

## **Dealing with unauthorised encampments on private land**

From time to time the Council receives telephone calls from private landowners who are seeking advice regarding the powers that the Council, the Police, or themselves as landowners have to remove people who have moved onto their land without their authority.

This note is intended to provide guidance to private landowners on powers of removal but it is not to be construed as legal advice. Private landowners are recommended to take their own legal advice if such circumstances arise.

The starting position is that neither the Council nor the Police are under a duty to take any action to remove encampments on privately owned land. However both have discretionary powers that are available to remove encampments from private land. These powers are summarised in [Dealing with illegal and unauthorised encampments – a summary of the powers available](#) published by the Department for Communities and Local Government in August 2013. It should be noted that these powers are very seldom used to remove encampments from private land for a number of reasons, not least the extensive welfare considerations and their various statutory responsibilities.

Private landowners, who require the removal of trespassers from property including land, can seek a possession order from the County Court under [Part 55](#) of the Civil Procedure Rules. The DCLG summary of powers helpfully sets out the process.

Under common law every private landowner has the right to remove trespassers from their land using reasonable force if required. This right can be delegated to the landowner's agent, such as a bailiff. Government good practice guidelines for these common law or "self-help" evictions stresses that no more force than is necessary be used. The Police must be notified of a common law eviction and called in to stand by to prevent a breach of the peace. If the Police advise that it is inappropriate to carry out an eviction, it should be delayed until an agreed time.

Again, private landowners are recommended to seek their own legal advice if circumstances arise.