

# Neighbourhood Support

## New Zealand



Phone 0800 4NEIGHBOURS

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[www.ns.org.nz](http://www.ns.org.nz)

### Serving a Trespass Notice

Any person in lawful occupation of a place or land can warn someone who is not welcome on the property to stay off. The legal definition of "occupier", in relation to any land or place, includes any employee or other person acting under the authority of any person in lawful occupation of that place or land.

A warning under the Trespass Act 1980 can be given verbally or in writing and lasts for 2 years but ceases if the person on whose behalf the warning was given no longer occupies the land or place concerned.

When a person is verbally trespassed, the warning should be recorded - the reason, what was said (e.g. "Leave now and stay off this property."), the date and time, the name or description of the person told to stay away and the details of any witnesses.

It is recommended that a written "Trespass Notice" [<http://ns.org.nz/trespass-notice.doc>] is used because it clarifies the requirement to stay off the property and is easier to prove later. Duplicate the Trespass Notice and serve one copy on the trespasser and keep one for yourself.

The notice is served by handing it to the person. If the person refuses to accept the notice after it is brought to their attention, or if the notice drops to the ground, it is still considered served. Keep the fallen copy and record on the back of it that the person refused to accept the notice.

If the person who has been trespassed refuses to leave the property after a reasonable time, or comes back on to the property, an offence has been committed. You should call 111 and ask for the police.

See [<http://www.police.govt.nz/safety/home.trespassnotice.html>] for more information on how to serve a Trespass Notice. Other obligations and offences under the Trespass Act 1980 can be located in New Zealand legislation [<http://www.legislation.govt.nz/>] under the Statutes tab.