



Devon & Cornwall Police

Devon Local Authorities

Devon & Cornwall Police and Devon Local Authorities Joint Protocol for dealing with Unauthorised Encampments.

This document has been labelled **OFFICIAL**, which means:

- All information needs to be protected according to its sensitivity, but equally it can be shared where this is appropriate and helps deliver a policing and/or safeguarding purpose.
- Everyone is personally responsible for ensuring that information entrusted to them is handled appropriately and should use judgement and common sense to protect it accordingly.

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Aim

To ensure that there is an agreed framework and joint approach between Devon & Cornwall Police, and Devon Local Authorities working together to effectively manage unauthorised encampments and minimise their impact. Devon should be seen in the wider geographical context and therefore includes Plymouth and Torbay.

This will ensure that any use of available powers is consistent, proportionate, non-discriminatory, and compliant with the Human Rights Act 1998 and the Data Protection Act 1998.

It is recognised that living a nomadic lifestyle is lawful and that some people may do so for cultural reasons. This protocol aims to take a balanced and proportionate approach to dealing with unauthorised encampments which is based on the objective assessment of the impact of the encampment in question.

This will include close liaison and effective communication with other landowners, settled communities and those encamped, in-order to explain where action is taken/not taken and the reasons for this.

Excluded Content

This protocol does not deal with situations where individuals purchase land and occupy it without planning permission. This is categorised as an unauthorised development and Councils are the responsible agency who can use powers for such incidents usually through their Planning Department.

This protocol does not deal with fly tipping or large scale organised unlawful waste disposal. Large scale unlawful dumping of waste usually falls under the remit of the Environment Agency. General waste left by those who have been resident on an unauthorised encampment is currently a matter for the landowner. Illegally depositing waste on land is an offence under the Environmental Protection Act 1990.

This protocol does not deal with Rough Sleeper Unauthorised Encampments which relates to any tent, shelter, temporary structure and/or collection of bedding and belongings on a specific area of council owned land. This includes both small and larger encampments.

1. General Principles

1.1 Unauthorised encampments are defined by the Government as, ***“encampments of caravans and/or other vehicles on land without the landowner or occupier’s consent and constituting trespass.”*** Unauthorised camping is not a criminal offence. It is a civil offence (trespass), giving landowners the right to repossess their property using the due process of law.

1.2 Unauthorised encampments fall into two main categories: those on land owned by local authorities (highways, schools, public parks, and carparks etc), and those on privately owned land. This document is specific to land owned by Councils.

1.3 There are currently a range of powers available to landowners, the Council and Police for dealing with unauthorised encampments (see Appendix C).

1.4 When responding to any unauthorised encampment it is the actual impact of the encampment that should be considered when deciding what action needs to be taken.

1.5 In accordance with Department for Levelling Up, Housing and Communities guidance, the Council, as lead agency for unauthorised encampments should take an active role in engaging with site residents and will take the lead on sites established on **their** land that do not require immediate Police action.

1.6 It is for the Council to decide how they apply the powers available to them.

1.7 The Police may be requested by a landowner to use their powers under the Criminal Justice and Public Order Act 1994. (Criteria for use of Police powers are listed in the appendices).

1.8 In determining whether to use Police powers, a balance must be maintained between the rights of the respective Council, the settled community and those within the encampment

1.9 Police powers will only be used when the encampment is having a significant impact such as depriving a community of local amenities, a significant impact on the local economy/environment or where there is significant anti-social/criminal behaviour that requires immediate action to address.

1.10 It will be for the Police to determine what constitutes a significant impact when considering their use of Police powers. The views of the Council, and evidence of issues raised, and identified welfare considerations, will need to be considered. Should resources need to be mobilised to enforce an eviction, a review will need to assess the impact on normal policing activity. Any Police response needs to be proportionate and justified through the National Decision Model.

1.11 Police powers do not require a court process. Officers must ensure that they act in a fair, objective, and transparent way ensuring each encampment is considered on an individual basis. Any action must comply with Human Rights Act 1998, the Equality Act 2010, the Public Sector Equality Duty, and the Police Code of Ethics.

1.12 Police powers under S61 CJPOA do not require a formal welfare assessment to be made prior to their use. However, officers should always attempt to complete a welfare assessment prior to any decision being made to act. This should be balanced against the impact of the encampment on both the Council and wider community.

