

ADVICE NOTE TO PUBLIC AND PRIVATE LANDOWNERS

Gypsies, Travellers and the Law

Everyone has rights, including Gypsies, Travellers and people on whose land unauthorised camping takes place.

Gypsies and Travellers are protected from discrimination by the Race Relations Act 1976, together with all ethnic groups who have a particular culture, language and values, including white and black people.

The aim of this Advice Note is to set out how local authorities and official agencies will work to try and balance the rights of all of those involved.

Here are the answers to some of the most frequently asked questions on the subject:

Q. Why do Gypsies/ Travellers pursue a travelling lifestyle?

A. Their way of life means that they travel the country staying for various periods in different locations in order to earn a living. In most cases it has been a way of life for generations.

Q. Does the Council have a duty to move Gypsies/Travellers when they are camped without the landowner's permission on private land?

A. No. If Travellers are camped on council land, the council can evict them. If they are on private land, usually it is the landowner's responsibility. The Government has advised that when Gypsies/Travellers are not causing a problem, the site may be tolerated.

Q. If Gypsies/Travellers camp on my land what can I do?

- A.
- (i) Talk to them to see if a leaving date can be agreed.
 - (ii) Take proceedings in the County Court under the Civil Procedure Rules, 1998. There must be a minimum of two clear days between service of documents and the Court hearing.
 - (iii) The Gypsy and Traveller service may be available to give general advice on an individual basis

Q. What if I decide to let them stay on my land temporarily?

A. Unless you have already obtained planning permission for a caravan site or you are a farmer and they are helping you with fruit picking, etc., then you could be in breach of the Planning Acts. You may wish to seek further advice from the Planning Department of Herefordshire Council.

Q. I have seen Gypsies/Travellers camping on the side of the road and sometimes on parks or other Council-owned land. What can the Council do in these cases?

A. If the Gypsies/Travellers are causing problems they will be moved on as soon as is reasonable (and in accordance with the Council's Policies). The Council will consider each case on its merits. In all cases the site is visited and every effort made to try and make sure that the Gypsies/Travellers keep the site tidy and do not cause public health problems. This sometimes means that refuse collection facilities may be provided for this purpose.

Q. If the Council want to, can they force Gypsies/Travellers to move immediately?

A. No. Because the Council must:

- Be able to show that the Gypsies/Travellers are on land without consent;
- Make enquiries regarding the general health and welfare of the Gypsies/Travellers;
- Go through relevant steps in terms of serving notices and follow due processes in the courts to gain the necessary authority to order the Gypsies/Travellers to leave the site.

Q. Can the Court refuse to grant the Council an order to move the Gypsies/Travellers on?

A. Yes. If there is an unavoidable reason for the Gypsies/Travellers to stay on the site, or if the Court thinks the Council have failed to make adequate enquiries regarding general health and welfare of the Gypsies/Travellers. The Council must try to find out this information before going to Court.

ADVICE TO TRAVELLERS

Code for Travellers in Herefordshire

‘The stay on land will depend on your co-operation:

- Keep groups small. Up to three caravans will normally be acceptable. Slightly larger groups may be OK away from built-up areas.
- Space yourselves out; park away from other groups.
- Look after the land you park on
- Don't cause problems for nearby residents.
- Don't dump or burn rubbish.
- Ask the local Council for black plastic bags for rubbish, which they will then collect from you on a weekly basis.
- The Council may be able to tell you where the nearest supply of water is.
- Park vehicles safely and keep all animals under control.
- Only park on land not needed for another purpose.

Follow the above advice and in most cases, Herefordshire Council will not pursue an immediate order for the eviction . . .’