



Squatters' Action For Secure Homes

House of Lords Briefing Paper – Please support Baroness Miller's amendments to Clause 145 of LASPO bill at Tuesdays third reading

March 2012

Introduction

SQUASH (Squatters' Action for Secure Homes) is concerned about the impact on homeless and vulnerable people of criminalising squatting in residential properties, as proposed by Clause 145 of the Legal Aid, Sentencing and Punishment of Offenders Bill (LASPO). We are joined by other organisations in thinking that Clause 145 is unjust, unnecessary, and unaffordable. In unusual circumstances, Clause 145 is due to be debated for a final time at third reading this Tuesday 27th March. The clause was only added to the LASPO bill at third reading in the House of Commons, despite a Ministry of Justice consultation in which 96% of respondents opposed criminalisation. Previous debates in the Commons and in the House of Lords have taken place extremely late at night. Clause 145 will now be heard at a proper time of day, and we urge you to attend as when a whole section of society is faced with becoming criminals at the very least they deserve a vote. Homeless Charity **Shelter** said: *“we urge the government not to rush through new criminal laws in a knee-jerk reaction to high profile media stories”*. Amendments you may want to support are:

Amendment 1 – Properties left empty for twelve months or more to be exempt from the new law

- Whilst homelessness is rising rapidly, there are almost 1 million buildings lying empty in the UK (Empty Homes Agency).
- Research from homelessness charity **Crisis** shows that 40% of homeless people use squatting to avoid street sleeping.
- *“We are concerned that the proposed new offence will largely affect empty or abandoned homes and will expose vulnerable homeless people to the criminal law. If passed, Clause 145 could leave individuals with no choice but to sleep on the streets.”* - **Liberty**

Despite media scaremongering, people displaced from their homes by squatters are already fully protected under the 1977 Criminal Law Act. Numerous groups, including the **Law Society**, the **Metropolitan Police**, and the **Criminal Bar Association**, have stressed that further criminalisation is unnecessary.

- *“The current law is comprehensive and effective ... the proposals in this consultation are based on misunderstandings by the media of the scale of the problem and a misunderstanding of the current law.”* – Law Society

- *“Repeated inaccurate reporting of this issue has created fear for homeowners, confusion for the police and ill-informed debate among both the public and politicians on reforming the law.” – Letter from 160 legal experts and lawyers [published in The Guardian](#).*
- **ALTER (Action for Land Taxation and Economic Reform)**, of which Nick Clegg is Vice President, said: *“This change is contrary to the interests of UK taxpayers. It would provide a valuable state funded benefit to wealthy tax avoiders.”*

Amendment 2 – Defining residential

There is imprecision with regards to the definition of “residential”. To accord with the intention of legislators - the protection of homeowners - this definition should be clarified and restricted to use classes C3 (dwellings, houses, flats, apartments) or C4 (houses of multiple occupation). The definition as it is currently worded is problematic for many reasons:

- It is so vague that it could extend criminalisation to non-residential property and criminalise more than was intended. Currently “any structure, permanent or temporary, moveable or immovable is covered by the offence if it has been designed or adapted for use as a place to live”. This could be interpreted to mean a 'bed in a shed' or 'rough sleeping in a cardboard box', which clearly represents bad law.
- It will create more work for courts and police in applying the law - the importance of the clarification is to avoid the courts and the police having to determine what legislators intended after commencement, at great time and confusion.
- It could add substantial costs to what is already predicted to be a highly expensive clause - using government data and a methodology endorsed by a range of academics and legal practitioners, SQUASH have calculated that Clause 145 could cost £790 million over the next 5 years to the taxpayer. This is far in excess of the £350 million a year savings that the rest of the LASPO Bill is supposed to make.

Amendment 3 – Commencement shall not be before a consultation is concluded with local authorities assessing their capacity to house the vulnerable persons affected by this Clause

- Homelessness has risen by 14% in the last year. (Department for Communities and Local Government)
- As council cuts kick in the Local Government Ombudsman is seriously concerned as the risks of vulnerable people being let down by councils are increasing: *“I am concerned that more people could now suffer injustice because of the combined impact of a tough economic climate and the serious budget pressures on councils.”*
- *“Our worst fears are coming to pass. We face a perfect storm of economic downturn, rising joblessness and soaring demand for limited affordable housing combined with government policy to cut housing benefit plus local cuts to homelessness services.”* - Leslie Morphy, chief executive of Crisis
- *“I cannot think of a single local authority which would be in a position at the moment to deal with anything like 200 homeless people presenting themselves on its doorstep, let alone thousands.”* - Baroness Miller of Chilthorne Domer, LASPO: Report: 5th Sitting

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