

Illegal encampments

The Government has announced it is conducting a review of criminalising unauthorised encampments, setting this out on the DHLG website.

There have been a number of illegal encampments in Wokingham and West Berkshire in the last week. I and my office have been working closely with the police, residents and councils so that these illegal encampments are removed as quickly as possible. The police have powers where there is criminal activity involved. Where the Council owns the land they have direct rights as landowner to seek the removal of trespassers. The police have made contact with residents in one case where there are particular concerns, and are engaged in the problem.

Current powers include Section 61 of the Criminal Justice and Public Order Act:

“61 Power to remove trespassers on land.

(1) If the senior police officer present at the scene reasonably believes that two or more persons are trespassing on land and are present there with the common purpose of residing there for any period, that reasonable steps have been taken by or on behalf of the occupier to ask them to leave and—

(a) that any of those persons has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his, or

(b) that those persons have between them six or more vehicles on the land,

he may direct those persons, or any of them, to leave the land and to remove any vehicles or other property they have with them on the land.

(2) Where the persons in question are reasonably believed by the senior police officer to be persons who were not originally trespassers but have become trespassers on the land, the officer must reasonably believe that the other conditions specified in subsection (1) are satisfied after those persons became trespassers before he can exercise the power conferred by that subsection.

(3) 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.

(4) 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 reasonably 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,

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."

I am also in touch with the Secretary of State at the Department of Housing, Communities and Local Government to press the Government to get on with their review , examining what has been done in the Republic of Ireland in their criminal law. Here in England there are civil law remedies for landowners.