

ADVICE SHEET FOR PRIVATE LANDOWNERS UNAUTHORISED ENCAMPMENTS

Please read this leaflet to see what your first steps should be.

We all have rights, including gypsies, travellers and the people on whose land unauthorised encampment takes place.

The landowner has the responsibility for the removal of unauthorised encampments from their land, although the council can offer advice and guidance when asked. However, it is not responsible for undertaking eviction procedures.

The council may, in some circumstances, take action to assist if requested by the owner. For further advice, contact Ashford Borough Council's Private Sector Housing Team on 01233 331111.

This leaflet provides more information on this important matter.



ASHFORD
BOROUGH COUNCIL

OPTIONS TO REMOVE AN UNAUTHORISED ENCAMPMENT

THE LANDOWNER'S FIRST STEP

It is often best to speak to those occupying your land to discover how long they plan to stay. Their answers may help you decide on how to proceed.

ACTION OPEN TO THE LANDOWNER

There are two methods available for removing an unauthorised encampment:

1. Common Law Rights to recover land

this involves the use of private bailiffs

2. The use of Part 55 Civil procedures rules

this involves applying to the County Court in order for a judge to issue an eviction notice order

COMMON LAW

A direction to leave under common law will need to be issued before bailiffs can be instructed to act. The solicitor will advise the landowner on this process or, alternatively, a private bailiff company may provide this service as well.

Some private bailiff companies are detailed below: please note that this does not represent endorsement or recommendation by the borough council.

PRIVATE BAILIFF COMPANIES

Able Investigations & Enforcements

1 Riverside, St Anne's Road, Bristol, BS4 4ED

0845 3707 401

07863 876895

ADVICESHEET

UNAUTHORISED ENCAMPMENTS

THE SHERIFF'S OFFICE

Certificated Bailiff or Officers of the court can act on your behalf in taking steps to remove an unauthorised encampment.

0333 001 5100

PART 55 CIVIL PROCEDURES RULES

If you are the landowner, you or your solicitor can apply to the County Court and obtain an Order granting possession of your land.

This can only be done by, or on behalf of, the landowner. The process is likely to involve the following:

- issuing and serving a court summons
- seeking a possession order in court
- serving the possession order, and, if necessary
- executing a warrant for possession

Once an order is served, the occupiers may vacate voluntarily. You can engage private bailiffs to remove unauthorised occupiers without a possession order in some cases. See above contact details.

Anyone wishing to take action to remove unauthorised encampment from their land is strongly recommended to seek independent legal advice. For further guidance contact the Citizen Advice Bureau on 01233 626185.

DETAILS OF LOCAL COUNTY COURTS IN WHICH TO APPLY FOR A POSSESSION ORDER

Maidstone Combined Court Centre

01622 202000

Canterbury Combined Court Centre

01227 819200

**FOR MORE INFORMATION ON UNAUTHORISED ENCAMPMENTS
CONTACT ASHFORD BOROUGH COUNCIL'S
PRIVATE SECTOR HOUSING TEAM 01233 331111**

POLICE POWERS

When taking the above steps it is advisable that you contact the police to make them aware of your intended actions. The police may wish to attend to ensure there is no breach of the peace.

In some cases bailiffs will not remove vehicles unless the police are in attendance.

The police have powers under section 61 of the Criminal Justice and Public Order Act 1994 to remove unauthorised encampments in certain circumstances. The landowner must make a formal request to the police that they use their powers. Check with the police whether they can assist in the circumstances.



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