

# Squatting Made Simple

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Sunday, 26 July 2009  
Last Updated Sunday, 26 July 2009

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### Squatting

means occupying empty buildings. Normally, it means homeless people finding somewhere to live, for a while at least, but what people do with the space they occupy is up to them. The following is a very basic guide. For more information or if you have any problems contact the Advisory Service for Squatters (ASS).

## SQUATTING IS STILL LEGAL

In  
England and

Wales squatting is not a crime, though there are some issues that could crop up, dealt with below. Squatting is a civil matter to be resolved in the civil courts between the squatters and the owners. The owners have legal ways and procedures to have squatters evicted and cannot legally use force or threats. Section 6 of the Criminal Law Act 1977 makes it an offence to force entry to a building which is occupied, and this includes squats. Most squatters have on display or available a copy of the Legal Warning explaining this law and their rights. You can get one from ASS.

## FINDING

### A PLACE

There are thousands of empty properties, some of which are more obvious than others. Normally you will have to keep an eye on a place to make sure it is empty. It is best to research a place thoroughly before you squat it by finding out who the owner is and what (if anything) is going on. If you don't have time for this, look and ask around, or check for lists and notice boards at ASS and other places. Help other people by passing on information about empties you have seen. Places that have been empty for a few months or more can last longer, but there is no guarantee.

## GETTING IN

Many empty properties can be walked into as they have become insecure through vandalism. You do not want to commit "criminal damage" and the police may try to accuse you of this, but they would only be able to do anything if there were witnesses. Once you are in, you should change the locks

or secure every door and other way in so that you control entry and are physically, as well as legally, protected. You should repair any damage done by other people straight away.

## IF THE POLICE TURN UP

The police should know that squatting is a civil matter and that squatters have the same rights to protection as anyone else. Don't open the door to them. The Legal Warning can help explain things clearly. You should be able to convince them that you have not done anything wrong, that you didn't damage anything and that you are arranging to pay any relevant bills. Be polite but firm. They should leave you alone, but they do have some rights of entry in some circumstances. In the unlikely event that you are arrested, you have the right to a solicitor without any cost: ASS know some good ones in

London.

You have the right to make one phone call. The police must release you within 24 hours, or charge you. You do not have to tell them anything other than your name, address and date of birth and you should not do so.

## STAYING IN

There should always be someone in the place as this is what gives you your legal protection. The owners can evict you if they find the place empty. If you do have to leave it empty, leave a radio on so it appears you are home. If you send a letter to yourself at your new address this can help persuade the police you live there. When you move in you should note the reading on the electricity and gas meters and contact the suppliers telling them you wish to start paying for the fuel. A copy of such a letter can help show the police you are trying to pay. Contact by phone can be easier. Don't tell them you are squatting, as then they do not have a duty to supply you.

## NEIGHBOURS

It is good to have your neighbours on your side, so talk to them and try not to alienate them. They may have useful information about the property and may be able to keep an eye out for you, or help pressure the owners to leave you alone.

## OWNERS

If you did not research the ownership of the place before you moved in, do it as soon afterwards as you can. There is no simple link between types of owners and how a good a place will be. In general local councils and Housing Associations are more likely to be slow and inefficient and small private companies more likely to try something illegal. A "For Sale" sign probably means you will be evicted quickly, except when property prices have collapsed. The local council's Planning Department has a register of all planning applications and decisions which you can see online. This will tell you who, if anyone, has made an application or got permission. The Land Registry records ownership of most places. You can get the details for a particular place at [www.landregisteronline.gov.uk](http://www.landregisteronline.gov.uk). It costs £3 per place (with a credit or debit card). If there is both a freehold and leasehold owner

registered, the leaseholder is the one with rights to the place who can evict you. Once you are inside you will find more useful information in the mail and any documents left around. Keep them all carefully. It is rarely worth contacting the owners first, because as long as they don't know you are there they can't evict you. It is often worth trying to come to a deal with them. It can be in their interests to have you looking after their property, and if they evict you they may just have to go to the trouble and expense of evicting another lot of squatters, or some more expensive form of security.

## EVICTION

You can be evicted if nobody is in, or if the owner or agents can get in without having to use force or violence. You can be evicted if the place was not really empty. This is extremely rare, but owners sometimes pretend. Somebody who was living in the place immediately before you moved in is a Displaced Residential Occupier (DRO) and they can get the police to evict you, without needing any paperwork. If it is clear to you that nobody could have been living in the property you will have to argue with them and the police. You can also be evicted on behalf of a Protected Intending Occupier (PIO). This is someone who is a tenant or owner of the place and was about to move in straight away, but was prevented at the last minute because you moved in instead. If the tenant of a Council or Housing Association, they need an appropriate certificate. If an owner or private tenant, they need a statement signed before a magistrate or solicitor and they can be charged if found to be lying. It is common for a "PIO" to turn out to be bogus, and challenges often succeed. Illegal evictions do sometimes happen. Contact ASS and keep in touch so we can take action.

## COURT CASES

The usual way to be evicted is through a court case. You do not have to go to court, but it is normally a good idea and there are often ways to get more time. ASS know the law better than most owners or their solicitors, and better than many judges (though they are harder to convince). If the owners have applied for an Interim Possession Order and succeeded, you will have 24 hours (from when the court order is served) to move out, or could be arrested. An ordinary Possession Order (which is more common) has to be enforced by a court bailiff evicting you, which can take some time. You should get notice of when they are coming, but this is not guaranteed. It is worth trying to call them.

For more info read the  
SQUATTERS HANDBOOK 13th Edition £1.50 (£2 incl. post) from ASS.