1.13 Police when deciding whether immediate action is required should consider the range of powers available to the Council, and not how they are applied by a particular authority.

1.14 Communication will always be sought to identify welfare, medical needs, intentions, and future travel plans. A tolerant approach will create a dialogue and may lead to a negotiated stop in conjunction with the agreement of the Council, and Police.

1.15 Police should and on request of the Council direct unauthorised encampments to the transit site in-conjunction with the Council (subject to space and availability) being mindful if such a site exists. If there is a refusal to comply with a direction and likelihood of serious disorder, disruption, or damage and no other viable options in line with potential legislative changes then enforcement should be considered.

1.16 To note, the only dedicated traveller and gypsy site in existence across Devon and Cornwall is at South Treviddo, near Liskeard in Cornwall. This site is financially supported by Cornwall Council and no Devon based encampment should be given advice to travel to the site. Encampments with Cornwall may give such advice but only after agreement with Cornwall Council.

1.17 However, a negotiated solution that avoids confrontation is often the most appropriate way of dealing with a situation. Welfare issues, time of enforcement and identifying viable alternative sites will have to be considered prior to any enforcement.

1.18 Proportionate and relevant information sharing between police and Local Authority areas is important. Channels of communication need to be strong throughout the encounter including the point at which any encampment moves on so that wider Local Authorities and Local Police Areas can be informed of the potential for further unauthorised encampments, balancing community risk and welfare for all involved.

2. Police Actions

2.1. Following the report of an unauthorised encampment a Storm log will be created and assessment made to the graded response in line with THRIVE (threat-harm-risk-investigation-vulnerability-engagement).

2.2 The duty Response Inspector/Sector Inspector should be informed as well as the local supervisory officer to assess and prioritise any actions required. This will also be brought to the attention of the Diverse Communities Team (DCT).

2.3 An assessment needs to be made on the impact of its location and the behaviour displayed of the occupants. Details should be recorded onto NICHE and intelligence submitted and raised to Briefing and the Daily Management Meeting (DMM). If there are no immediate concerns identified, the local neighbourhood team should conduct a visit during the normal course of their duties to identify themselves as a point of contact, to establish the intentions of those within the group, the location of their last site, provide reassurance and identify any issues including any pressing welfare needs and any community tensions.

2.4 During the initial visit officers should identify any offences disclosed or apparent such as criminal damage to gain entry to the land, obstruction of any footpaths or highways and evidence of anti-social behaviour.

2.5 In addition to any crimes identified and recorded the initial assessment must document all activity/visits/decision making/welfare concerns which will be recorded as a NICHE occurrence.

2.6 On the initial visit officers should discuss the acceptable conduct with those present.

2.7 An officer of at least the rank of Inspector will review information and determine if Police powers are justified following initial attendance. The rationale for the decision to not use or use the powers will be recorded and placed on the NICHE occurrence and Storm log.

2.8 The Council contact within the relevant authority area will be informed of the encampment as soon as practicable and current decision in relation to Police powers. The Critical Incident Manager (CIM-Inspector) or respective Sector Inspector will contact the Council as an additional point of supervisory contact. (CIM) covers Devon 24 hours a day 7 days a week, and relevant sector Inspector adds resilience to operational decisions.

2.9 If the land is not Council owned, the landowner, if identified, will also be informed of the powers available to them. The current assessment in relation to justification for use or not of Police powers will be communicated to them by the Police.

2.10 Where a suitable alternative site exists to direct persons to, then the presumption should be that Police will look to use their powers under Section 62A of the Criminal Justice and Public Order Act 1994. However, it is recognised that there is a shortage of such sites and that use of this power is therefore likely to be limited.

2.11 Each Local Police Area (LPA) will review unauthorised encampments at the Daily Management Meeting to ensure oversight and a consistent approach to use of Police powers.

2.12 All reported unauthorised encampments will be raised at the Daily Management Meeting (DMM) on a Force level aimed at identifying movements of persons/vehicles involved, allowing information to be shared between respective Basic Command Units (BCU) and Force Briefing updates. Reference can be made to the Enquiry Log.

2.13 Each LPA will ensure that there is regular communication with the landowner and Council to ensure that it is clear where current responsibility for any action lies, and decisions can be reviewed if information changes.

2.14 Local Neighbourhood officers may also need to communicate with the local community and those on an unauthorised encampment for the duration of an encampment to manage any tensions that may arise and monitor any local impact.

