

# Equivo



## Evicting Trespassers From Open Land

Equivo can evict trespassers from open land either by enforcing common law rights of the land owner (in certain circumstances) or by enforcing a High Court writ following a court order for possession. We have the capacity to remove vehicles and/or caravans from site and have the resources to ensure that a positive result is achieved regardless of the immediate obstacles. We regularly liaise with the police in more challenging situations and are experienced in carrying out specific, detailed risk assessments where required.

If there are no occupied buildings on the site and the trespassers are simply stationed on the land, a land owner may be able to evict them using common law powers. A land owner may ask trespassers to leave and, if the trespassers fail to do so, he may evict them using such force as is reasonably necessary. The police may be called to assist and to prevent a breach of the peace, but they are not obliged to help.

Whilst the common law option may be quick and cost-effective, some prefer to use the courts to sanction the eviction process. If an order for possession is obtained, Equivo can enforce it under a writ of possession. The writ gives us significant powers and we are entitled to require police assistance when enforcing it. An application for possession should always be used where trespassers are residing in a building on the premises and are opposed to entry.

### How long will it take?

This will depend on the route taken. Common law action can be taken immediately although we would usually advise giving the trespassers sufficient notice to allow them to make alternative arrangements (usually 24 hours).

The process of obtaining a possession order and enforcing by writ of possession can take a little longer, although a fast-track option does exist to speed up the process of litigation. Once an order is obtained we can enforce immediately

# Equivo

Our Central London Judgment Enforcement Office is conveniently located opposite the Royal Courts of Justice and allows us to obtain and process writs on the same day as instruction (provided we have the necessary documents).

Please note that It may be advisable in some cases to provide notice to the occupant(s) or to coordinate enforcement with the police, which may delay enforcement.

## **What will you do once instructed?**

Where we are instructed to remove trespassers under the land owner's common law powers, we will make an initial attendance to site and will serve 'notice to quit' on the trespassers. This will usually give them 24 hours in which to leave site. We will also evaluate the situation so that we can make appropriate arrangements in the event that the trespassers fail to leave. We find that in many cases the trespassers will move on as required. If further action is necessary we will provide a quotation to the client, including a breakdown of costs.

Where an order for possession is obtained the process of enforcement is broadly similar to the common law process. The main difference is usually in the stages prior to enforcement. Where fast-track possession proceedings are initiated there are stringent requirements as to service of documents relating to the claim. We can of course help serve these documents to save costs of using a separate agent/process server.

## **How much will it cost?**

Our fees are calculated on a 'time spent' basis and will therefore vary with the nature of the instruction. Our rates are extremely competitive and our Client Services Team will generally be able to give an indication as to our level of fees in advance of our instruction and once we have visited the site.

Clients using the writ of possession service will also need to bear in mind that they will be liable for the HM Courts and Tribunal Service fee for sealing the writ of possession (currently £80.00).

We can also advise on securing the site with fencing or bollards and can arrange site clearance, where required.

## **How do I instruct Equivo?**

All you need to do is simply fill in our online form by clicking the 'Instruct Us' button below. For any questions, you can contact our team on **020 7788 8484**. Or for more information, visit our website at [www.equivo.com](http://www.equivo.com).

**INSTRUCT US**