

NOTES FOR NEW SQUATTERS

Squatting means occupying empty buildings, or land, without permission. 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.

NON-RESIDENTIAL SQUATTING IS STILL LEGAL

Squatting in non-residential buildings, or where there has been an agreement, is still a civil matter. To resolve it the owner has to take you to court. 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. This will no longer help against the police if they are enforcing the new law against squatters in residential properties, but is otherwise still valid. This is explained in the Legal Warnings, which squatters have either on display or ready to show people.

In September 2012 section 144 of the LASPO made it a criminal offence to trespass in residential properties with the intention of living there. Trespassing means being on someone else's property without their permission.

If people are squatting in a clearly residential property, they risk arrest and so losing their home, but it does not cover all situations. The law DOES NOT cover situations where:

- the property is not residential,
- people are or were tenants (including sub-tenants) of the property,
- people have (or had) an agreement with someone with a right to the property,
- people in the property are not intending to live there (maybe merely visiting, holding a short term art project, a protest, etc.)

The definitions in the law are technical and open to some argument, but basically if a building or part of a building was designed for people to live in before you moved into it, it is residential. Shops, pubs (but not flats above them), warehouses etc are non-residential. It is possible for a property to be both commercial and residential e.g. a commercially run residential home. The law around this is unclear. You may be able to argue your case with the police (and people often manage this successfully). You might also have a defence in court depending on the circumstances. However there is still a risk that you could be arrested and potentially prosecuted.

One place to look for evidence that a property is non-residential would be <http://www.2010.voa.gov.uk/ri/en/advanced> which shows which properties owners are



paying business rates for rather than residential council tax
(<http://cti.voa.gov.uk/cti/inits.asp>)

If you didn't know that you were trespassing you are not covered by the new law, but it also says that if you "ought to know" you would be committing an offence.

Be prepared to explain why you are not breaking the law. If the property is non-residential there are Legal Warnings which explain the situation clearly. Otherwise you need to be clear on the law and have an argument ready, preferably written up. The ASS website has up to date legal warnings, draft statements explaining other circumstances and a link to the law.

The law does not give owners themselves, or their agents, rights to use force or threats against occupiers. Only the police have the authority to force entry and enforce the law.

FINDING A PLACE

There are thousands of empty properties, including many that are non-residential, 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. 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 landregistry.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 and can evict you. Don't assume that if you can't find an owner, or if the owner is dead or bankrupt that you are automatically safe. Dead owners have executors and bankrupt companies have administrators.

Once you are inside you will find more useful information in the mail and any documents left around. Keep them all carefully.

GETTING IN

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

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, so you should always have someone at home. As soon as you move in you should contact an electricity and gas supplier telling them you wish to set up an account (meter readings will be asked at some point, but often you can worry about that later). It is often best to do this on-line. Make sure you ask for a reference number or get a confirmation message/email. This can help show the police you are trying to pay (best to have a copy in paper to show to them). Don't say you are squatting. Simply say you have just moved in and would like to set up an account (it will normally need to be under a commercial / non-residential tariff).

IF THE POLICE TURN UP

DO NOT OPEN THE DOOR always speak to them through a window on the first floor or the letter box.

As explained above there are very specific conditions in which the new law has effect, and the police SHOULDN'T take any interest otherwise. You should explain the situation to them without letting them into the property.

The police should know that squatting in commercial properties is a civil matter and that squatters have the same rights to protection as anyone else. Have a Legal Warning or a prepared statement handy so you can show it to the police. 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. 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 and should not tell them anything. Try to get legal advice specific to your situation before squatting a place.

Only accept a solicitor who is happy with you giving a no comment interview. If the police know that you have committed a crime then they will charge you. If not, you may say something which can be misinterpreted. In such a stressful situation it is too easy to accidentally say something incriminating. We advise you to give a NO COMMENT interview. Get hold of and read the pamphlet "No Comment".

Generally, record as much information as possible, about any police officers threatening you and your home, including their numbers, and anything they say. If things go wrong contact ASS or your local squatters network to discuss making a complaint, and/or suing the cops. Keeping notes on any visits from the police or owner can also be useful later when it comes to writing a court defence.

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. This can give you some idea of what to expect when they become aware of your occupation. Don't be surprised that the owner will be unhappy to find you in occupation, after all they have no idea who you are and what to expect of you. Use your common sense when dealing with them. It might be worth explaining to the owner that they do not have to take you to court but could come to an agreement with you. It can be in their interests to have you looking after their property. If they evict you they may just have to go through the trouble and expense of evicting another lot of squatters, or hiring some more expensive form of security.

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 as there are often ways to get more time.

When you get your court papers you should bring them to ASS immediately. ASS know the law better than most owners or their solicitors, and better than many judges (though they are harder to convince). Within 28 days of finding out about you, the owners can apply for an Interim Possession Order (IPO). If they succeed you will have 24 hours (from when the court order is served) to move out, or you could be arrested. An ordinary Possession Order (which is more common) has to be enforced by a court bailiff evicting you. This can take some time and you should get notice of when they are coming, but this is not guaranteed. It's a good idea to ring up the court to find out the eviction date sooner. However, it has become more and more common for squat evictions to be transferred to the High Court (even after a hearing at the County Court). Private bailiff companies get hired then and you can be evicted any time, usually without notice. The County Court office are meant to tell you when your case is transferred from the County Court to High Court enforcement, but they usually don't..

PROTECTING YOUR IDENTITY

Remember that any name that you give to any authorities etc. could result in that name being pursued for Court costs, taxes and bills etc.

ORGANISING

Squatting is harder than it used to be but housing struggles are more necessary than ever. There are some local networks, informal or a bit more formal, and there's always room for more.

WHATEVER THEY SAY, SQUATTING WILL STAY!

CONTACTS:

// ADVICE //

Advisory Service for Squatters (ASS)
Angel Alley, 84b Whitechapel High St
London, E1 7QX
07545508628
advice4squatters@gmail.com
www.squatter.org
Twitter : @ASSSquattheworld

Squatters Handbook:

it is produced by ASS and has a lot more information. Get hold of a copy if you can.

London Practical Squatters Nights:

Currently events are announced through NELSN (see //Local Groups//). Also check ASS website for updates.

// LOCAL GROUPS //

NELSN (No Evictions! London Squatters Network)
Info about eviction resistance, squat parties, benefits, and other radical events.
07575 013111 (text to be added to the network)

Bristol Housing Action Movement (BHAM)
c/o PRSC Jamaica St, Stokes Croft, Bristol
squatbristol@gmail.com
www.facebook.com/Bristol-Housing-And-Action-Movement-2031893947062115/

// CAMPAIGNING //

Squatters Action for Secure Housing (SQUASH)
www.squashcampaign.org

London Renters Union
<https://londonrentersunion.org/>

LINK TO THE 2012 CHANGE TO THE LAW ON SQUATTING

S144 LASPO <http://www.legislation.gov.uk/ukpga/2012/10/section/144>

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