

# The removal of travellers who have set up an unauthorised encampment

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## THE REMOVAL OF TRAVELLERS WHO HAVE SET UP AN UNAUTHORISED ENCAMPMENT:

### USE OF PROCEDURE UNDER SECTIONS 77 AND 78 OF THE CRIMINAL JUSTICE ACT 1994

If travellers set up an unauthorised encampment, rather than embarking upon the lengthy and expensive procedure of taking civil proceedings to remove them, a simple procedure under sections 77 and 78 of the Criminal Justice and Public Order Act 1994 can, in certain circumstances, be used.

Provided that details of the vehicles and caravans in question and a plan of the land in question are available, a "direction to leave land" can be prepared. The direction must be served on the travellers by affixing a copy to each vehicle and caravan and placing additional copies on stakes placed in the ground at the site – the number and location of these depend on the size of the encampment, but there must be sufficient to be certain that the direction will come to the attention of everyone there. Because the legislation refers specifically to vehicles, this procedure cannot be used to remove people camping in tents.

In almost all cases service of the direction results in the travellers vacating the land. If it does not, the next stage is to prepare a complaint and a summons and lodge these at the magistrates' court for the area in which the encampment is situated. Before sending these to court, it is normal practice locally to telephone and get a hearing date, which can be inserted into the summons. Sufficient copies of the summons and complaint should be filed for the court to return at least two, which they should be asked to do in the covering letter. As these applications are rare, it would be advisable to explain in the covering letter that the identities of the travellers are unknown. A witness statement should be obtained from the applicant and, if possible, photographs should be annexed to the statement.

nplaw can prepare all such documentation on behalf of our clients and provide skilled advocates to appear at the hearing of the summons and complaint.

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