

Squatting now a criminal offence in the UK

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In England and Wales from September 1, squatting in a residential building is now a criminal offence. It is estimated that there are up to 50,000 people currently squatting in empty properties across the UK.

The new offence, under clause 144 of the Legal Aid, Sentencing and Punishment of Offenders Act, carries a maximum jail sentence of up to six months, a £5,000 pound fine or both. The move, passed by the Conservative/Liberal Democrat government, was supported by the opposition Labour Party.

Prior to the introduction of this law, squatting was treated as a civil matter whereby the aggrieved party would have to go to a civil court to prove that squatters have trespassed before they could be evicted. Now treated as a criminal matter, it means that, following a complaint to the police, those considered to be squatting can be arrested.

This piece of draconian legislation has been brought in on the back of scare stories about homeowners going to the shops and coming back home to find squatters in their homes. Such situations are extremely rare and have been vastly overplayed in the media, forgetting that it is considered by many legal experts that homeowners were already adequately protected by existing laws, covered by the Criminal Law Act 1977.

One hundred and sixty leading legal figures wrote to the *Guardian* newspaper in September 2011 to explain this point, arguing that the government was misrepresenting the law and misleading the public in order to push through its anti-squatting legislation.

The chair of the Housing Law Practitioners Association, Giles Peaker, who had been one of the organisers of the letter, said “the change amounted to a ‘tax subsidy’ for landlords who leave their properties unoccupied”.

The government conducted a consultation with the public that showed that of the 2,217 responses received, 2,126 were from members of the public concerned

about the effects of criminalising squatting. Only 10 people responded to say they had been victims of squatting.

Homelessness rates are rising at the same time as the number of empty properties stands at approximately 950,000. According to Empty Homes, a charity that helps to restore empty homes back to residential use, of these, 350,000 have been vacant for six months or more.

A number of organisations have come out in opposition to the legislation including the Law Society and the Criminal Bar Association. Numerous homeless charities are also in opposition. Leslie Murphy, chief executive of the Crisis charity, said the new measures “will do nothing to address the underlying reasons why vulnerable people squat in the first place—their homelessness and lack of affordable housing”.

Research published by Crisis showed that 40 percent of single homeless people have squatted as a response to homelessness. This group includes many who are suffering mental health problems and drug/alcohol dependency or care leavers with complex needs. According to the research, 78 percent of squatters had approached their local authority for help prior to squatting.

Squatting is the hidden face of homelessness and not a lifestyle choice as portrayed in the right-wing press. The lack of social housing or temporary accommodation leaves many people with the stark choice of sleeping out on the streets or finding somewhere to stay. Many squatters are vulnerable, living in dire conditions, unable to resolve their homelessness in any other way, and for many, squatting is seen as a last resort.

This reactionary legislation has already been enacted upon. Earlier this month, police raided a house in Leigh Road, Street, Somerset, and arrested a group of five young people, all in their late teens and early twenties,

who had been living at a house for several months.

Street is a small town and has very little housing provision for young people. The YMCA youth charity has been trying to get planning permission for the building of short-term emergency accommodation for young people aged 16-25 in this area, and this has twice been turned down by planners following opposition from local residents.

Karen Deverell, chief executive officer of Mendip YMCA, commented, saying there was a desperate need for housing. The Mendip YMCA is working with 194 vulnerable young people trying to find them somewhere to live.

Joseph Black, a spokesman for Squatters' Action for Secure Homes (SQUASH), said, "This sounds like a classic case of how this law is criminalising some of the more vulnerable members of our society.

"This country is in the middle of the worst housing crisis it has ever seen, and in the middle of it, the government has announced legislation that will criminalise people and make them homeless at the same time." He continued, "These are young people who may have had no other way of getting a roof above their head and having somewhere to live."

Homelessness is increasing nationally, with an average rise of 9 percent in those accepted as homeless by local authorities. As many properties stand empty, this legislation is solely to protect property speculators and unscrupulous landlords who keep properties vacant to secure their financial interests and to maximise profits.



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