amended as follows.
- (2) After subsection (1), there shall be inserted the following subsection—

“(1A) Subsection (1) above does not apply to a person who is a displaced residential occupier or a protected intending occupier of the premises in question or who is acting on behalf of such an occupier; and if the accused adduces sufficient evidence that he was, or was acting on behalf of, such an occupier he shall be presumed to be, or to be acting on behalf of, such an occupier unless the contrary is proved by the prosecution.”.
- (3) In subsection (2), at the beginning, there shall be inserted the words “ Subject to subsection (1A) above, ”.
- (4) Subsection (3) (which is superseded by the provision made by subsection (2) above) shall be omitted.
- (5) In subsection (7), at the end, there shall be inserted the words “ and section 12A below contains provisions which apply for determining when any person is to be regarded for

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the purposes of this Part of this Act as a protected intending occupier of any premises or of any access to any premises.”.

Marginal Citations

M1 1977 c. 45.

73 Adverse occupation of residential premises.

For section 7 of the Criminal Law Act 1977 (trespassers failing to leave premises after being requested to do so by specified persons to be guilty of an offence) there shall be substituted the following section—

“7 Adverse occupation of residential premises.

- (1) Subject to the following provisions of this section and to section 12A(9) below, any person who is on any premises as a trespasser after having entered as such is guilty of an offence if he fails to leave those premises on being required to do so by or on behalf of—
 - (a) a displaced residential occupier of the premises; or
 - (b) an individual who is a protected intending occupier of the premises.
- (2) In any proceedings for an offence under this section it shall be a defence for the accused to prove that he believed that the person requiring him to leave the premises was not a displaced residential occupier or protected intending occupier of the premises or a person acting on behalf of a displaced residential occupier or protected intending occupier.
- (3) In any proceedings for an offence under this section it shall be a defence for the accused to prove—
 - (a) that the premises in question are or form part of premises used mainly for non-residential purposes; and
 - (b) that he was not on any part of the premises used wholly or mainly for residential purposes.
- (4) Any reference in the preceding provisions of this section to any premises includes a reference to any access to them, whether or not any such access itself constitutes premises, within the meaning of this Part of this Act.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.
- (6) A constable in uniform may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under this section.
- (7) Section 12 below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a displaced residential occupier of any premises or of any access to any premises and section 12A below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a protected intending occupier of any premises or of any access to any premises.”.

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74 Protected intending occupiers: supplementary provisions.

After section 12 of the ^{M2}Criminal Law Act 1977 there shall be inserted the following section—

“12A Protected intending occupiers: supplementary provisions.

- (1) For the purposes of this Part of this Act an individual is a protected intending occupier of any premises at any time if at that time he falls within subsection (2), (4) or (6) below.
- (2) An individual is a protected intending occupier of any premises if—
 - (a) he has in those premises a freehold interest or a leasehold interest with not less than two years still to run;
 - (b) he requires the premises for his own occupation as a residence;
 - (c) he is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser; and
 - (d) he or a person acting on his behalf holds a written statement—
 - (i) which specifies his interest in the premises;
 - (ii) which states that he requires the premises for occupation as a residence for himself; and
 - (iii) with respect to which the requirements in subsection (3) below are fulfilled.
- (3) The requirements referred to in subsection (2)(d)(iii) above are—
 - (a) that the statement is signed by the person whose interest is specified in it in the presence of a justice of the peace or commissioner for oaths; and
 - (b) that the justice of the peace or commissioner for oaths has subscribed his name as a witness to the signature.
- (4) An individual is also a protected intending occupier of any premises if—
 - (a) he has a tenancy of those premises (other than a tenancy falling within subsection (2)(a) above or (6)(a) below) or a licence to occupy those premises granted by a person with a freehold interest or a leasehold interest with not less than two years still to run in the premises;
 - (b) he requires the premises for his own occupation as a residence;
 - (c) he is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser; and
 - (d) he or a person acting on his behalf holds a written statement—
 - (i) which states that he has been granted a tenancy of those premises or a licence to occupy those premises;
 - (ii) which specifies the interest in the premises of the person who granted that tenancy or licence to occupy (“the landlord”);
 - (iii) which states that he requires the premises for occupation as a residence for himself; and
 - (iv) with respect to which the requirements in subsection (5) below are fulfilled.
- (5) The requirements referred to in subsection (4)(d)(iv) above are—