2.15 Local Neighbourhood teams will monitor unauthorised encampments for any developments on the site with regards to welfare and concerns of the settled or encamped communities and update Councils accordingly. A joint visit should ideally be undertaken.

2.16 Where justification exists, Police who visit any encampment should gather evidence of any offences that the landowner, Council or Environment Agency may wish to seek to prosecute such as fly tipping, by recording evidence on body worn video or making a written record.

2.17 Consideration of drone use will be via communication into DMM, IIMU, and liaison with the Covert Authorities Bureau. Specific guidance will need to be sought.

2.18 At times witness statements will be required to evidence impact and identifying individuals who may be responsible for causing harm or committing offences. This approach provides accountability in the decision-making process.

2.19 Any hate crimes/incidents relating to individuals linked to an encampment will be recorded as per National Crime Recording Standards.

2.20 Where appropriate, any media releases will be jointly agreed between the Police and the Council media SPOC.

2.21 Liaison will be made with the relevant Council to understand site availability. If directing an encampment using police powers to any transit style site provision, information will need to be exchanged in-order for the Council to follow up welfare related issues.

3. Local Authority Actions

3.1 The Council can only deal with unauthorised encampments on land they own. Information regarding council policy can be found at Appendix A - Hyperlinks to Devon Local Authority areas).

3.2 On receipt of a report of an unauthorised encampment the Local Authority will ensure a record is made.

3.3 Devon local authorities will inform the Police of the unauthorised encampment. Contact is via 101, or 999 in an emergency. The respective Critical Incident Manager and respective sector Inspector will be informed by Police Control.

3.4 The Council has primacy for dealing with unauthorised encampments on its land and will assess what action/options are available and use of the powers available. If immediate action is required, the Police will need to assess the circumstances and determine if police powers are to be used. If the Council determine that it is not appropriate to use their power's, they will collaborate with the Police in managing any community concerns.

3.5 Parish and Town Council land is separate to Devon, Torbay and Plymouth Council owned land.

3.6 When the Council is notified of an unauthorised encampment, staff will visit as soon as practicable. The purpose of the visit is to identify the group and establish its purpose and intentions. In complying with the legal obligation's incumbent on all councils, the officer will also gather information in relation to the health, education, and welfare of the group.

3.7 A decision will be made by the Council about use of their available powers and this decision will be communicated to Police. The rationale will be recorded in writing.

3.8 The Council will inform Police if there is an alternative site that persons can be directed to under S62A of the Criminal Justice and Public Order Act 1994.

3.9 The Council will maintain close liaison with Police and persons present on the unauthorised encampment for the duration of its presence to ensure it is clear where responsibility for any action lies and any welfare concerns are identified.

3.10 If information changes, the Council will review its decision in relation as to whether it is appropriate to consider use of its powers.

3.11 The Council will also record any community concerns in writing and share this information with the Police.

3.12 The Council will make Police aware of any information suggesting a hate crime/incident has occurred relating to any individual linked to an encampment to allow for it to be recorded under the National Crime Recording Standards.

3.13 Where appropriate the Council will set a communication plan to keep the settled community and those who are encamped informed and will consult with the Police.

3.14 Where appropriate, any media releases will be jointly agreed between the Police and the Council media SPOC.

3.15 All relevant information (from members of the public, the Police, and other Council Services etc.) is collated to enable a decision to be taken on whether to tolerate or take enforcement action. Where tolerated, Devon local authorities will undertake regular visits, with the Police if relevant, to check on the unauthorised encampment and report back on conditions.

4. Escalation Process

If there is a disagreement as to what actions should be taken and which agency should take primacy in relation to an unauthorised encampment, those disagreements should be documented and escalated to senior management for further discussion and resolution. From a Police perspective this will be the LPA Commander/Deputy LPA Commander. For the Council this will be the identified Director/Senior Manager.

5. Annual Review

To ensure a consistent approach to managing unauthorised encampments through Police and Council powers, it is recommended that an annual review take place. Both the Police and Council should be able to accurately record how many encampments have been reported. This will enable the Police and Council to establish whether powers have been used proportionately and consistently. It will enable a review of the application of those powers, and the provisions made for unauthorised encampments.

