



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART V

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

*[F1Residing on land without consent in or with a vehicle*

#### [F160C Offence relating to residing on land without consent in or with a vehicle

- (1) Subsection (2) applies where—
- (a) a person aged 18 or over (“P”) is residing, or intending to reside, on land without the consent of the occupier of the land,
  - (b) P has, or intends to have, at least one vehicle with them on the land,
  - (c) one or more of the conditions mentioned in subsection (4) is satisfied, and
  - (d) the occupier, a representative of the occupier or a constable requests P to do either or both of the following—
    - (i) leave the land;
    - (ii) remove from the land property that is in P’s possession or under P’s control.
- (2) P commits an offence if—
- (a) P fails to comply with the request as soon as reasonably practicable, or
  - (b) P—
    - (i) enters (or having left, re-enters) the land within the prohibited period with the intention of residing there without the consent of the occupier of the land, and
    - (ii) has, or intends to have, at least one vehicle with them on the land.

**Changes to legislation:** *Criminal Justice and Public Order Act 1994, Section 60C is up to date with all changes known to be in force on or before 26 March 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*

- (3) The prohibited period is the period of 12 months beginning with the day on which the request was made.
- (4) The conditions are—
- (a) in a case where P is residing on the land, significant damage or significant disruption has been caused or is likely to be caused as a result of P’s residence;
  - (b) in a case where P is not yet residing on the land, it is likely that significant damage or significant disruption would be caused as a result of P’s residence if P were to reside on the land;
  - (c) that significant damage or significant disruption has been caused or is likely to be caused as a result of conduct carried on, or likely to be carried on, by P while P is on the land;
  - (d) that significant distress has been caused or is likely to be caused as a result of offensive conduct carried on, or likely to be carried on, by P while P is on the land.
- (5) 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.
- (6) In proceedings for an offence under this section it is a defence for the accused to show that the accused had a reasonable excuse for—
- (a) failing to comply as soon as reasonably practicable with the request mentioned in subsection (1)(d), or
  - (b) after receiving such a request, entering (or re-entering) the land with the intention of residing there without the consent of the occupier of the land.
- (7) In its application to common land, this section has effect—
- (a) in a case where the common land is land to which the public has access and the occupier cannot be identified, as if references to the occupier were references to the local authority in relation to the common land;
  - (b) in a case where P’s residence or intended residence without the consent of the occupier is, or would be, an infringement of the commoners’ rights and—
    - (i) the occupier is aware of P’s residence or intended residence and had an opportunity to consent to it, or
    - (ii) if sub-paragraph (i) does not apply, any one or more of the commoners took reasonable steps to try to inform the occupier of P’s residence or intended residence and provide an opportunity to consent to it,
 as if in subsection (1)(d) after “a constable” there were inserted “or the commoners or any of them or their representative”.
- (8) In this section--
- “common land” and “commoner” have the same meaning as in section 61;
- “damage” includes—
- (a) damage to the land;
  - (b) damage to any property on the land not belonging to P;
  - (c) damage to the environment (including excessive noise, smells, litter or deposits of waste);
- “disruption” includes interference with—
- (a) a person’s ability to access any services or facilities located on the land or otherwise make lawful use of the land, or

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- (b) a supply of water, energy or fuel;  
“land” does not include buildings other than—
    - (a) agricultural buildings within the meaning of paragraphs 3 to 8 of Schedule 5 to the Local Government Finance Act 1988, or
    - (b) scheduled monuments within the meaning of the Ancient Monuments and Archaeological Areas Act 1979;“the local authority”, in relation to common land, has the same meaning as in section 61;  
“occupier” means the person entitled to possession of the land by virtue of an estate or interest held by the person;  
“offensive conduct” means—
    - (a) the use of threatening, abusive or insulting words or behaviour, or disorderly behaviour, or
    - (b) the display of any writing, sign, or other visible representation that is threatening, abusive or insulting;“vehicle” includes—
    - (a) any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or 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.
- (9) For the purposes of this section a person is to be considered as residing or having the intention to reside in a place even if that residence or intended residence is temporary, and a person may be regarded as residing or having an intention to reside in a place notwithstanding that the person has a home elsewhere.]

#### Textual Amendments

- F1** Ss. 60C-60E and cross-heading inserted (E.W.) (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 83\(1\), 208\(5\)\(i\)](#)

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**Changes and effects yet to be applied to :**

- s. 60C(8) words inserted by [2023 asc 3 Sch. 13 para. 172](#)

**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\(3\)](#)