

Briefing: #Part4NoMore | The Crime and Policing Bill – time to repeal Part 4 of the Police, Crime, Sentencing and Courts Act

March 2025

Introduction

Gypsy and Traveller people experience stark inequalities¹ and are subject to a wide range of enforcement powers against Gypsy and Traveller camps. Part 4 of the Police, Crime, Sentencing and Courts Act (PCSCA), introduced in 2022, created a new criminal offence relating to trespass and gave police tougher powers to ban Gypsies and Travellers from an area for up to 12 months, alongside powers to fine, arrest, imprison and seize the homes of Gypsies and Travellers.

A judicial review challenged these new provisions brought in by the PCSCA 2022, with the High Court ruling in 2024 that they are incompatible with the European Convention on Human Rights because of the impact on Gypsy and Traveller communities. The incompatibility with human rights protections must be addressed by parliament, and the Crime and Policing Bill provides this opportunity.

Overview of the 2022 police powers targeting encampments

Increased police powers targeting Gypsy and Traveller encampments were introduced through amendments made to provisions in Part V of the [Criminal Justice and Public Order Act 1994](#) (CJPOA) by Part 4 of the [Police, Crime, Sentencing and Courts Act 2022](#) (PCSCA).

This included the introduction of a new criminal offence where trespassers have the intent to reside, which applies when a person has at least one vehicle with them on the land; has caused, or is likely to cause, significant damage, disruption or distress; and has failed to comply with this request as soon as reasonably practicable (see full provisions in section 60C CJPOA). Failure to comply without a 'reasonable excuse' can lead to the police exercising powers to seize a vehicle (someone's home and possessions) as well as imprisonment and a fine (section 60D CJPOA).

Police powers were also strengthened by the PCSCA through amendments to existing powers of eviction in CJPOA. This included amending section 61 to broaden the types of harm that can be caught by the power (to include '*that any of those persons has caused damage, disruption or distress...*') and increased the no-return ban period from 3 to 12 months where a section 61 and section 62a have been used.

¹ The umbrella term 'Gypsy and Traveller' includes many different and distinct communities. Romany Gypsies, Scottish and Welsh Gypsy Travellers, and Irish Travellers are separate ethnic groups, and experience similar inequalities and levels of racism and discrimination. Travelling groups in the UK also include Travelling Showmen, Liveaboard Boaters and New Travellers, who are not defined ethnic groups but continue to maintain a nomadic way of life. Roma are also an ethnic group, but do not usually live on encampments or sites in the UK.

Declaration of incompatibility with the ECHR and UN calls for repeal

The new provisions in PCSCA were challenged in a judicial review, from claimant Wendy Smith and interveners Friends, Families and Travellers and Liberty. In a landmark decision on 14 May 2024, the [High Court Judge](#) issued a declaration of incompatibility under section 4 of the Human Rights Act 1998. This related to the extension of the power to ban families from an area from 3 to 12 months, finding that it discriminates against Gypsies and Travellers without justification and breaches Article 14 rights when read with Article 8 of the Convention. The claimants' and intervener's legal teams at Garden Court Chambers explain the judgment further, [in this article](#).

Human rights bodies have raised concerns about the increasing police powers against Gypsies and Travellers, including the [Council of Europe Commissioner for Human Rights](#) and the [Joint Committee on Human Rights](#). These concerns are echoed by United Nations human rights treaty bodies who have issued formal recommendations to the UK Government to repeal this legislation:

- The [UN Committee on the Elimination of Racial Discrimination](#), September 2024: *'the State party repeal or review legislative or policy measures that have an adverse impact on their lifestyle, such as section 83 of the Police, Crime, Sentencing and Courts Act 2022, which criminalizes unauthorized encampments and the Unauthorised Encampments (Northern Ireland) Order 2005.'*
- The [UN Committee on Economic, Social and Cultural Rights](#), February 2025: *Ensure adequate, culturally appropriate accommodation and stopping sites [...]; and review and repeal laws or policies that undermine their traditional ways of live, such as Section 83 of the Police, Crime, Sentencing and Courts Act 2022, which criminalizes unauthorized encampments in England and Wales, and the Unauthorized Encampments (Northern Ireland) Order 2005'.*

Representations have been made to the Home Office on addressing the incompatibility with human rights legislation and the need to repeal the measures. In a response to correspondence from APPG on Gypsies, Travellers and Roma Co-chair Baroness Whitaker, the Minister of State for Police and Crime Prevention said (September 2024) that: *'We fully acknowledge and respect the High Court's decision. As with all cases of this nature, we are now carefully considering the judgment in order to determine the best way forward.'*

Friends, Families and Travellers received the same response to separate correspondence from the Home Office's Police Powers Unit (August 2024). However, some time has passed since the judgment and Gypsy and Traveller families remain subject to these discriminatory police powers, with no indication from Government when this breach of human rights protections will be rectified. The Crime and Policing Bill is the opportunity to repeal Part 4 PCSCA.

