

Lawyers for Business and Individuals

NEW LAW COMES INTO EFFECT TO MAKE "SQUATTING "A CRIMINAL OFFENCE

From 1 September 2012 squatting became a criminal offence. Squatters now face a potential 6 months jail sentence, a £5,000 fine, or both.

An offence is committed when:

- a person is in a residential building as a trespasser having entered it as such;
- the person knows or ought to know that they are a trespasser; and
- the person is living in the building or intends to live there for any period.

It is worth noting that the new offence does not apply to a person who entered the property with permission of the property owner, such as a legitimate tenant, even if the tenant subsequently falls behind with rent payments. In such circumstances, the tenant will not be a trespasser and the property owner would be expected to pursue established eviction processes through the Courts.

Before this legislation, it was difficult for homeowners and landlords to evict squatters, they effectively had to go to court and prove trespass before they could do so. It is thought that the time and expense of going through this process has put many homeowners and landlords off from enforcing their rights.

As a result of this new legislation, homeowners can simply complain to the police. If the police believe the claim to be genuine, they now have the authority to take action and arrest the squatters.

Justice Minister Crispin Blunt said: *"For too long, squatters have had the justice system on the run and have caused homeowners untold misery in eviction, repair and clean-up costs. Not anymore. Hard-working homeowners need and deserve a justice system where their rights come first - this new offence will ensure the police and other agencies can take quick and decisive action to deal with the misery of squatting."*

If you need advice about possession or property rights, please contact Mohit Chopra for expert advice on 020 3328 1600.

Liability disclaimer

Nothing in this article constitutes legal advice. Always consult a suitably qualified lawyer on a specific legal problem or matter.

Miramar legal assumes no responsibility for information contained in this article and disclaims all liability for the information contained within it.