

Strengthening police powers to tackle unauthorised encampments consultation

Q1. To what extent do you agree or disagree that knowingly entering land without the landowner's permission should only be made a criminal offence if it is for the purpose of residing on it?

The Sport and Recreation Alliance do not believe that legislative change is required to address the issue of unauthorised encampments. Indeed, a recent [Freedom of Information request](#) suggests that 84% of police forces do not support the criminalisation of unauthorised encampments and three quarters believe that their current powers are sufficient and/or proportionate. However, if legislative change is made, it is essential that this does not have a negative impact on the ability of legitimate users to access the countryside for sport and recreation purposes.

The Sport and Recreation Alliance believe it would be useful if a definition of 'residing' was provided for the purposes of this consultation. It is suggested that this is taken to mean the usual or regular place of residence. It is important that as part of any change in legislation, 'residing' does not include recreation activities such as overnight 'wild' camping, fishing, bikepacking.

It is also essential that any change in legislation is worded sufficiently tightly so as not to enable a wider criminalisation of trespass. This should not include individuals who accidentally stray from public rights of way or enter private land to pass an obstruction. The threat of committing a criminal offence should not deter people from enjoying the outdoors and using these spaces for sport and physical activity.

Q2. To what extent do you agree or disagree that the act of knowingly entering land without the landowner's permission should only be made a criminal offence if it is for the purpose of residing on it with vehicles?

See answer to Question 1.

Q3. To what extent do you agree or disagree that the landowner or representatives of the landowner should take reasonable steps to ask persons occupying their land to remove themselves and their possessions before occupation of the land can be considered a criminal offence?

Strongly agree

It is essential that anyone occupying land (for the purpose of 'residing') should be given the opportunity to leave the land they are occupying before it is considered a criminal offence. A person should not fall foul of the law through a lack of understanding, particularly if there are no signs or obvious obstructions preventing access.

Q4. To what extent do you agree or disagree that a criminal offence can only be committed when the following conditions have been met?

- a. The encampment prevents people entitled to use the land from making use of it.
- b. The encampment is causing or is likely to cause damage to the land or amenities
- c. Those on the encampment have demanded money from the landowner to vacate the land
- d. Those on the encampment are involved or are likely to be involved in anti-social behaviour

No comment

Q5. What other conditions not covered in the above should we consider?

As previously outlined, it is essential that any future legislation does not act to criminalise legitimate and accepted recreation activities in outdoor spaces. Whilst it is acknowledged that these activities are not this primary focus of this consultation, it is important that there are not unintended consequences which have this effect.

Q6. To what extent do you agree or disagree that police should be given the power to direct trespassers to suitable authorised sites in a neighbouring local authority area?

No comment

Q7. Should this be subject to conditions around agreements being in place between local authorities?

No comment

Q8. Should there be a maximum distance that a trespasser can be directed across?

No comment

Q9. Should there be any other conditions that should be considered when directing a trespasser across neighbouring authorities?

No comment

Q10. To what extent do you agree or disagree that the period of time in which trespassers directed from land would be unable to return should be increased from three months to twelve months?

No comment

Q11. To what extent do you agree or disagree that the number of vehicles needing to be involved in an unauthorised encampment before police powers can be exercised should be lowered from six to two vehicles?

Disagree

It is crucial that any changes in this regard do not unintentionally impact on those using vehicles to access the countryside for recreation purposes. For example, police powers should not be used to penalise and prevent responsible and short-term 'van-camping' by individuals for the purposes of accessing and enjoying the outdoors.

Section 61 of the Criminal Justice and Public Order Act 1994 currently states that the police have the power to direct trespassers to leave land if they have between them 'six or more' vehicles on the land. This should remain the case and individuals should not be prevented from stopping for a short period of time.

Q12. To what extent do you agree or disagree that the police should be granted the power to remove trespassers from land that forms part of the highway?

No comment

Q13. To what extent do you agree or disagree that the police should be granted the power to seize property, including vehicles, from trespassers who are on land with the purpose of residing on it?

As previously outlined, we do not believe that legislation change is necessary to address the issue of unauthorised encampments and that, if legislative change is made, the use of outdoor spaces for sport and physical activity should not be restricted. We therefore oppose the proposition of criminalising trespass and as such disagree that the police should have the power to seize property from those deemed as trespassing.

A number of users of outdoor space for sport and recreation purposes, such as canoeing, involves the use of significant equipment and vehicles for the transportation of such equipment. These activities should not be deterred due to concern of the confiscation of equipment or vehicles.

Q14. Should the police be able to seize the property of:

- a. Anyone whom they suspect to be trespassing on land with the purpose of residing on it
- b. Anyone they arrest for trespassing on land with the purpose of residing on it
- c. Anyone convicted of trespassing on land with the purpose of residing on it

Q15. To what extent do you agree or disagree that the proposed amendments to sections 61 and 62A of the Criminal Justice and Public Order Act 1994 contained in this consultation are sufficient measures to tackle the public disorder issues which are associated with unauthorised encampments without the requirement for introducing specific powers that criminalise unauthorised encampments?

No comment.

Q16. Do you expect that the proposed amendments to sections 61 and 62A of the Criminal Justice and Public Order Act 1994 contained in this consultation would have a positive or negative impact on the health or education outcomes of Gypsy, Roma and Traveller communities?

No comment.

Q17. Do you expect that criminalising unauthorised encampments would have a positive or negative impact on the health or educational outcomes of Gypsy, Roma and Traveller communities?

No comment.

Q18. Do you have any other comments to make on the issue of unauthorised encampments not specifically addressed by any of the questions above?

The Sport and Recreation Alliance (the Alliance) is the representative body for the sport and recreation sector, with a diverse membership of more than 330 national and local organisations across the sport and recreation sector. As the voice of the sector, we work with Government, policy makers and the media to make sure grassroots sport and recreation grows and thrives.

As previously outlined, we do not believe that legislative change is required to address the issue of unauthorised encampments. Indeed, a recent [Freedom of Information request](#) suggests that 84% of police forces do not support the criminalisation of unauthorised encampments and three quarters believe that their

current powers are sufficient and/or proportionate. However, if legislative change is made, it is essential that this does not have a negative impact on the ability of legitimate users to access the countryside for sport and recreation purposes.

As highlighted by the recent [Glover Review](#), access to the countryside and outdoor space plays a crucial role in facilitating a range of sports and physical activities. Increasing physical activity levels has wide ranging societal benefits including improved physical and mental wellbeing (and associated cost savings for the NHS), enhanced educational attainment and a range of environmental benefits such as improved air quality.

The Sport and Recreation Alliance believe that the Government should be committed to increasing opportunities for physical activity, including improving access to outdoor spaces. It is essential that any changes in legislation, especially a potential criminalisation of trespass, does not unnecessarily impact on those using outdoor spaces in a responsible and respectful way.

Sport and Recreation Alliance
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