



Squatters' Action For Secure Homes

Frequently Asked Questions on squatting

Answered by SQUASH Campaign www.squashcampaign.org

What is squatting?

Squatting is the act of occupying an empty building for residential or other purposes. The law presently provides a basic framework to protect people who endeavour to turn otherwise wasted spaces into something useful.

Squatting has a long history in the UK of alleviating housing shortages and facilitating social and cultural activity.

Isn't squatting illegal?

No, it is not a criminal offence to live in, or visit, a squatted building. Squatting is treated as a civil matter, and dealt with in civil courts. As long as somebody can prove ownership, and a right to possession, of a building, it is a simple matter to get a "possession order" and evict the occupiers.

Are they going to make it a criminal offence?

We don't know yet. Those who own excessive land and property (including those who own the mainstream media) have a lot of influence. Because of the way squatting (and everything else) is represented in the media, a large number of British voters would probably say they were in favour of criminalisation.

The Conservative Party knows that a highly publicised "crackdown on squatting" would likely to be seen positively by the kind of people who may vote for them. Squatters are an easy target for vilification and lies, and not likely to garner mass sympathy from a public largely uncritical of the press and not in contact with any squatters themselves

Hasn't this been raised in Parliament already?

Earlier this year a Tory MP (Mike Weatherley) introduced an "Early Day Motion" on the subject in the House of Commons. However these motions, introduced by individuals, don't tend to become law; it is the Government which introduces most legislation.

Members of the Government have stated an intention to "criminalise squatting" in the future.

These threats prompted the reformation of Squatters Action for Secure Homes (SQUASH).

When might it happen?

The Ministry of Justice is currently carrying out a consultation exercise entitled "Options for Dealing With Squatting". This is an overt attempt to canvass only the views of those who think of squatting as a problem, instead of some kind of solution to the housing crisis. This exercise is currently due to end on 5th October 2011, although various charities and campaign groups (including SQUASH) are pushing for this time scale to be extended. They argue that many of the people likely to be most affected by changes to the law have

not been consulted with, or given an opportunity to voice their opinions.

The Coalition Government have just announced that in a massive departure from tradition, the Queen's Speech that was due to take place this autumn won't happen till Easter 2012. This means that we can't predict the announcement of any new legislation, and exactly when any parliamentary process may start.

What is the parliamentary process?

The Government can't just announce new laws about something like squatting, to come in with immediate effect. They still have to go through a parliamentary process. This is meant to ensure that everything is carefully studied, debated, and ultimately, voted on, before it becomes law.

This process is divided into stages:

The First Reading is basically an announcement, made in either the House of Commons (more likely) or the House of Lords. The name of the Bill is read out, and its printing is ordered. Immediately after this, the Government's proposals are published for the first time.

The Second Reading takes place at least two weeks after the First Reading. The Government Minister (or Spokesperson or MP) responsible for it "opens the debate", the Opposition spokesperson responds, then the discussion is opened up to the rest of the House. At the end they vote about whether the Bill should be allowed to proceed to the next stage, or be dropped.

The next stage is the Committee Stage, which tends to start within a few weeks of the Second Reading. The Bill is examined by a Committee, made up of Members from different parties, proportional to their numbers in Parliament. This committee has to agree which clauses stay in the Bill, and which get changed or removed. Amendments can be proposed, for the committee to consider and vote on. The Bill is then reprinted with the agreed amendments.

The Report Stage follows. The amended Bill is debated and voted on in the House. Members of Parliament can propose new amendments or new clauses at this stage. This debate can be extremely lengthy. The Third Reading happens immediately after the Report Stage, usually on the same day as it ends. This is the final debate and vote on whether the Bill can proceed any further (no more amendments are allowed at this stage).

Assuming this Bill started life in the House of Commons, it would now need to go through a near-identical process to the one above, in the House of Lords. Both Houses of Parliament must agree the exact same wording of the final Bill. After it's travelled through both Houses, it returns to the original one for their agreement with all the amendments. If there is not agreement, it goes back and forth between the two Houses until both are satisfied.

After these final votes, the Bill receives what is called "Royal Assent" and becomes an "Act of Parliament". Sometimes the new laws come into effect straight away – at midnight on the day of Royal Assent – but sometimes after a set period of time or after a "Commencement Order".

Last time the laws about squatting were changed, in the Criminal Justice and Public Order Act of 1994, some of those new laws were not used until many months later, because the

relevant Government departments hadn't issued the necessary guidance.

How many squatters are there?

Globally, there are millions of people squatting, ie living on land that they don't "own", and not paying anyone "rent" for the privilege. These squatter encampments can be found on almost every continent. These include South African township communities, Japanese tent cities, Venezuelan squatted skyscrapers....

In the UK?

Nobody knows for sure. The Government have admitted that they don't know, and that they hope to get a better idea from the consultation responses. We know that many tens of thousands of people have resorted to squatting at some point in their lives.

We also know that any legislation introduced against "squatters" may also end up being used against other people. There are many people for whom the correct legal description should be "sub-tenant", "lodger", "licensee" or "tenant in rent arrears", who are mistakenly described as "squatters", even though they have been paying rent and inhabiting the place with some form of agreement.

