This chapter discusses trespass to land and defences. Trespass can be committed in various ways, provided that the interference is direct and immediate. The boundary between trespass and other torts, particularly nuisance, is sometimes difficult to draw. Entry on to land is simply the most obvious example of trespass, but other examples include: placing things on land or inducing animals to enter. The Limitation Act 1623, section 5 provides that if the defendant pleads disclaimer of title to the land and if ‘the trespass was by negligence or involuntary’ and he makes a tender of sufficient amends, action against him shall be barred. The claimant’s consent is always a defence to an action in trespass, in the sense that it constitutes ‘leave and licence’.

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