This review should consider:

- How many unauthorised encampments there have been in the previous 12 months and is this an increase on the previous year.
- Are there particular vulnerable locations which would benefit from an Environmental Visual Audit (EVA).
- Does evidence show the same individual's being identified at multiple locations causing significant damage. A longer-term tactical approach may need to be considered to reduce serious disorder, damage, or disruption.
- That Police and Council powers have been used in a transparent and consistent approach.
- Whether the use of those powers have been both lawful, and proportionate.
- Is there a need to raise awareness of powers and responsibilities for local landowners through existing forums, e.g., Parish Council meetings/rural groups?
- Identify organisational learning for the Council or Police and implement learning reviews.
- Identify if there are regular welfare concerns, and steps taken to mitigate these.

Appendix A

Local Authority Areas Unauthorised Encampment information (please follow the respective web links)

North Devon Council	Gypsies and travellers (northdevon.gov.uk)
Plymouth City Council	Gypsy and traveller sites PLYMOUTH.GOV.UK
Mid Devon District Council	Annex A - Procedure for Managing and Enforcing Unauthorised Encampments (middevon.gov.uk)
Exeter City Council	NEW PROTOCOL FOR UNAUTHORISED CAMPING (exeter.gov.uk)

Appendix B

Summary of enforcement powers

The full range of [enforcement powers](#) includes powers relating to planning legislation, licensing and highways powers but in summary the key powers that are used to move an unauthorised encampment, where they turn up on land and are not constructing a permanent site in breach of planning policies, are as follows:

Legislation and Power	Summary of Power	Who can use the power
S.77 Criminal Justice & Public Order Act 1994	Where people are residing in vehicles (including caravans) on land, the local authority can serve a Direction to Leave the land. It is an offence to fail to comply with such a direction. If the direction is not complied with, the local authority can apply to a magistrates' court for an order requiring the removal of vehicles and any occupants from the land (section 78). Responsibility for eviction lies with the local authority. Officers or agents of the local authority may use reasonable force to evict.	Local Authority
S. 60C(1) Criminal Justice and Public Order Act 1994	Where a person aged 18 or over is residing or intending to reside on land without occupier consent and has at least one vehicle on the same land. The person can be requested to leave and/or remove their property by the occupier or police and not return within 12 months if one or more of the following conditions apply: 1. significant damage or disruption has been caused or is likely to be caused because of their residence whether they are on the land or not yet residing there. 2. significant damage or disruption has been caused or is likely to be caused because of conduct carried out or likely to	Police

	<p>be carried out by that person whilst on the land.</p> <p>3. significant distress has been caused or is likely to be caused because of offensive conduct carried on or likely to be carried on by that person whilst on the land.</p>	
<p>S. 61- 62 Criminal Justice and Public Order Act 1994</p>	<p>Where a landowner has asked a trespasser to leave the land and they have failed to do so, the Police have discretionary powers to direct trespassers to leave and remove any property or vehicles they have with them. The power applies where the senior police officer reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave, and any of the following apply:</p> <ol style="list-style-type: none"> 1. any of the trespassers have caused damage to land or property. 2. any of the trespassers have used threatening, abusive, or insulting words or behaviour towards the occupier, a member of the occupier's family or an employee or agent of the occupier; or 3. the trespassers have between them six or more vehicles on the land. <p>Failure to comply with the direction by leaving the land as soon as reasonably practicable is an offence. Similarly, it is an offence for a trespasser who has left the land in compliance with an order to re-enter it as a trespasser within twelve months of the direction being given.</p>	<p>Police</p>

S.62 A-E Criminal Justice and Public Order Act 1994	The Police have powers to direct both trespassers and travellers to leave land and remove any vehicle and property from the land where there is a suitable pitch available on a caravan site elsewhere in the local authority area.	Police
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Appendix C

Use of Police Powers

As per National Police Chiefs Council (NPCC) and Department for Levelling Up, Housing and Communities guidance, Local Authorities have a leadership role to play in the management of unauthorised encampments. NPCC recommend Police should consider becoming involved in bringing about the prompt and lawful removal of unauthorised encampments where:

1. Local amenities are deprived to communities or there is significant impact on the environment This could include a recreation ground, public park, school field, public car park. There must be evidence that other sections of the community are being deprived of the amenities before action is taken.
2. There is local disruption to the economy This could include significant disruption to workers or customers using business premises or if an encampment is on agricultural land and it results in loss of use of the land for its normal purpose.
3. There is other disruption to the local community or environment This would include ASB/criminal activity linked to those present at an encampment, which is so significant that prompt eviction by Police becomes necessary rather than by other means.
4. There is a danger to life. For example, where an unauthorised encampment is on the edge of a motorway and there is a danger of children or animals straying onto the carriageway.
5. There is a need to take preventative action. For instance, where a known group of individuals have caused or persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at a newly established site.
6. In all the above cases police action will still need to be lawful, proportionate, necessary and compliant with Human Rights and Equality legislation. The mere presence of an encampment without any aggravating factors should not normally create an expectation that police will use eviction powers.
6. If Section 61 CJPOA 1994 powers are to be used it will also be necessary to show that the landowner has taken reasonable steps to ask trespassers to leave before police powers can be used.

Appendix D

S60C CJPO Act 1994, amended by PCSC Act 2022

Section 60C(1) is an offence relating to residing on land without consent in or with a vehicle applies where:

- a) a person is aged 18 or over;
- b) a person is residing, or intending to reside, on land without the consent of the occupier of the land;
- c) a person has or intends to have at least one vehicle with them on the land;
- d) one or more conditions in ss.60C(4) are met;
- e) the person is requested to leave and/or remove their property by the landowner, a representative of the landowner or police.

Section 60C(2)

A criminal offence is committed when a person meets all the conditions in section 60C(1) and meets one of the following:

- a) a person fails to comply with the request to leave as soon as reasonably practicable; or
- b) a person re-enters or enters the land with an intention of residing there without consent and has, or intends to have a vehicle with them, within 12 months of the request being made.

Section 60C(4)

The conditions are met

- a) in a case where a person is residing on the land, significant damage or significant disruption has been caused or is likely to be caused because of their residence;
- b) in a case where a person is not yet residing on the land, it is likely that significant damage or significant disruption would be caused because of their residence if they were to reside on the land;
- c) that significant damage or significant disruption has been caused or is likely to be caused because of conduct carried on, or likely to be carried on, by that person whilst on the land;
- d) that significant distress has been caused or is likely to be caused because of offensive conduct carried on, or likely to be carried on, by that person whilst on the land.

Section 60D

Police will be able to exercise powers of arrest and seizure in relation to the offence. The power of seizure includes a vehicle but is not limited to this. A constable can remove any property on the land which the police suspect the person had or intended to have with them for the purposes of the offence or which was subject to the request to leave if that property:

- a) belongs to the person suspected of committing the offence;
- b) is in the person's possession; or
- c) is under the person's control

Section 60D(2)(a) provides that a vehicle can be seized 'wherever located' For 'other property' to be seized it must be on the land, which was subject to the request to leave, as provided by section 60D(2)(b)).

Section 60D(10) and (11) prevent another person retrieving the seized vehicle where the chief officer of police reasonably believes that the vehicle was in the possession or control of the offender with that person's consent at the time of the offence.

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 or, if criminal proceedings are commenced, until the conclusion of those proceedings.

If a prosecution is not taken forward, the property must be returned to the person believed to be the owner as soon as practicable.

If a chief officer of police cannot after reasonable inquiry identify the vehicle owner:

- (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.

Existing vehicle seizure regulations can be found in the Police (Retention and Disposal of Motor Vehicles) Regulations 2002.

Significant:

The factual circumstances of each case will determine whether a 'significant' level of damage, disruption or distress has been caused or is likely to be caused and this will be for police and courts to assess.

The assessment of this will depend on the individual facts of each case; it is important to remember that at least one of the below must be caused or likely to be caused by the person's conduct or residence on the land or a likelihood of either of these. Such harms, disruption or distress could include, but are not limited to:

- a) local communities being prevented from accessing or using facilities, such as school sports fields, parks and car parks;

- b) property on the land is damaged or the land itself is damaged, including agricultural land;
- c) forcing entry to the land has caused damage to any fixtures or fittings;
- d) the environment is damaged, including excessive littering, fly tipping, excessive noise and smells from waste or smoke due to bonfires;
- e) interference with water, energy or fuel supplies;
- f) impacting the ability of workers or customers to access shopping centres, businesses, or agricultural land, if this results in the loss of lawful use of the land;
- g) distress caused by offensive conduct such as verbal abuse and threatening behaviour.

