



Ministry of  
**JUSTICE** ??

## Options for Squatting

### Lies of questions for repose

We would welcome responses to the following questions set out in this consultation paper. Please email your completed form to: [squatting.consultation@justice.gsi.gov.uk](mailto:squatting.consultation@justice.gsi.gov.uk), or fax to: 020 3334 5051

**Question1. Is squatting a particular problem in your area and where does it occur the most, e.g. in residential or non-residential property? Were these properties empty/abandoned/derelict before they were occupied, or were they in use?**

Comments:

We do not feel squatting is a 'problem' and in many cases it solves issues such as dereliction, makes political points and provides accomodation. Squatting does occur in Brighton, mostly in long-term empty residential property (including council housing), though vacant commercial property is occasionally occupied - usually as a form of protest. These buildings were not in use, and the vast majority of evicted squats remain derelict.

Mike Weatherly has made several false points about squatting in Brighon and Hove, seizing upon stories which either concern thieves rather than squatters or stories which deal with squatters who can be already evicted under existing legislation.

**Question2. Please provide any evidence you have gathered on the number of squats and the nature of squatting in your area or nationwide?**

Comments:

We are aware of a number of squats in Brighton.

**Question3. Do you have any information on the demographic profile of people who squat - e.g. do they share any of the protected characteristics set out in the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation)? Do they live alone or with others?**

Comments:

Squatters, like the rest of the populace, vary in gender, race and disability.

**Question4. Do you think the current law adequately deals with squatting? Please explain your reasons.**

Comments:

Yes, and then some.

**Question5. If you have taken steps to evict squatters from your properties, what**

**difficulties have you encountered (if any) in removing squatters from your property using existing procedures? Have you had any positive experiences of using existing procedures?**

Comments:

We have many positive experiences of squatting.

**Question6. Do you think there is a need for a new criminal offence of squatting?**

Comments: No, squatting is the act of occupying vacant buildings. It prevents deterioration and vandalism, makes use of wasted spaces, provides accommodation, can be a political tool, encourages a vibrant artistic community and hinders corrosive property speculation.

Contrary to some media and government comments current legislation provides adequate protection for those it is claimed any new act would help. The only people who would benefit from new legislation are those with an ulterior motive for keeping buildings unoccupied. Those most negatively affected would be amongst the most vulnerable in society.

In addition, new laws would come with many drawbacks including:

Cost - the advocated changes will result in increased costs for the government on the level of policing and courts

Unenforceable - The police will not have the ability nor inclination to enforce new laws

Human rights - Most of the proposed changes will be unworkable under EU Human Rights legislation.

**Question7. If so, do you agree with the basic definition of squatting set out in paragraph 21 (i.e. the unauthorised entry and occupation of a building)?**

Comments:

No. This definition is legally useless, since it does not define what constitutes authorisation or occupation, meaning any law seeking to utilise this definition would also have many unintended 'victims'.

**Question8. How should the term 'occupation' be defined? Should it cover those who occupy a building for a short period (e.g. a couple of hours)?**

Comments:

No comment.

**Question9. What 'buildings' should be covered by the offence? Should it cover all buildings or only some (e.g. should it cover public and private buildings, outbuildings, abandoned or dilapidated buildings, or buildings that have been empty for a long time)?**

Comments:

Exemptions for certain types of building would be unworkable and would only create more problems in practice.

**Question10. Do you think there should be any exemptions to any new offence of squatting? If so, who should be exempt and why?**

Comments:

No.

**Question11. Do you agree that the existing law provides adequate protection against false allegations?**

Comments:

No. One property that was legally occupied in Brighton recently was illegally evicted with the assistance of the police. This process began as a series of threats and intimidation by agents acting on behalf of an 'heir hunter' company followed by attempts at forcible entry, though the police were called on a number of occasions, they were clearly not interested in enforcing, or investigating breaches of, any laws.

When this (approx. week long) campaign failed to evict the occupants, a director from the company arrived at the premises with an alleged Protected Intended Occupier (PIO) notice. After he attempted to crowbar the door to the house open, police arrived on the scene. The situation was explained to the officers present and, unable to understand the law themselves, they took the man (voluntarily) to the police station to establish if he did in fact have protected intended occupier status.

Since the man claimed to be acting as the executor of a deceased person's estate, he clearly would not have fallen into this category. His alleged PIO was merely a letter written by himself stating he needed the premises as his main place of residence (something he had no legal right to), which was signed by the company's solicitor. Despite all of this, the police then returned with the man, stating that if the occupants did not leave they would be arrested. They therefore left and the building was occupied by a 24hr security company for a period of time

before becoming vacant once again.

