



Department for
Communities and
Local Government



Ministry of
JUSTICE

Advice on dealing with squatters in your buildings

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Advice on dealing with squatters in your buildings

From 1 September 2012, a person squatting in a residential building is committing a crime. The offence covers squatting in all residential buildings. It protects homeowners and lawful occupiers who discover squatters have occupied their homes. It also protects organisations and individuals who own residential buildings they do not live in, for example, local authorities, holiday home owners or landlords.

The offence does not cover squatting in non-residential buildings or land, but in certain circumstances squatters who have broken into those premises or caused damage might be guilty of other offences. Property owners might also seek to regain possession of their properties by seeking a court order.

This advice has been provided by the Ministry of Justice and the Department for Communities and Local Government to inform property owners about the new offence and the procedures for regaining possession of their properties from squatters.

What is the definition of a squatter for the purposes of this offence?

- The offence is committed where a person is in a residential building as a trespasser, having entered as a trespasser, knows or ought to know he or she is a trespasser, and is living in the building or intends to live there for any period.
- The offence does not cover legitimate tenants who fall behind with rent payments or refuse to leave at the end of their tenancy. Such persons are not squatters for the purposes of this offence and landlords should continue to follow established eviction processes to regain possession of their properties in these circumstances.

What is the definition of a residential building?

- For the purposes of the offence, a 'residential building' includes any structure or part of a structure that has been designed or adapted for use as a place to live prior to its occupation by squatters. This includes permanent structures such as brick-built houses or flats and temporary or moveable structures, such as residential prefabs, park homes or caravans.

What can I do if my home or other residential building has been taken over by squatters?

- If you find squatters in your home or any other residential building, you can call the police to report a criminal offence. The offence was created by section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. It has a maximum penalty of six months' imprisonment, a fine or both.

How can I prevent squatters occupying my property in the first place?

- The offence should act as a deterrent, but it will not necessarily stop a person who is determined to squat. Make sure your home is properly secured when it is left unoccupied. The Direct Gov website includes a number of tips on [protecting your home from burglary](#). Many of these tips may also be useful in protecting your home from squatters.

- Let your neighbours know if your home will be vacant for a long period so they can alert the police if they see anything suspicious.

What if squatters occupied my home before the offence was created? Can I request the police to arrest them for this offence, even if they have since vacated the building?

- No, the offence will only apply to someone who is squatting in a residential building on or after 1 September 2012 (the date the offence came into force). Although the offence will not apply retrospectively, it would be open to the police to investigate the person for relevant offences that were in place at time the alleged incident took place.

What if someone entered my residential building before 1 September 2012 and remains in the property after the offence is commenced? Can I report them to the police?

- Yes, it does not matter whether the squatter entered the property before 1 September 2012 or after. If someone is squatting in your residential building on and after 1 September they will be guilty of a criminal offence.

What should I do if squatters move into a neighbour's property?

- It is an offence to squat in any residential building. If you are sure that your neighbours have not invited people to stay in their property while they are away, you should call the police to report an offence.

What if I own a non-residential building? What can I do to get squatters out?

- The offence does not cover squatting in non-residential buildings, but there are other offences that might be relevant depending on the circumstances of the case. If a squatter damages your property either whilst entering or once inside the property, they may be guilty of criminal damage. Similarly, if they steal items from the property, or use the utilities they may have committed a criminal offence, and you should report this to the police.
- Non-residential property owners can also seek to regain possession of their properties in the county court (or High Court where appropriate). If you want to regain possession of your property quickly, you can apply for an 'interim possession order'.
- Once notice has been given the application can be heard and the order made very quickly. Once the order is served on the trespasser, the trespasser must leave the property within 24 hours, and failure to leave is a criminal offence punishable by up to six months imprisonment.
- It is also an offence for the trespasser to return to the property without the permission of the rightful occupier within a year of the date of service of the interim possession order.
- An interim possession order does not give you final possession of the property. There will be a return date at which the court will decide whether to make the order final.
- Advice on applying for an interim possession order can be viewed on the [HM Courts & Tribunal Service website](#).

What should I do if my tenants withhold rent payments or refuse to leave at the end of their tenancy?

- The offence only applies to a person who originally entered a residential building without the permission of the property owner. If a tenant falls behind with rent payments or refuses to leave at the end of their tenancy, he or she is not a 'squatter' for the purposes of the new offence.
- There are established processes for landlords to use in seeking possession of their property. These are set out in a fact sheet available at the following address:

<http://www.communities.gov.uk/publications/housing/factsheetgainingpossession>

Where can I go to for practical advice?

- For practical advice on how to remove squatters from your property or for advice on dealing with difficult tenants, you may wish to contact the Citizens' Advice Bureau, a solicitor or local council.