

# CaSSOA GUIDANCE

## TRESPASSER EVICTIONS

As the owner of private land, there may come a time where trespassers illegally take up camp. As the owner of this land, you have a right to take action to remove them from your land.

It is commonly assumed that this is as easy as calling the police. However, because this is classed as a civil matter, and not criminal, they cannot carry out the eviction for you. However, you do have several other options available.

The following information should be used as a guide only and does not replace professional advice. A suitably qualified Enforcement Agent should be appointed to carry out the eviction process.

### Using Common Law

Common law, Section 61 of the Criminal Justice Act states that landowners have the right to remove trespassers from their land using "reasonable force". To ensure this process is carried out legally and correctly, you will need to have Certified Enforcement officers present.

The first step would be for you as the landowner or enforcement officer to ask the trespassers to leave the land. If they do not leave within 24 hours then enforcement officers can use reasonable force to remove the trespassers. Police are sometimes present at this stage to ensure the safety of all involved. Police would only increase their involvement in the following circumstances:

- Damage is caused by 2 or more trespassers
- Threatening, abusive or insulting language or behaviour is used
- 6 or more vehicles are on the land

When this process is complete, the land will be secured and photos of any damage are taken.

Whilst this is the most frequently used method for evictions, it doesn't impose any penalty against the trespassers should they return. This is sometimes why alternative options are used.

## Using a Writ of Possession

If there is a larger group of trespassers, or damage is being caused, a Writ of Possession can be used. Police are required to support the writ and it will be enforced by a High Court Enforcement Officer.

As with the Common Law process, you first need to ask the trespassers to leave. If this is refused, the next stage is to approach the court for an order of possession on Part 55 Civil Procedure Rules. After a hearing, a writ will be issued and should be served to the trespassers or displayed prominently.

If this is not successful and the land is not vacated, a Judge will issue a possession order with a hearing date. When the hearing takes place, and an eviction order is issued, the High Court Enforcement Officer can commence regaining possession of the land.

The drawback with this process is that it can take a long time, and can therefore be costly. However, the benefit is that if the trespassers break the order, they are committing a criminal offence with the threat of a prison sentence.

### Part 55 Civil Procedure Rules 1999

This final option requires a County Court procedure with criminal prosecutions likely to return to the land occurs within 3 months.

[Click to view the Government guide to the Effective Use of Enforcement Powers for Unauthorised Encampments.](#)

## There are several ways to help protect your land from unwanted visitors.

What you can do:

- Increase and maintain security
- As a CaSSOA member you should already be familiar with the standard security measures used to deter and protect against theft. These measures can also help deter unauthorised access.
- Multiple CCTV throughout your site, along with perimeter protection and access control are all good solutions.
- Always ensure that access gates cannot be lifted off their hinges.
- Employ security guards to patrol your property.
- You could also try using natural obstacles to prevent access, such as concrete blocks and boulders. Trees and hedgerow can also obstruct the view into your property, making it difficult to plan how to get in.