



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 4

UNAUTHORISED ENCAMPMENTS

83 Offence relating to residing on land without consent in or with a vehicle

- (1) At the beginning of Part 5 of the Criminal Justice and Public Order Act 1994, before the italic heading before section 61, insert—

“Residing on land without consent in or with a vehicle

60C 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—

Status: This is the original version (as it was originally enacted).

- (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.
- (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
- (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.

60D Offence under section 60C: seizure of property etc

- (1) If a constable reasonably suspects that an offence has been committed under section 60C, the constable may seize and remove any relevant property that appears to the constable—
- (a) to belong to the person who the constable suspects has committed the offence (“P”);
 - (b) to be in P’s possession; or
 - (c) to be under P’s control.
- (2) “Relevant property” means—

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- (a) a vehicle (wherever located) which, for the purposes of section 60C(1)(b) (in the case of an offence under section 60C(2)(a)) or for the purposes of section 60C(2)(b)(ii) (in the case of an offence under section 60C(2)(b)), the constable suspects P had or intended to have with them, or
 - (b) any other property that is on the relevant land.
- (3) The “relevant land” is the land in respect of which a request under section 60C(1)(d) is made.
- (4) The relevant chief officer of police may retain any property that has been seized under subsection (1) until the end of the period of three months beginning with the day of the seizure (“the relevant period”).
- (5) But the relevant chief officer of police ceases to be entitled to retain the property if before the end of the relevant period a custody officer gives written notice to P that P is not to be prosecuted for the offence under section 60C in relation to which the property was seized.

(And see subsection (10)).
- (6) Subsection (7) applies where before the end of the relevant period proceedings for an offence under section 60C are commenced against P.
- (7) Where this subsection applies the relevant chief officer of police may retain the property seized until the conclusion of proceedings relating to the offence (including any appeal) (but see subsection (10)).
- (8) Where a chief officer of police ceases to be entitled to retain property under this section the chief officer must, subject to any order for forfeiture under section 60E, return it to the person whom the chief officer believes to be its owner.
- (9) If a chief officer of police cannot after reasonable inquiry identify a person for the purposes of subsection (8)—
 - (a) the chief officer must apply to a magistrates’ court for directions, and
 - (b) the court must make an order about the treatment of the property.
- (10) If at any time a person other than P satisfies a chief officer of police that property that is retained by the chief officer under this section—
 - (a) belongs to the person at that time, and
 - (b) belonged to them at the time of the suspected offence under section 60C,the chief officer must return the property to the person.
- (11) Subsection (10) does not apply in relation to a vehicle belonging to a person other than P if the chief officer of police reasonably believes that the vehicle was, with the consent of the other person, in P’s possession or under P’s control at the time of the suspected offence under section 60C.
- (12) For the purposes of subsection (6), proceedings are commenced when—
 - (a) a written charge is issued under section 29(1) of the Criminal Justice Act 2003,
 - (b) a person is charged under Part 4 of the Police and Criminal Evidence Act 1984, or

- (c) an information is laid under section 1 of the Magistrates' Courts Act 1980.

(13) For the purposes of this section—

- (a) the relevant chief officer of police is the chief officer of the police force for the area in which the property was seized, and
- (b) “vehicle” has the same meaning as in section 60C.

60E Offence under section 60C: forfeiture

- (1) A court that convicts a person of an offence under section 60C may order any property to which subsection (2) applies to be forfeited and dealt with in a manner specified in the order.
 - (2) This subsection applies to any property that—
 - (a) was seized under section 60D(1), and
 - (b) is retained by a chief officer of police under that section.
 - (3) Before making an order for the forfeiture of property the court must—
 - (a) permit anyone who claims to be its owner or to have an interest in it to make representations, and
 - (b) consider its value and the likely consequences of forfeiture.”
- (2) In the heading to Part 5 of the Criminal Justice and Public Order Act 1994, after “Order:” insert “Unauthorised encampments and ”.

84 Amendments to existing powers

- (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) Section 61 (power to remove trespassers on land) is amended in accordance with subsections (3) to (7).
- (3) In subsection (1)—
 - (a) in paragraph (a), after “persons” insert “—
 - (i) in the case of persons trespassing on land in England and Wales, has caused damage, disruption or distress (see subsection (10));
 - (ii) in the case of persons trespassing on land in Scotland,” and
 - (b) at the beginning of paragraph (b) insert “in either case,”.
- (4) In subsection (4)(b) for “period of three months beginning with the day on which the direction was given” substitute “prohibited period”.
- (5) After subsection (4) insert—

“(4ZA) The prohibited period is—

 - (a) in the case of a person trespassing on land in England and Wales, the period of twelve months beginning with the day on which the direction was given;

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- (b) in the case of a person trespassing on land in Scotland, the period of three months beginning with the day on which the direction was given.”
- (6) In subsection (9), in the definition of “land”, in paragraph (b)—
- (a) in the words before sub-paragraph (i), after “land” insert “in Scotland”, and
 - (b) omit sub-paragraph (i) (together with the final “or”).
- (7) After subsection (9) insert—
- “(10) For the purposes of subsection (1)(a)(i)—
- “damage” includes—
- (a) damage to the land;
 - (b) damage to any property on the land not belonging to the persons trespassing;
 - (c) damage to the environment (including excessive noise, smells, litter or deposits of waste);
- “disruption” includes an 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
 - (b) a supply of water, energy or fuel;
- “distress” means distress caused by—
- (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.”

(8) In section 62 (powers to seize property related to offence under section 61)—

 - (a) in subsection (1)(b) for “period of three months beginning with the day on which the direction was given” substitute “prohibited period”, and
 - (b) after subsection (1) insert—

“(1A) The prohibited period is—

 - (a) in the case of a person trespassing on land in England and Wales, the period of twelve months beginning with the day on which the direction was given;
 - (a) in the case of a person trespassing on land in Scotland, the period of three months beginning with the day on which the direction was given.”

(9) In section 62B(2) (failure to comply with direction under section 62A: offences) for “3” substitute “twelve”.

(10) In section 62C(2) (failure to comply with direction under section 62A: seizure) for “3” substitute “twelve”.

(11) In section 68(5) (offence of aggravated trespass), for paragraph (a) substitute—

“(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”.
- (12) The amendments made by subsections (4), (5), (8), (9) and (10) do not apply in relation to a direction given under section 61 or 62A of the Criminal Justice and Public Order Act 1994 before the coming into force of this section.

85 Guidance on exercise of police powers in respect of trespassers on land etc

After section 62E of the Criminal Justice and Public Order Act 1994 insert—

“62F Guidance

- (1) The Secretary of State must issue guidance relating to the exercise of—
 - (a) the functions of police officers in England and Wales, and
 - (b) the functions of constables in England and Wales,under the provisions mentioned in subsection (2).
- (2) Those provisions are—
 - (a) sections 60C to 62E, and
 - (b) regulations under section 67 relating to vehicles seized under section 62(1) or section 62C(3).
- (3) Police officers in England and Wales and constables in England and Wales must have regard to the guidance when exercising any of those functions conferred on them.
- (4) The Secretary of State may from time to time revise the guidance.
- (5) The Secretary of State must arrange for the guidance and any revised guidance issued under this section to be published in such manner as the Secretary of State considers appropriate.
- (6) The Secretary of State must lay before Parliament a copy of any guidance or revised guidance published under subsection (5).”