



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART V

PUBLIC ORDER: [F1UNAUTHORISED ENCAMPMENTS AND] COLLECTIVE TRESPASS OR NUISANCE ON LAND

Squatters

76 Interim possession orders: trespassing during currency of order.

- (1) This section applies where an interim possession order has been made in respect of any premises and served in accordance with rules of court; and references to “the order” and “the premises” shall be construed accordingly.
- (2) Subject to subsection (3), a person who is present on the premises as a trespasser at any time during the currency of the order commits an offence.
- (3) No offence under subsection (2) is committed by a person if—
 - (a) he leaves the premises within 24 hours of the time of service of the order and does not return; or
 - (b) a copy of the order was not fixed to the premises in accordance with rules of court.
- (4) A person who was in occupation of the premises at the time of service of the order but leaves them commits an offence if he re-enters the premises as a trespasser or attempts to do so after the expiry of the order but within the period of one year beginning with the day on which it was served.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 76 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) A person who is in occupation of the premises at the time of service of the order shall be treated for the purposes of this section as being present as a trespasser.
- (7) [^{F1}A constable in uniform may arrest without a warrant anyone who is, or whom he reasonably suspects to be, guilty of an offence under this section.]
- (8) In this section—
 “interim possession order” has the same meaning as in section 75 above
 and “rules of court” is to be construed accordingly; and
 “premises” has the same meaning as in that section, that is to say, the same meaning as in PartII of the ^{M1}Criminal Law Act 1977 (offences relating to entering and remaining on property).

Textual Amendments

F1 S. 76(7) repealed (E.W.) (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174, 178, Sch. 7 para. 31(8), **Sch. 17**; S.I. 2005/3495, **art. 2(1)(u)(xxxvi)** (subject to art. 2)

Marginal Citations

M1 1977 c. 45.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)