



## **Advise for regaining possession of privately owned land.**

There are two ways in which landowners can regain possession of their land from travellers, you can either evict them under a writ of possession, or you can use common law powers.

Private landowners have the choice of which power they use.

### **Writ of Possession.**

To evict under a writ of possession you need to obtain an order for possession which can be made against “persons unknown” to the local county court (for the purpose of Wokingham this is Reading County Court).

The first step is for the landowner to ask the travellers to leave the land (this is best done in writing and the request pinned to the entrance of the land, photos should be taken). If they refuse, then the landowner can commence a claim for possession in the County Court, where subsequently, a claim form will be issued and a hearing date set.

Upon receiving the claim form, the landowner or their agent is then to serve the claim on the travellers either by handing it to them directly, or by posting the claim in a prominent position on the land if this is not possible.

At the hearing the judge will either grant the eviction order or adjourn the hearing pending further evidence. In most cases the judge will grant the possession order immediately if the travellers haven't left the land by the date of the hearing and they do not attend to file a defence.

Once the eviction order has been granted, a sealed writ of possession is required to evict the travellers and regain possession of the land using a High Court Enforcement Officer. Most companies who offer this service can obtain the sealed writ on your behalf. The writ can be obtained quickly and in some cases on the same day the order was granted.

The main advantage of using a Writ of possession will mean that the SAME group of travellers cannot return again to the land for a period of 3 months, Should they do so you will be able to just apply directly for a new eviction date.

## **Common Law Powers**

Under common law, landowners have the right to remove travellers from their land.

Evictions under common law are normally carried out by Enforcement Agents, (previously Bailiffs) who are instructed by the landowner.

Upon identifying travellers on private land, the first step in the eviction process is for the Enforcement Agent to serve written notice on the travellers giving them a maximum of 24 hours to vacate the site. This notice should be handed to an adult on the site, or fixed in visible and prominent positions around the site if there is no person present.

Once the notice period has expired, the Enforcement Agent will return to the land to ensure they have left.

Should the travellers fail to vacate the land, The Enforcement agent will stay on site until the travellers have left the land. They may choose to bring with them tow trucks and others removal vehicles, these are seldom used mainly brought to site to show that they can be used if necessary.

The Agents may also choose to call the local police to site if required, they tend to be visible to ensure no breaches of peace take place.

The main advantage of common law eviction is the speed in which evictions can be carried out – often as little as 24hrs. The speed of the response can help to lessen the amount of damage caused to land and buildings, as well as reduce the opportunity for theft from the site. Acting fast to remove illegal occupiers can also help to reduce fly tipping and general waste left behind thus reducing potentially expensive clear up costs.

Upon successful removal of the travellers, the enforcement agent will take pictures of any damage and rubbish that has been left and secure the land where possible.

## **SITE PROTECTION MEASURES**

There are a number of measures landowners prevent the arrival of travellers such as

- creating earth bunds, embankments around the sites,
- height restrictions to enter the land,
- fencing/gating around the premises
- heavy bollards at the entrance which are difficult to move