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Make a person liable for any damage caused to land, or property on that land, on which he is trespassing for the purpose of residing there; to amend the law in respect of eviction from land; to make provision for compensation; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Liability for damage

- (1) A person who trespasses on land with the purpose of residing there shall be liable for any damage caused to that land, or property on that land, while he is present there, whether caused by him or by any other person.
- (2) For the purposes of subsection (1), the land on which a person is liable for any damage caused is any land within the natural or artificial boundary of the site, or within 100 metres of the natural or artificial boundary of the site, of any vehicle, tent or other structure in which the person is residing.

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2 Amendment of the Criminal Justice and Public Order Act 1994

- (1) The Criminal Justice and Public Order Act 1994 (c. 33) is amended as follows.
- (2) In section 61 (power to remove trespassers on land)—
- (a) for subsection (1) there is substituted—

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“(1) If the senior police officer present at the scene reasonably believes that any person is trespassing on land with the purpose of residing there for any period and that reasonable steps have been taken by or on behalf of the occupier to ask him to leave and he has failed to do so, the officer may direct any such person to leave the land and to remove any vehicles or other property he has with him on the land.”;

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(b) after subsection (1) there is inserted –

- “(1A) Where a local authority reasonably believes that any person is trespassing on land in its area for the purpose of residing there, and that reasonable steps have been taken by or on behalf of the occupier to ask him to leave and he has failed to do so, it may, with the agreement of the occupier, request the Chief Constable for the area to issue a direction under subsection (1) above for any such person to leave the land and to remove any vehicles or other property he has with him on the land, and the Chief Constable shall comply with any such request. 5 10
- (1B) Where any person fails within 24 hours of the service of a direction issued in accordance with subsection (1A) to comply with the direction, the Chief Constable shall order the immediate removal of any vehicles or other property to a secure place approved by the local authority. 15
- (1C) A local authority may hold vehicles and property removed under subsection (1B) for a period not exceeding 3 months, subject to renewal on application to a magistrates’ court.
- (1D) Where a person has been trespassing on land for the purpose of residing there and where reasonable steps have been taken by or on behalf of the occupier to ask him to leave and he has failed to do so, the landowner may within a period of one month from the recovery of his land submit to the local authority a bill for the cost of making good any damage caused by the person trespassing on the land to the extent that it is not made good by that person; 20 25
- (1E) A local authority which receives a bill under subsection (1D) shall reimburse the landowner for those costs which it deems reasonable in the circumstances and may dispose of property held in accordance with subsection (1C) to defray such reimbursement.” 30

(c) in subsection (9), in the definition of “land”, paragraph (b)(i) is omitted.

3 Register of travellers

- (1) The Secretary of State shall maintain a prescribed register of persons of no fixed abode, including those describing themselves as travellers. 35
- (2) In this section “prescribed” means prescribed by regulations made by the Secretary of State.
- (3) The power to make regulations under this section is exercisable by statutory instrument which shall be laid before, and approved by a resolution of, each House of Parliament. 40

4 Expenses

There shall be paid out of money provided by Parliament any expenditure incurred by the Secretary of State under or by virtue of this Act.

5 Short title and extent

- (1) This Act may be cited as the Trespassers on Land (Liability for Damage and Eviction) Act 2004.
- (2) This Act extends to England and Wales only.

Trespassers on Land (Liability for Damage and Eviction) Bill

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