



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 4

UNAUTHORISED ENCAMPMENTS

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;

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- (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.

Commencement Information

II S. 84 in force at 28.6.2022, see s. 208(5)(i)

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