



# 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*

#### **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 [F1in the open air]; or
  - (b) that two or more persons are trespassing on land [F2in 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—
- (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,

*Changes to legislation: Criminal Justice and Public Order Act 1994, Section 69 is up to date with all changes known to be in force on or before 25 July 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*

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>F3</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

- F1** 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)**
- F2** 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)**
- F3** 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 :**

- s. 69(3) words substituted by [2003 c. 44 Sch. 26 para. 45\(8\)](#)

**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\(3\)](#)