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- (a) that the statement is signed by the landlord and by the tenant or licensee in the presence of a justice of the peace or commissioner for oaths;
 - (b) that the justice of the peace or commissioner for oaths has subscribed his name as a witness to the signatures.
- (6) An individual is also a protected intending occupier of any premises if—
 - (a) he has a tenancy of those premises (other than a tenancy falling within subsection (2)(a) or (4)(a) above) or a licence to occupy those premises granted by an authority to which this subsection applies;
 - (b) he requires the premises for his own occupation as a residence;
 - (c) he is excluded from occupation of the premises by a person who entered the premises, or any access to them, as a trespasser; and
 - (d) there has been issued to him by or on behalf of the authority referred to in paragraph (a) above a certificate stating that—
 - (i) he has been granted a tenancy of those premises or a licence to occupy those premises as a residence by the authority; and
 - (ii) the authority which granted that tenancy or licence to occupy is one to which this subsection applies, being of a description specified in the certificate.
- (7) Subsection (6) above applies to the following authorities—
 - (a) any body mentioned in section 14 of the ^{M3}Rent Act 1977 (landlord's interest belonging to local authority etc.);
 - (b) the Housing Corporation;
 - (c) Housing for Wales; and
 - (d) a registered housing association within the meaning of the ^{M4}Housing Associations Act 1985.
- (8) A person is guilty of an offence if he makes a statement for the purposes of subsection (2)(d) or (4)(d) above which he knows to be false in a material particular or if he recklessly makes such a statement which is false in a material particular.
- (9) In any proceedings for an offence under section 7 of this Act where the accused was requested to leave the premises by a person claiming to be or to act on behalf of a protected intending occupier of the premises—
 - (a) it shall be a defence for the accused to prove that, although asked to do so by the accused at the time the accused was requested to leave, that person failed at that time to produce to the accused such a statement as is referred to in subsection (2)(d) or (4)(d) above or such a certificate as is referred to in subsection (6)(d) above; and
 - (b) any document purporting to be a certificate under subsection (6)(d) above shall be received in evidence and, unless the contrary is proved, shall be deemed to have been issued by or on behalf of the authority stated in the certificate.
- (10) A person guilty of an offence under subsection (8) above shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.

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- (11) A person who is a protected intending occupier of any premises shall be regarded for the purposes of this Part of this Act as a protected intending occupier also of any access to those premises.”.

Marginal Citations

M2 1977 c. 45.

M3 1977 c. 42.

M4 1985 c. 69.

75 Interim possession orders: false or misleading statements.

- (1) A person commits an offence if, for the purpose of obtaining an interim possession order, he—
- makes a statement which he knows to be false or misleading in a material particular; or
 - recklessly makes a statement which is false or misleading in a material particular.
- (2) A person commits an offence if, for the purpose of resisting the making of an interim possession order, he—
- makes a statement which he knows to be false or misleading in a material particular; or
 - recklessly makes a statement which is false or misleading in a material particular.
- (3) A person guilty of an offence under this section shall be liable—
- on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;
 - on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (4) In this section—
- “interim possession order” means an interim possession order (so entitled) made under rules of court for the bringing of summary proceedings for possession of premises which are occupied by trespassers;
- “premises” has the same meaning as in Part II of the ^{M5}Criminal Law Act 1977 (offences relating to entering and remaining on property); and
- “statement”, in relation to an interim possession order, means any statement, in writing or oral and whether as to fact or belief, made in or for the purposes of the proceedings.

Marginal Citations

M5 1977 c. 45.

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76 Interim possession orders: trespassing during currency of order.

- (1) This section applies where an interim possession order has been made in respect of any premises and served in accordance with rules of court; and references to “the order” and “the premises” shall be construed accordingly.
- (2) Subject to subsection (3), a person who is present on the premises as a trespasser at any time during the currency of the order commits an offence.
- (3) No offence under subsection (2) is committed by a person if—
 - (a) he leaves the premises within 24 hours of the time of service of the order and does not return; or
 - (b) a copy of the order was not fixed to the premises in accordance with rules of court.
- (4) A person who was in occupation of the premises at the time of service of the order but leaves them commits an offence if he re-enters the premises as a trespasser or attempts to do so after the expiry of the order but within the period of one year beginning with the day on which it was served.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.
- (6) A person who is in occupation of the premises at the time of service of the order shall be treated for the purposes of this section as being present as a trespasser.
- (7) [^{F1}A constable in uniform may arrest without a warrant anyone who is, or whom he reasonably suspects to be, guilty of an offence under this section.]
- (8) In this section—

“interim possession order” has the same meaning as in section 75 above and “rules of court” is to be construed accordingly; and

“premises” has the same meaning as in that section, that is to say, the same meaning as in PartII of the ^{M6}Criminal Law Act 1977 (offences relating to entering and remaining on property).

Textual Amendments

F1 S. 76(7) repealed (E.W.) (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174, 178, Sch. 7 para. 31(8), Sch. 17; S.I. 2005/3495, art. 2(1)(u)(xxxvi) (subject to art. 2)

Marginal Citations

M6 1977 c. 45.

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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\(3\)](#)