

Trespass with a Vehicle (Offences) Bill

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B I L L

TO

Create an offence of criminal trespass with a vehicle; 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 Offences relating to entering and occupying land without consent

- (1) The Criminal Justice and Public Order Act 1994 (c. 33) is amended as follows.
 (2) After section 62E there is inserted—

“62F Offences relating to entering and occupying land without consent

- (1) In this Act, except where the context otherwise requires— 5
 “chief officer of police”, in relation to any locality, means the chief officer of police for the police area in which the locality is situated;
 “consent duly given” means consent given by— 10
 (a) in the case of lands referred to in subsection (2)(a), the relevant statutory body,
 (b) in the case of lands referred to in subsection (2)(b), the relevant trustees, and
 (c) in any other case, the owner concerned;
 “local authority” means a county council, a city council or a town council for the purposes of the Local Government Act 1972 (c. 70); 15
 “vehicle” includes caravans and trailers;
 “owner” means— 20
 (a) in relation to land, the person lawfully entitled to—
 (i) possession, and
 (ii) the immediate use and enjoyment,
 of the land as the owner, lessee, or otherwise, or any person acting on behalf of that person;

- (b) in relation to land referred to in paragraph (a) or (b) of subsection (2), the relevant statutory body or trustees, as the case may be;
- “statutory body” means –
- (a) the Secretary of State, 5
 - (b) a local authority, or
 - (c) any other body established –
 - (i) by or under any enactment (other than the Companies Act 1985 (c. 6) and the Companies Act 1989 (c. 40)), or 10
 - (ii) under the Companies Acts 1985 and 1989 in pursuance of powers conferred by or under another enactment, and financed wholly or partly by means of moneys provided, or loans made or guaranteed, by the Secretary of State or the issue of shares held by or on behalf of the Secretary of State, and subsidiary of any such body. 15
- (2) In this Act a reference to land includes –
- (a) land provided or maintained by a statutory body primarily for the amenity or recreation of the public or any class of persons (including any park, open space, car park, playing field or other space provided for recreational, community or conservation purposes) or land within the curtilage of any public building, 20
 - (b) land held by trustees for the benefit of the public or any class of the public, and 25
 - (c) land covered by water.
- (3) A person, without the duly given consent of the owner, shall not bring onto or place on any land any vehicle where such entry or occupation or the bringing onto or placing on the land of such vehicle is likely to – 30
- (a) substantially damage the land,
 - (b) substantially and prejudicially affect any amenity in respect of the land,
 - (c) prevent persons entitled to use the land or any amenity in respect of the land from making reasonable use of the land or amenity, 35
 - (d) otherwise render the land or any amenity in respect of the land, or the lawful use of the land or any amenity in respect of the land, unsanitary or unsafe, or
 - (e) substantially interfere with the land, any amenity in respect of the land, the lawful use of the land or any amenity in respect of the land. 40
- (4) A person who contravenes subsection (3) shall be guilty of an offence.
- (5) Where a constable in uniform has reason to believe that a person is committing or has committed an offence under subsection (3) the constable – 45
- (a) may demand of the person his or her name and address,
 - (b) may direct the person to leave the land concerned and to remove from the land any vehicle that belongs to the person or that is under his or her control, and 50

- (c) shall inform the person of the nature of the offence in respect of which it is suspected that person has been involved and the statutory consequences of failing to comply with a demand or direction under this subsection.
- (6) Where a person – 5
- (a) refuses or fails to give his or her name and address to a constable in uniform when demanded under subsection (5), or gives to the member a name or address that is false or misleading, or
- (b) fails to comply with a direction under that section, 10
he or she shall be guilty of an offence.
- (7) A constable in uniform may arrest without warrant a person –
- (a) who fails or refuses to give his or her name and address when demanded under subsection (5)(a) or gives a name or address which the constable has reasonable grounds for believing is false or misleading, 15
- (b) who fails to comply with a direction given under subsection (5)(b), or
- (c) whom he finds committing an offence under subsection (3).
- (8) Any person who obstructs or impedes or assists a person to obstruct or impede a constable in uniform in the execution of his or her duty under this section shall be guilty of an offence. 20

62G Removal, storage and return of vehicles

- (1) Where a person fails to comply with a direction under section 62F(5)(b) above, a constable in uniform may remove or cause to be removed any vehicle which the constable has reason to believe was brought onto or placed on the land in contravention of section 62F(3) above and may store or cause to be stored such object so removed. 25
- (2) Where a vehicle has been removed under this section without the presence or knowledge of any person claiming to own, occupy, control or otherwise retain it, the chief officer of police shall serve or cause to be served upon each such person whose name and address can be ascertained by reasonable enquiry, a notice informing the person where the vehicle may be claimed and recovered, requiring the person to claim and recover it within one month of the date of service of the notice and informing him or her of the statutory consequences of his or her failure to do so. 30
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- (3) A vehicle removed and stored under this section shall be given to a person claiming possession of the vehicle if, but only if, he or she makes a declaration in writing that he or she is the owner of the vehicle or is authorised by its owner to claim it or is, for a specified reason, otherwise entitled to possession of it and, at the discretion of the chief officer of police, the person pays the amount of any expenditure reasonably incurred in removing and storing the vehicle. 40
- (4) The chief officer of police may dispose of, or cause to be disposed of, a vehicle removed and stored under this section if – 45
- (a) the owner of the vehicle fails to claim it and remove it from the place where it is stored within one month of the date on which a notice under subsection (2) above was served on him or her, or

- (b) the name and address of the owner of the vehicle cannot be ascertained by reasonable enquiry.
- (5) Where the chief officer of police becomes entitled to dispose of or cause to be disposed of a vehicle under subsection (4) and the vehicle is, in his or her opinion, capable of being sold, the chief officer of police shall be entitled to sell or cause to be sold the vehicle for the best price reasonably obtainable and upon doing so shall pay or cause to be paid to the person who was the owner of the vehicle at the time of its removal, where the name and address of the owner can be ascertained by reasonable enquiry, a sum equal to the proceeds of such sale after deducting therefrom any expenditure reasonably incurred in its removal, storage and sale.

62H Penalties and proceedings in court

- (1) A person guilty of an offence under this Act shall be liable on summary conviction to –
- (a) a fine not exceeding level 4 on the standard scale,
 - (b) a term of imprisonment not exceeding one month, or
 - (c) both.
- (2) In any proceedings for an offence under this Act it shall be presumed until the contrary is shown that consent under this section was not given.
- (3) Notwithstanding any statutory provision or rule of law to the contrary, the jurisdiction of a magistrates' court shall not, in summary proceedings in relation to an offence under this Act, be ousted by reason solely of a question of title to land being brought into issue.
- (4) Where in summary proceedings in relation to an offence under this Act a question of title to land is brought into issue, the decision of a magistrates' court in the proceedings or on the question shall not operate as an estoppel in, or a bar to, proceedings in any court in relation to the land.”.

2 Expenses

There shall be paid out of money provided by Parliament any expenditure incurred by the Secretary of State for or in connection with the carrying out of any functions under this Act.

3 Short title, commencement and extent

- (1) This Act may be cited as the Trespass with Vehicle (Offences) Act 2006.
- (2) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument.
- (3) This Act extends to England and Wales only.

Trespass with a Vehicle (Offences) Bill

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To create an offence of criminal trespass with a vehicle; and for connected purposes.

*Ordered to be brought in by Mr James Paice,
Mr Peter Ainsworth, David T. C. Davies,
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*Ordered, by The House of Commons,
to be Printed, 28th February 2006.*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON — THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx

Bill 135

(xxxxxx)

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