Inequalities experienced by Gypsies and Travellers and the impact of criminalisation

Romany Gypsies and Irish Travellers are widely recognised as being amongst the most marginalised groups within UK society. A [2012 report from the Department for Communities and Local Government](#) noted that: *“Gypsies and Travellers experience, and are being held back by, some of the worst outcomes of any group, across a wide range of social indicators”*. In March 2019, the House of Commons Women and Equalities Committee published a report on [‘Tackling inequalities faced by Roma and Traveller communities’](#), noting that: *“Our inquiry has found that, while many inequalities have existed for a long time, there has been a persistent failure by both national and local policy-makers to tackle them in any sustained way”*.

Increased police powers push Romany Gypsies, Irish Travellers and other nomadic communities into the criminal justice system, compounding inequalities. Through our National Advice Line and outreach work, FFT has spoken with many Gypsies and Travellers who have expressed fear and concern about the police powers under section 60C-E, and the impact the powers have on the ability to maintain a traditional and cultural way of life.

Pre-existing powers and lack of support from police for the Part 4 PCSC Act powers

Prior to sections 60C-E CJPOA coming into force, there already existed a wide range of other powers of eviction and removal, which were available to deal with encampments. In March 2015, the Department for Communities and Local Government and the Ministry of Defence jointly published [a document summarising the powers](#) that public bodies have to deal with illegal and unauthorised sites: That report states: *“Councils and the police have been given strong powers to deal with unauthorised encampments”*.

Those *“robust”* pre-existing powers include: temporary stop notices; injunctions to protect land from unauthorised encampments; licensing of caravan sites; tent site licence; possession orders; interim possession order; local byelaws; the local authority power to direct unauthorised campers to leave land; addressing obstructions to the Public Highway; planning contravention notices; enforcement notice and retrospective planning; stop notices; breach of condition notices; powers of entry onto land; power of the police to direct unauthorised campers to leave land; police powers to direct trespassers to an alternative site; offence of squatting in a residential building; power to act in respect of fly-tipping; power re removal of waste from land; power to remove anything abandoned without lawful authority; power relating to harm to public health; power relating to the clearing of land; power to deal with accumulations of rubbish in the open air; power to seize a vehicle.

Against this legislative background, [research showed](#) that the majority of the police forces and police and crime commissioners that responded to the Home Office consultation (2019) on criminalising unauthorised encampments opposed the proposal to criminalise

trespass. Only 21.7% of police bodies supported criminalisation of trespass, with 93.7% calling for site provision as the solution to unauthorised encampments.

The views of the National Chief Police Council and the Association of Police and Crime Commissioners were made plain in their [joint submission](#) to the 2018 Government consultation: *“Trespass is a civil offence and our view is that it should remain so. The possibility of creating a new criminal offence of “intentional trespass” or similar has been raised at various times over the years but the NPCC position has been – and remains – that no new criminal trespass offence is required.”*

Evidence of use of section 60C-E CJPOA

In February 2023, Friends, Families and Travellers sent Freedom of Information Act requests to all 43 territorial police forces across England and Wales, asking for information about how the new police powers were being used. FFT requested information for the period from 28 June 2022 (when the powers came into force) – 28 February 2023.

Of the 43 police forces contacted, FFT received 28 responses² (65%) providing data on the use of section 60C-E CJPOA. Key findings from the FOI responses, included that of those respondents, 11 police forces confirmed that section 60C CJPOA 1994 had been used (in the period 28 June 2022 – 28 February 2023) for a total of 39 times across the police forces.

Conclusion

The introduction of tougher policing powers in 2022 has had a negative impact on the ability of Gypsies and Travellers to continue their nomadic way of life, free from discrimination and arbitrary treatment.

Certain provisions within the Criminal Justice and Public Order Act, brought in by Part 4 of the Police, Crime, Sentencing and Courts Act 2022, have been found to be incompatible with the European Convention on Human Rights, with UN Committees calling for a repeal of the legislation. The Crime and Policing Bill is an opportunity to address this.

About us

Friends, Families and Travellers (FFT) is a leading national charity that seeks to end racism and discrimination against Gypsies, Travellers and Roma communities and to protect the right to pursue a nomadic way of life. www.gypsy-traveller.org

Tel +44 (0)1273 234 777 | **Email** fft@gypsy-traveller.org | **X** [@GypsyTravellers](https://twitter.com/GypsyTravellers)

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² Sussex Police provided data separately, and for the period October 2022-July 2023.