



## Advice on dealing with squatters in your home

### **What can I do if my home has been taken over by squatters?**

- If you return from holiday or walking the dog to find squatters in your home and they refuse to leave, you can call the police and report a criminal offence.
- If you intend to move into a property, but are currently not living there (for example because you are carrying out repairs), you may also be protected by the criminal law.
- The police may decide to make an arrest on suspicion of an offence under Section 7 of the Criminal Law Act 1977, which says that it is an offence, subject to certain defences set out in the Act, for a person who is on residential premises as a trespasser to fail to leave having been required to do so by or on behalf of a displaced residential occupier or a protected intending occupier.
- Always remember that you will have to be able to prove that you are either a displaced residential occupier or protected intending occupier of the property.

### **What should I do if a squatter has damaged or stolen my property?**

- If a squatter damages your property either whilst entering or once inside the property, they may be guilty of criminal damage. You can call the police to report this.
- 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.

### **Do 'squatters' rights' really exist?**

- The popular notion of 'squatters rights' arises from section 6 of the Criminal Law Act 1977, which makes it an offence to use violence or threats of violence to gain access to premises when there is someone on the premises who is opposed to such entry.

- This was introduced to prevent unscrupulous landlords from using violence or intimidation to evict legitimate tenants. But it has also been used by squatters to oppose violent entry on the part of the property owner.
- The Criminal Justice and Public Order Act 1994 made it clear that this offence does not apply to a person who is a “displaced residential occupier” or a “protected intending occupier” (or is acting on their behalf). In other words, someone who breaks down the door of their own home would not be committing any offence (providing he could prove he was the rightful occupier).
- This exemption only applies to residential occupiers and protected intending occupiers. It does not extend to owners of non-residential properties, or residential properties which are not their own home.

### **Can squatters take ownership of the property if they stay for a certain amount of time?**

- Yes, but as squatters would have to remain in occupation of the property without the permission of the owner for ten years or more before they could acquire ownership of the property, it is rare for them to become the owner. The actual period of adverse possession required would depend upon whether the land is registered or unregistered.
- The general rule is that 12 years adverse possession of unregistered land will bar the title of the former owner and 10 years adverse possession of registered land will entitle the squatter to apply for registration. The registered proprietor will be given the opportunity to object and in most circumstances, an objection will be successful.

### **How can I evict a tenant who won't leave?**

- There are different sorts of tenancy and leases and landlords should carefully check both the terms of them and any statutory provisions that may apply before considering what action to take to gain possession. It is advisable for landlords to seek legal advice when seeking to evict tenants, as there are often difficult procedural requirements to be followed.
- A tenant with an assured shorthold tenancy who fails to leave when asked to do so by a landlord is not a squatter and is not committing a criminal offence. Provided that any fixed term has ended, and that the correct period of notice has been given to determine the tenancy, a landlord can seek to remove him from the property by applying for a possession order in the civil courts.
- Before applying for a possession order, the landlord must also comply with the specific two-month notice requirement set out in section 21 of the Housing Act 1988. This period (which may be longer than two months depending on the terms of the tenancy) must have expired before the landlord can issue their claim for possession.

- If the courts grant a possession order, they will also specify a date for the tenant to leave - usually 14 days after the court hearing. However, if there are exceptional circumstances (e.g. if the tenant is ill or has very young children), the judge may delay this for up to six weeks from the date the order was made.
- If the tenant does not leave by the specified date, the landlord can apply to the court for the bailiffs to evict them.

### **Is there a faster way of removing squatters?**

- Yes. The interim possession order makes it easier and quicker for people to regain possession of residential or commercial property from squatters. If the correct procedure is followed, an interim possession order can usually be obtained from the courts within a few days.
- Squatters must leave the property within 24 hours of service of the interim possession order. If they do not they are committing a criminal offence and may be arrested. The offence is punishable by up to six months imprisonment.
- It is also an offence for them to return to the property without the permission of rightful occupier for a period of up to 12 months from the date of service of the interim possession order.
- An interim possession order does not give you final possession of the property. You must, therefore, also make an application for possession when you apply for an interim possession order. A final order for possession will normally be made at a hearing shortly after the interim possession order has been made.
- Advice on applying for an interim possession order can be viewed on the HMCS website at:  
<http://www.hmcourts-service.gov.uk/infoabout/housing/landlords/squatters/index.htm>

### **Where can I go to for practical advice?**

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