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Response of Derbyshire Gypsy Liaison Group to the communication from the Special Rapporteur on extreme poverty and the Special Rapporteur on adequate housing.

Having read the United Kingdom Government's response to the communication from the Special Rapporteur on extreme poverty and the Special Rapporteur on adequate housing we would like to draw your attention to the potential impacts in terms of increased homelessness of the Police, Crime, Sentencing and Courts Act (which came into effect as of 28th June 2022) which is not covered in the United Kingdom Government's response and which makes trespass, in some circumstances (set out in the Act), a criminal offence

We would like to draw particular attention to Section 60C of the Act which creates a new **"Offence relating to residing on land without consent in or with a vehicle"**¹ if a person aged 18 or over is "residing, or intending to reside, on land without the consent of the occupier of the land" and "intends to have, at least one vehicle with them on the land". A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale [up to £2,500], or both. Of key importance, the legislation states that:

"(1) If a constable reasonably suspects that an offence has been committed under section 60C, the constable may seize and remove any relevant property that appears to the constable—

- (a) to belong to the person who the constable suspects has committed the offence ("P");
- (b) to be in P's possession; or

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[https://www.legislation.gov.uk/ukpga/2022/32/part/4/enacted#:~:text=60C%20offence%20relating%20to%20residing,in%20or%20with%20a%20vehicle&text=\(i\)leave%20the%20land%3B,possession%20or%20under%20P's%20control.&text=\(ii\)has%2C%20or%20intends,with%20them%20on%20the%20land.](https://www.legislation.gov.uk/ukpga/2022/32/part/4/enacted#:~:text=60C%20offence%20relating%20to%20residing,in%20or%20with%20a%20vehicle&text=(i)leave%20the%20land%3B,possession%20or%20under%20P's%20control.&text=(ii)has%2C%20or%20intends,with%20them%20on%20the%20land.)



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(c) to be under P's control.

(2) "Relevant property" means—

(a) a vehicle (wherever located) which, for the purposes of section 60C(1)(b) (in the case of an offence under section 60C(2)(a)) or for the purposes of section 60C(2)(b)(ii) (in the case of an offence under section 60C(2)(b)), the constable suspects P had or intended to have with them.."

In simple terms this means that the Police now have the power to "seize and remove" the caravans/trailers in which the Gypsies/Travellers concerned are living, thereby rendering them homeless. Indeed as Liberty have noted:

"For Gypsy and Traveller communities this amounts to seizure of their homes and possessions. This may have devastating effects on nomadic families, including children. Those who have no alternative place to live may even face homelessness and/or destitution, on top of criminalisation. Further, stopping and camping with a caravan is an integral part of Gypsies and Travellers' ethnic identity and measures which effect these freedoms have an impact on Gypsies and Travellers' rights to maintain their identity as Gypsies or Travellers. It merits noting that the only justification provided by the Government during the consultation on this proposal was that it would enable "the police to remove unauthorised encampments more quickly and act as deterrent". This is a weak justification for a power which may carry devastating consequences"²

A Good Practice Guide on "Understanding The Welfare Impact Of The Police, Crime, Sentencing And Courts Act"³ produced by British Association of Social Workers in July 2022 states that:

"The Police, Crime, Sentencing and Courts Act 2022 (the Police Act) is in effect as of 28th June 2022, creating a new offence that aims to greatly increase eviction powers that will disproportionately affect Gypsy, Showmen and Traveller communities living on an unauthorised encampment. Failing to recognise that unauthorised encampments arise from the lack of provision of adequate pitches (permanent, transit and emergency) and the failure of many Local Authorities to enter into negotiated stopping agreements, the actions taken under the Police Act could mean that the lives of 10,000 families living on unauthorised encampments could be made even more vulnerable"

² <https://www.libertyhumanrights.org.uk/wp-content/uploads/2020/04/Libertys-briefing-on-the-PCSC-Bill-for-second-reading-in-the-House-of-Lords.pdf>

³ https://www.basw.co.uk/system/files/resources/good_practice_guidance_understanding_the_welfare_impact_of_the_pcsc_act_-_july_2022.pdf



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In summary the Police, Crime, Sentencing and Courts Act has increased the likelihood of increased levels of homelessness amongst members of the travelling communities whilst doing nothing to alleviate the problem of insufficient site provision.

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