This may include a level of distress which changes behaviour, rather than distress which amounts to 'disgust.' For example, this may include behaviours which may cause fear when walking close to the encampment which prevents a person from leaving their house.

These are some of the factors that the police could consider when assessing whether damage, disruption or distress is significant. If the police deem the harms to not be significant, then the offence under Section 60C would not apply. However, powers under section 61 and 62A of the CJPOA 1994 could still be used, providing the conditions are met.

Some of the factors for police to consider could also include:

- How are landowners and users of the land affected? If local sports teams cannot use the facilities due to damage caused by people residing or intending to reside on land, or because the land is severely obstructed, then this could be deemed significant damage or disruption.
- The size and scale of the land occupied/damage caused is relevant when considering how landowners and land users are affected. If the land comprises of a small park and there are several vehicles, then the police/court may deem this to be more significant than fewer vehicles on a large park.
- How frequently is the land used? People residing or intending to reside on an industrial estate or shopping centre car park could significantly disrupt people's ability to go about their lawful business and impact trade. However, if the unauthorised encampment is in the corner of a local field or park then it might not be causing significant disruption. An unauthorised encampment on an abandoned piece of land may equally not be causing significant disruption or harm.
- How is the environment being damaged? A small amount of rubbish may not be judged by the courts to constitute significant damage to the land. However, excessive smells, noise, bonfires, and larger amounts of rubbish which might

interfere with a person's right to go about their business or daily life may be considered significant by the police/courts.

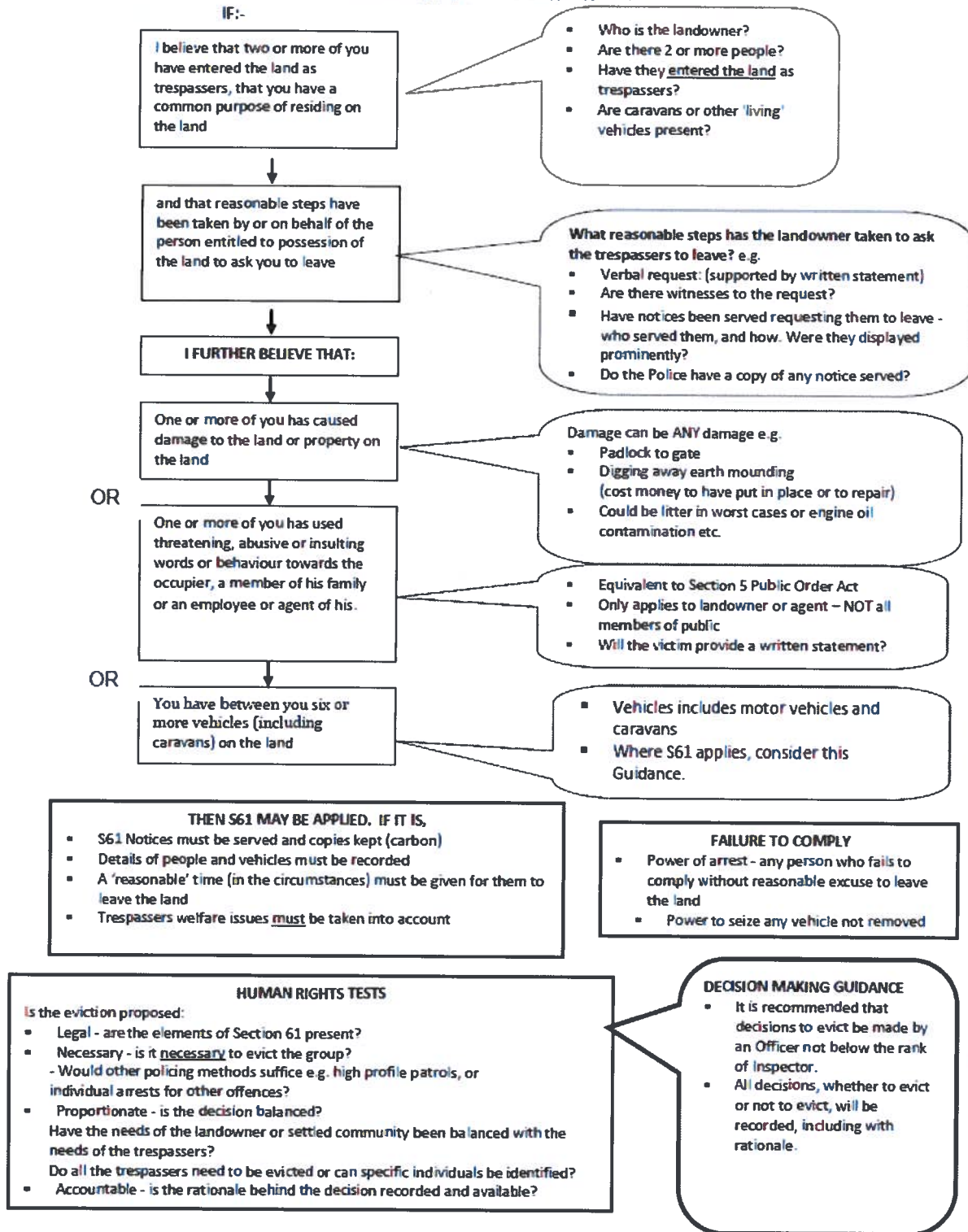
Police will be expected to deal with each case on its own merits and determine through gathering evidence if the threshold of significant has been met. If it has not been met, the other CJPOA powers may be used.

