



6. Trespass & Aggravated Trespass

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Trespass

Trespass alone is a matter of civil law, which means that the police have no power to arrest you for it; police may nonetheless help landowners remove trespassers from land.

Trespass is entering – or putting property on – land that belongs to someone else, without their permission.

If you have ‘implied permission’ to enter somewhere – for instance a shop open to members of the public – then you are not committing trespass until you have been asked to leave by the owner of the building or their representative. In a shop this is often a manager, but should not be a police officer. If you fail to do so, then you could be taken to a civil court (‘sued’) by the owner.

Aggravated Trespass

Aggravated trespass is a criminal offence, so you can be arrested for it.

You must be doing two things to commit aggravated trespass:

1. Trespassing
2. Intentionally obstructing, disrupting, or intimidating others from carrying out ‘lawful activities’.

Further to this, a senior police officer has the power to order any person believed to be involved in aggravated trespass to leave the land; if they refuse to leave after being ordered to by police officer, or if they return to the land in question within a period of three months, this is an additional offence.

Maximum penalty is 3 months imprisonment, or a fine of £2500, or both. First time offenders would likely get a fine of between £200 – £300.

Residing on land without consent in or with a vehicle

The [PCSC Act 2022](#) introduced this as a new offence.

This means that it will now be a criminal offence (rather than a civil matter) for a person aged 18 or over to reside on land without the consent of the owner if they have, or intend to have, a vehicle with them, and refuse to leave and remove their property when asked. They also need to be causing, or deemed likely to cause, significant damage (including excessive noise, smells, litter or other damage to the environment), disruption (including interference with a ‘supply of water, energy or fuel’) or distress (including using words or displaying any writing that is ‘threatening, abusive or insulting’). If police believe this is happening, they may seize any ‘relevant’ property belonging to, or in the possession or control of the alleged defendant, including vehicles or any property on the land, which they may keep for up to 3 months or until the end of any criminal proceedings that result from the matter.

You cannot return to the same land for 12 months after being asked to leave.

If convicted of this offence, you can be sentenced to up to 3 months custody and/or a fine of up to £2,500, and your seized property does not have to be returned.