This is just one of many occasions where false allegations and distortions have deprived people of their legitimate homes. Any strengthening of the law would undoubtedly lead to a rise in such occurrences.

**Question12. If not, what other steps could be taken to protect legitimate occupiers from malicious allegations?**

Comments:

The best situation would be not to bring in any new offences and educate police officers on the law as it stands.

**Question13. What do you think would be the most appropriate maximum penalty for a new squatting offence?**

Comments:

A free Cadbury creme egg.

**Question14. In your experience (e.g. as a displaced residential occupier or protected intending occupier or as a law enforcer), how effective is the existing offence in section 7 of the Criminal Law Act 1977?**

Comments:

Section 7 protects those people from having their home occupied by others, this effectively makes the vast majority of media scare-stories redundant. However the section is also abused in situations such as the one above.

**Question15. How does the definition of ‘displaced residential occupier’ and ‘protected intending occupier’ work in practice?**

Comments:

DROs and PIOs, when not abused, provide more than sufficient protection for home-owners. However, in practice people very rarely squat buildings that are in use, as this would not be in anyone's interest (including the squatter's).

**Question16. If we were to expand section 7 so that it covered squatters who refused to leave other types of building when required to do so by the rightful occupier, what type of buildings and what types of occupier should be specified?**

Comments:

To extend section 7 so that it's a criminal offence not to leave when asked to do so would be morally dubious as it would have no requirement for the building to be put to use after eviction resulting in people being needlessly evicted from long-term vacants.

**Question17. If section 6 were amended to exempt additional categories of people from**

**the offence, which categories should be exempted? Are there any categories of people that should not be exempted?**

Comments:

No. Expansion of these exemptions would merely encourage vigilantism with a ratcheting up of physicality from both landlords and squatters alike. This would be regrettable.

**Question18. Do you know of circumstances where the section 6 offence has been used –was it used to protect a tenant from forcible entry by a landlord or was it used for other reasons, e.g. to stop a violent partner from breaking back into his home? Please describe the circumstances.**

Comments:

We do not know of any circumstances where people have been prosecuted for an offence under section 6, however we do know of many cases where offences covered by it have been actively ignored by police. This is a particular problem with Sussex Police who forcibly enter squats with no legal basis, often hiding behind unsubstantiated 'suspicion' of crime. Sussex Police also often ignore or tear down section 6 notices, or claim that a squat is illegal without a section 6.

In our experience police fail to even arrest under section 6 of the Criminal Justice act let alone make successful prosecutions. This is more due to biased policing than any flaw in the act itself. One change SNOB would welcome from this consultation is even handed policing which resulted in more unscrupulous landlords and police officers facing prosecution.

This view is supported by tenancy relations officer, Ben Reeve-Lewis writing in the Guardian September 28. 2011, where he talked of the difficulties councils face in prosecuting 'rogue' landlords.



**Question19. What barriers (if any) are there to enforcement of the existing offences and how could they be overcome?**

Comments:

Police are ignorant of existing laws.

For example, what may be termed criminal damage to a building is actually vital repairs being made after years of neglect.

**Question20. Are you aware of the Government's new guidance on evicting squatters under existing laws? If so, is it helpful? Do you think the guidance could be improved in any way?**

Comments: Negotiation is not even mentioned.

**Question21. If any of the proposals in this document were to be adopted, what impact would this have on you, your organisation or those whose welfare you promote?**

Comments: Squatting will continue.

**Question22. Do respondents who identify themselves as having a protected characteristic (listed in paragraph 39) or who represent those with**

**protected characteristics think any of the proposals would have a particular impact on people who fall within one of the protected characteristics? If so why?**

Comments: No comment.

Please complete the section overleaf to tell us more about you.

## About you

|   |                               |
|---|-------------------------------|
| <b>Full name</b>  | SNoB                          |
| <b>Job title</b> or capacity in which you are responding (e.g. member of the public etc.) | Squatters Network of Brighton |
| <b>Date</b>   | September 11 2011             |
| <b>Company name/organisation</b><br>(if applicable):                                      |                               |
| <b>Address</b>  | NFA                           |
|   |                               |
| <b>Postcode</b>   |                               |
| If you would like us to acknowledge receipt of your response, please tick this box        | (please tick box)             |
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|   |                               |
|   |                               |

**If you are a representative of a group**, please tell us the name of the group and give a summary of the people or organisations that you represent.

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