

Guide to Traveller and Trespasser removal

Vicks Enforcement



GUIDE TO TRAVELLER AND TRESPASSER REMOVAL

With summer fast approaching, the likelihood of travellers pitching camp on private land increases, more so than any other time of year.

If a landowner finds travellers with children, caravans, cars or animals on their land, they may cause a disturbance and damage within the local community and to the land they are occupying. Travellers often leave a significant amount of rubbish and mess to be cleared by the landowner.

FAST ACTION IS KEY TO MINIMISING DAMAGE AND COSTS



(Caption: Travellers leaving land owned by the University of Manchester following a successful eviction by Vicks Enforcement)

METHODS OF REGAINING POSSESSION

There are two ways in which landowners can regain possession of their land from travellers; they can either evict them under a writ of possession, or using common law.

Government guidance advises that local authorities seek a court order to remove travellers as they have an obligation to consider the welfare of individuals on the land before taking enforcement action against them, whereas private landowners have more choice. They can still go down the court route of obtaining an order for possession, then transferring it to the High Court to obtain a writ of possession, or they can use the ancient remedy of common law.

The advantage of using common law is that there is no need for court action, and the eviction can normally be carried out within 48 hours.

EVICTION - COMMON LAW POWERS

Under common law, landowners have the right to remove travellers from their land using reasonable force if required.

Evictions under common law are normally carried out by Enforcement Agents, (previously Bailiffs) who are instructed by the landowner.

Upon identifying travellers on private land, the first step in the eviction process is for the Enforcement Agent to serve written notice on the travellers giving them a maximum of 24 hours to vacate the site. This notice should be handed to an adult on the site, or fixed in visible and prominent positions around the site if there is no person present.

Once the notice period has expired, the Enforcement Agent will return to the land to ensure they have left.

Should the travellers fail to vacate the land, the Enforcement Agent along with tow trucks, removal vehicles and police if necessary will proceed to remove the travellers and any personal items, by force if necessary.

The main advantage of common law eviction is the speed in which evictions can be carried out – often as little as 24hrs. The speed of the response can help to lessen the amount of damage caused to land and buildings, as well as reduce the opportunity for theft from the site. Acting fast to remove illegal occupiers can also help to reduce fly tipping and general waste left behind thus reducing potentially expensive clear up costs.

Upon successful removal of the travellers, the enforcement agent will take pictures of any damage and rubbish that has been left and secure the land where possible.

EVICTON – WRIT OF POSSESSION

An Alternative method to evict travellers from land is to obtain a writ of possession. To evict under a writ of possession you first need to obtain an order for possession which can be made against "persons unknown". Once the order has been granted you can then issue a writ of possession to be enforced by a High Court Enforcement Officer (HCEO).

This method can be used by both private landowners and local authorities.

The first step is for the landowner to ask the travellers to leave the land. If they refuse, then the landowner can commence a claim for possession in the County Court, where subsequently, a claim form will be issued and a hearing date set.

Upon receiving the claim form, the landowner or their agent is then to serve the claim on the travellers either by handing it to them directly, or by posting the claim in a prominent position on the land if this is not possible.

At the hearing the judge will either grant the eviction order or adjourn the hearing pending further evidence. In most cases the judge will grant the possession order immediately if the travellers haven't left the land by the date of the hearing and they do not attend to file a defence.

Once the eviction order has been granted, a sealed writ of possession is required to evict the travellers and regain possession of the land using a High Court Enforcement Officer. Most companies who offer this service can obtain the sealed writ on your behalf. The writ can be obtained quickly and in some cases on the same day the order was granted.

USE OF FORCE

Where travellers have entered land peacefully, the landowner must first ask them to leave his land. If they refuse, the landowner can then remove the travellers "using no more force than is reasonably necessary".

However, if the travellers enter with force and violence, then the landowner can remove them without having previously asked them to leave.

Where a landowner obtains a possession order but decides to use common law, he still has the right to use reasonable force to remove the travellers.

Use of excessive force could give rise to a claim against the landowner by the travellers.

SITE PROTECTION MEASURES

As always, prevention is better than cure and this is certainly the case in securing your land. There are a number of measures Landowners and Local Authorities can do to try and prevent the arrival of travellers such as creating earth bunds, embankments around the site, height restrictions to enter the land, fencing/gating around the premises and heavy bollards at the entrance which are difficult to move.

POLICE INVOLVEMENT

Under Section 61 of the Criminal Justice and Public Order Act 1994, the Police, at their discretion have powers to direct travellers to leave the land, providing the landowner has taken reasonable steps to ask them to leave and they have failed to do so and there are at least two or more people intending to reside on the land. One of the following conditions must also be met:

- if 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
- those persons have between them six or more vehicles on the land

In reality, the Police may be reluctant to get involved in all but the most serious cases of traveller removal and landowners will need to resort to using the courts to get an order for possession or use common law. If however the Police do assist, it is worth noting that if the unauthorised travellers fail to leave, or return to that location within three months of the direction, they are then committing an offence.

RESOURCES

> [Section 61 of the Criminal Justice and Public Order Act 1994](#)

> [Vicks Enforcement; Trespasser & Squatter removal service](#)

> [Trespasser & Squatter removal instruction form](#)