Appendix E

Section 61 CJPO Act 1994 - Flowchart

POLICE EVICTION POWERS

SECTION 61 CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994 FLOW CHART AND GUIDANCE NOTES



Appendix E1

Section 61 CJPO Act 1994

As stated in the statutory guidance, in cases where no significant harms have been committed, police may decide to take other enforcement action using previously existing powers under Section 61 of the Criminal Justice and Public Order Act 1994, depending upon the circumstances of each case and providing the relevant conditions are met.

The power applies where the *senior officer present reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave, and any of the following have occurred:

* Relating to Devon & Cornwall Police, the decision to evict MUST be made by officer of the rank of Inspector or above.

The criteria to be met for Section 61 are:

- (a) two or more persons are trespassing with the common purpose of residing there for any period,
- (b) reasonable steps have been taken by or on behalf of the occupier to ask them to leave, and,
- (c) any of the trespassers has caused, damage, disruption, or distress, including threatening, abusive or insulting words or behaviour etc or
- (d) those persons have between them six or more vehicles on the land.

The conditions that can be caught by the power to direct under 61(1) (a) have now been broadened. These replicate the damage, disruption and distress included in the new offence but will not need to meet the threshold of “significant.”

Failure to comply with the direction, by failing to leave the land as soon as reasonably practicable, without reasonable excuse, is an offence.

Similarly, it is an offence for a trespasser who has left the land in compliance with a direction to re-enter it as a trespasser within 12 months of the direction being given.

The period of prohibited return has now been extended from 3 months to 12 months.

If a person fails to remove their vehicle as directed, without reasonable excuse, or enters the land as a trespasser within 12 months of the direction to leave being given, the police officer may seize and remove that vehicle under section 62 of the CJPOA.

A direction under 61 can be issued to trespassers on land that forms part of a highway, but only where other conditions are met.

Reasonable Excuse:

A person can show they have a reasonable excuse for failing to leave the land as soon as reasonably practicable or for entering again within the prohibited period.