We may not know how many squatters exist at any one time, but we do know how many homes are being left empty, often deliberately. According to the Empty Homes Agency, the figure is around 725,000 homes, enough for 1.8m people, far more than the numbers currently reckoned to be "homeless".

Who owns all these empty properties?

The vast majority of these empty buildings are owned by large corporations, banks, offshore companies, local authorities, other Government departments, and not by private individuals.

There is a compelling moral argument that as we live on a small island with limited housing stock (and many people in overcrowded or inadequate situations), owners should not be allowed to leave places deliberately empty for many years.

Why don't the police do more about squatters?

Because most squatters don't cause any problems, and the police choose to deal with other matters. There is no criminal offence of "squatting" as such. However there are plenty of other offences for which squatters can be prosecuted, for example if they cause damage to the property, or steal electricity, and the police have no hesitation to act in cases where this is alleged to have happened.

The police are not supposed to get involved in situations where no criminal offence is being committed. Squatting itself is a civil matter, and the remedies are best pursued in the civil courts.

Why do squatters take other people's homes?

Squatters don't squat other people's homes - if they do it's a mistake on their part and they move on quickly. Squatters choose places where they think they might get to stay a while, and typically these are long-term empties where it is clear that the owners have no immediate plans to put them into use. Squatters know what it's like to be homeless, so have no desire to put anybody else in that situation.

What about that poor family whose house was squatted while they were out at the

supermarket?

There has not been a single corroborated case of anyone's actual home (where they were actually living at the time) being squatted in over 40 years. Despite this, a law was introduced back in 1977 to prevent this from ever happening – any “Displaced Residential Occupier” is entitled to immediate repossession of their home, and to seek police assistance with this.

If you look carefully at some of the recent anti-squatter media reports, you'll see that the police declined to take action, precisely because nobody had been displaced from their home, and no criminal offences had occurred. When you scratch beneath the surface of each story, you find that the truth is misrepresented, and usually the property owner's actual home is elsewhere.

The problem of people owning more properties than they could possibly live in themselves is that these buildings get left empty. This has blighted both rural communities and inner-city neighbourhoods. In some cases, occupations by local people have been instrumental in getting the properties back into use, both as housing and other much-needed facilities.

Why don't they get a job?

Most squatters do have jobs. Those working for “minimum wage” find that what they earn falls far short of what is considered a “living wage”. However, the public housing sector has shrunk dramatically, directly due to successive Government policy. It has become increasingly difficult for many to afford the high deposits and (housing-benefit) inflated rents being demanded in the private, profit-making, sector.

Do squatters pay their bills?

Some squatters choose to live without mains electricity and/or gas, and even sometimes water, but others make use of such utilities where it is possible and safe to do so, and pay for the services they use. It is actually a criminal offence to “abstract” electricity, i.e. to use even a small amount of electricity without the intention of paying for it.

Some squatters have key meters; others pay their bills monthly or quarterly. Despite not always enjoying the same levels of council services as other people, squatters who stay in the same property for a period of time often pay council tax too.

Do squatters pay taxes?

Squatters pay the same taxes as everyone else.

Do squatters sign on?

Some people are forced to start squatting by sudden unemployment, so it would be reasonable to expect them to claim the state benefits to which they are entitled. Squatters obviously don't cost the public purse anything in terms of housing benefit, which many of them would be forced to claim if they ended up in other forms of accommodation (even in homeless hostels, which are a particularly pricey form of bad housing).

What's squatting ever done for us?

If it wasn't for squatting in the past, many valuable spaces would not exist nowadays. This includes wholefoods shops, housing co-ops, community centres, parks, churches, radical bookshops, authorised Traveller sites, city farms, a surprisingly high proportion of adventure playgrounds and buildings, even whole streets, that are now recognised as having historical and/or architectural interest.

Obviously any criminalisation of squatting could prevent ordinary people from putting abandoned land and buildings to such positive (self-organised and usually self-funded) uses in the future.

These new laws – who else will be affected?

New laws have been proposed, but not in any detail yet. Until the Bill is published, we don't know for sure. However there are fears that any criminalisation of squatting may impact severely on a whole range of activities. This includes situations such as community occupations, (e.g. of a library or school threatened with closure), and potentially other forms of protest (anti-cuts demonstrations, student and workplace occupations, environmental campaigns etc).

What should we do about it?

We should definitely do something. If we don't, we may lose squatting as an option, and see our communities further destroyed by property speculators leaving buildings to rot.

There has been a wave of anti-squatter stories in the media. There are plenty of places where we can put the other side of the picture – e.g. letters pages in the paper, comments sections on websites, Twitter and Facebook etc, phone-ins on the radio, conversations at the shops/at work/at school.

SQUASH was reformed earlier this year, and is a growing network of groups and individuals who don't want to see squatting criminalised.

You can support SQUASH by:

responding to the consultation

encouraging other people to do the same

linking to our website, blog etc

distributing our leaflets and other information

raising funds for the campaign – we operate on a shoe string, so every little helps

if you squat, or have squatted, filling in our online questionnaire

sharing your stories with us if you have any experience of “property guardian” companies

getting involved in one of the working groups

helping us with research, and legal stuff

making our own media

trying to provide a more balanced view of the issues in the mainstream media

spreading the word

taking some other form of action

Produced by SQUASH, 2011 <http://www.squashcampaign.org>