

Appendix 2:

Summary of Powers and Processes

This is a summary of the processes that Oxfordshire County Council must follow in order to lawfully remove people from Council land that they are occupying without permission.

There are a number of legal options available to local authorities to move people who are occupying Council owned land without permission. These include-

- Common law: Powers to seek to recover possession of land from an individual who is occupying that land without permission (under the tort of trespass).
- Sections 77 and 78 of the Criminal Justice and Public Order Act 1994: Powers to require individuals to remove their vehicles and belongings from land occupied without permission of the landowner.

Before commencing any action to evict an unauthorised encampment local authorities have an obligation to carry out welfare assessments of the unauthorised campers. This may require involvement of health services. Local authorities are also required to serve certain legal documents and allow the recipients appropriate time to respond to these before taking further action. In most instances a Court Order is required to exercise these powers and therefore the local authority needs to secure court time to consider the application.

Processes:

1. The Initial Visit to the Site.
 - Identify who owns the land
 - If it is local authority land serve a Landowners Notice on the Travellers informing them verbally what this is and its contents.
 - Make initial enquires as to any welfare, health or education issues. These are to be documented and passed on to the relevant agencies for consideration and action.
 - Issue a Code of Conduct to the Travellers and inform them verbally what this requires.
 - Record all vehicle details.
2. The Eviction Procedure on Highway Land
 - Ensure that there are no outstanding welfare, health or educational issues.
 - Complete an Eviction Rationale fully justifying the eviction.
 - Complete Section 77 Direction to Move forms and serve on each caravan.
 - If the Travellers have ignored the Section 77 notice apply for Magistrates' Court Summons.
 - Serve the summons to each caravan informing the Travellers of the court location, and the date and time.
 - Once the Magistrates issues a Section 78 Order this criminalises trespass on the land and must be served on the occupants.

- Enforcement action may be required should the Travellers not then leave the location.

3. The Eviction Procedure on Other Local Authority Land

- Ensure there are no outstanding welfare, health or educational issues.
- Secure date for County Court hearing on an application for a Possession order.
- Serve the summons on each caravan telling the occupant when the court date is.
- Obtain the County Court Repossession order and serve to the occupants.
- Enforcement action may be required should the Travellers not then leave the location.