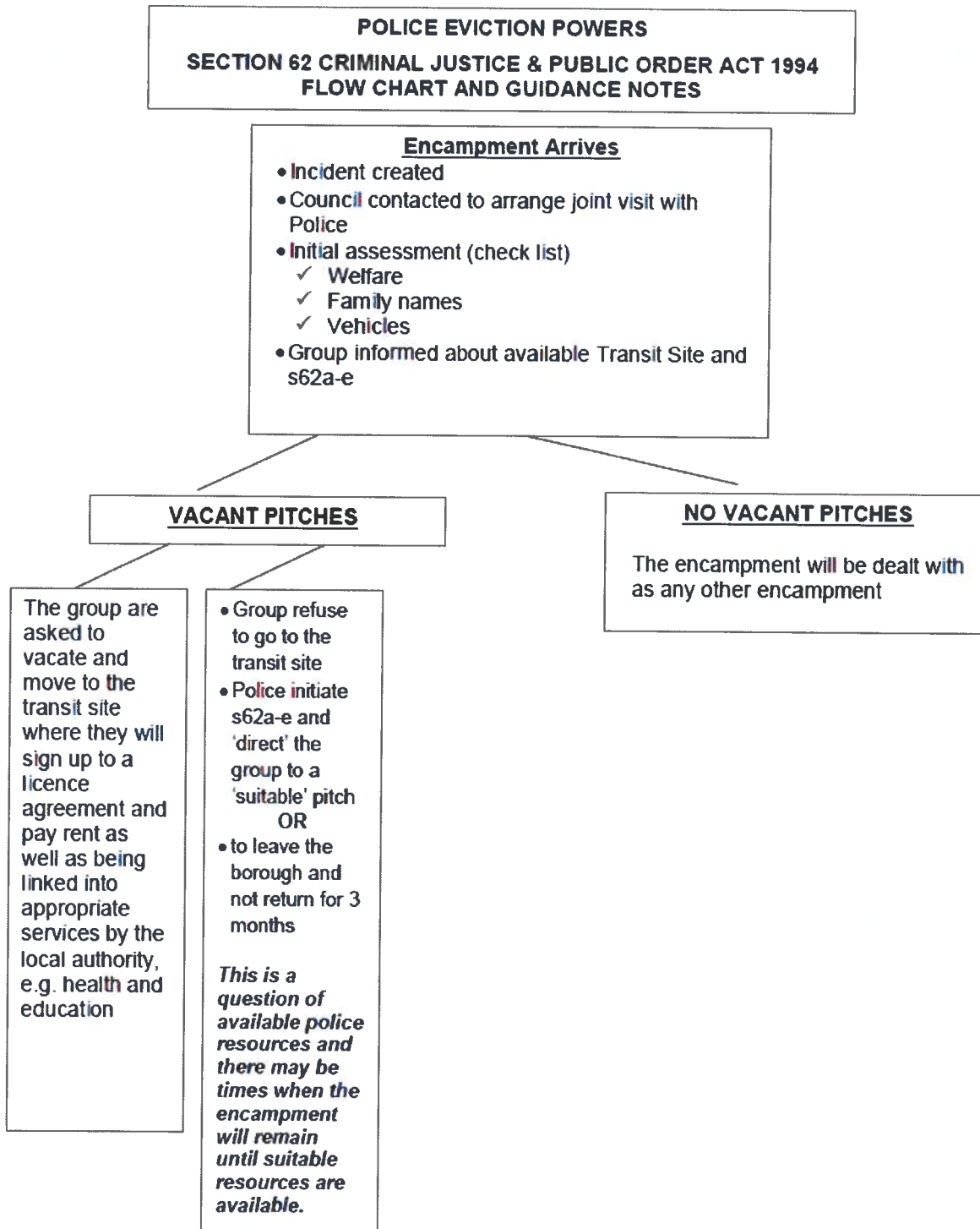
Police will be expected to consider what constitutes a reasonable excuse depending on the factual circumstances of each case.

The following examples may be unlikely to be considered reasonable excuses:

- a) the vehicle has broken down; the legislation states a vehicle is any vehicle, whether it is in a fit state for use on roads and includes any chassis or body, with or without wheels.
- b) the attendance of events.
- c) the attendance of an appointment, unless for medical reasons to which the police and courts deem a reasonable excuse for residing on land without permission applies

Appendix F

S62 CJPO Act 1994 - Flowchart



Appendix F1

S62 CJPO Act 1994

Creates a power for a senior Police Officer* to direct a person to leave land and remove any vehicle or other property with him on that land.

* Relating to Devon & Cornwall Police, the decision to evict **MUST** be made by officer of the rank of Inspector or above.

Conditions are based on reasonable belief of;

- a. at least two persons must be trespassing on the land,
- b. they must have between them at least one vehicle on the land,
- b. they must be present on the land with the common purpose of residing there,
- c. they have one or more caravans, in their possession or under their control on the land, that there is a suitable pitch on a relevant caravan site and
- d. the occupier of the land has asked the Police to remove them.

Use of powers under Section 62(A) is also discretionary and not a duty to act. Availability and proximity of suitable pitches identified through the relevant Council will be considered in considering the proportionality of directing persons to leave the land.

The Criminal Justice and Public Order Act 1994 s.62B states, "A person if he knows knowing that a direction has been given which applies to him-

- a. fails to leave the land as soon as reasonably practicable or
- b. he enters any land in the relevant local authority as a trespasser before the end of the relevant period (**12 months from the direction being given**) with the intention of residing there.

he commits an offence.

Appendix G

Hate Crime related offences

Hyperlink: [Hate crime | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/hate-crime)