



Squatters' Action For Secure Homes

House of Lords Briefing Paper – Please support Baroness Miller's Amendments on Tuesday evening to Clause 136 of LASPO bill

March 2012

Introduction

SQUASH (Squatters' Action for Secure Homes) is concerned about the impact on homeless and vulnerable people of criminalising squatting in residential properties, as proposed by Clause 136 of the Legal Aid, Sentencing and Punishment of Offenders Bill (LASPO). We are joined by other organisations in thinking that Clause 136 is unjust, unnecessary, and unaffordable, and call on the Lords to oppose its inclusion in the Bill. Clause 136 is due to be debated on the final day of LASPO report stage which is **Tuesday 20th March**, the debate is expected to take place very late in the day however we urge you to attend as when a whole section of society is faced with becoming criminals at the very least they deserve a vote.

Following a Ministry of Justice consultation in which 96% of respondents opposed criminalisation, the clause was added to the LASPO bill at the third reading in the House of Commons. It has not received proper scrutiny. Homeless Charity **Shelter** said: *“we urge the government not to rush through new criminal laws in a knee-jerk reaction to high profile media stories”*. Amendments you may want to support are:

Amendment 1 - Clause Stand Part

Clause 136 is unnecessary and this is a central reason for opposing its inclusion in the Bill. Despite media scaremongering, people displaced from their homes by squatters are already fully protected by existing laws. The 1977 Criminal Law Act protects displaced residential occupiers (DROs) and protected intending occupiers (PIOs). Numerous groups, including the **Law Society**, the **Metropolitan Police**, and the **Criminal Bar Association**, have stressed that further criminalisation is unnecessary.

- *“The current law is comprehensive and effective ... the proposals in this consultation are based on misunderstandings by the media of the scale of the problem and a misunderstanding of the current law.”* – Law Society
- *“Repeated inaccurate reporting of this issue has created fear for homeowners, confusion for the police and ill-informed debate among both the public and politicians on reforming the law.”* – Letter from 160 legal experts and lawyers [published in The Guardian](#).
- SQUASH believe that Clause 136 is likely to be abused by landlords seeking to evict those with insecure tenancies quickly and cheaply. **Shelter** are concerned about the *“undermining of legitimate tenant protection and other unintended consequences”* of Clause 136 which could be *“a gift to rogue landlords”*.

Amendment 2 – Properties left empty for twelve months or more to be exempt from the new law

- Whilst homelessness is rising rapidly, there are almost 1 million buildings lying empty in the UK (Empty Homes Agency).
- Research from homelessness charity **Crisis** shows that 40% of homeless people use squatting to avoid street sleeping.
- *“We are concerned that the proposed new offence will largely affect empty or abandoned homes and will expose vulnerable homeless people to the criminal law. If passed, Clause 136 could leave individuals with no choice but to sleep on the streets.” – Liberty.*

Amendment 3 - Clause 136 is not commenced until the Secretary of State reports to Parliament with an assessment of its full costs to the public purse

Using government data and a methodology endorsed by a range of academics and legal practitioners, SQUASH have calculated that Clause 136 could cost £790 million over the next 5 years to the taxpayer. This is far in excess of the £350 million a year savings that the rest of the LASPO Bill is supposed to make. The government have not factored the costs of this clause into their Impact Assessment for the Bill:

- The government’s Impact Assessment, which estimates the costs at £25 million over 5 years, is sorely inadequate. No attempt has been made to account for the costs of rehousing and rehabilitating those who currently squat and estimates of the costs to the Criminal Justice System are far too low.
- **ALTER (Action for Land Taxation and Economic Reform)**, of which Nick Clegg is Vice President, said: *“This change is contrary to the interests of UK taxpayers. It would provide a valuable state funded benefit to wealthy tax avoiders.”*

Our research, backed by experts, shows conclusively that the government has seriously underestimated the financial implications of Clause 136, raising serious questions about the reliability of official cost estimates for the rest of the Legal Aid Bill.

Amendment 4 - Retrospective criminalisation

Section 7 of Clause 136 will criminalise those whose trespass occurred before the legislation was enacted. This sits uneasily with Article 7 of the European Convention on Human Rights, which prohibits retrospective criminalisation. Section 7 of the clause should be deleted to ensure the new law does not contradict the ECHR.

Amendment 5 - Defining residential

There is imprecision with regards to the definition of “residential”. To accord with the intention of legislators - the protection of homeowners - this definition should be clarified and restricted to use classes C3 (dwellings, houses, flats, apartments) or C4 (houses of multiple occupation).

For a printed copy, more information or to get in contact with us please e-mail parliament@squashcampaign.org or call on 07895 107 544

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