squatters handbook

12th edition · £1.50

squat now while stocks last

Squatting can be a solution to the housing problems of people who don't qualify for public housing and can't afford to buy a place or pay the extortionate rents charged by private landlords. It can also help if you DO qualify for public housing but have been wrongly refused it; if you can't claim housing benefit to pay the rent; or if you have spent years on council waiting lists without a home of your own. Squatting helps some people to choose ways of living and relationships with others which would not be possible otherwise and it can provide space for important social, cultural and community projects.

housing is in chaos

Often, councils can no longer maintain or improve their properties and many are being handed over to housing associations, who can't manage them properly either. So it's up to us to beat the chaos - by squatting houses, flats and other buildings which would otherwise be left to rot or sold off to speculators, while politicians quibble over statistics and people stay homeless.

Most people have no experience of doing house repairs when they first squat, but it's something everyone can learn. The same goes for negotiating with owners, defending courts cases and fighting for rehousing. Squatting gives many people not only the chance of a decent home for the first time, but also the opportunity to develop new skills and experience. It can increase our self-confidence in dealing with officialdom and show us how to question the power of those in authority. Often, we discover they only wield as much power as we let them have.

direct action is better than any waiting list

If you are homeless and have tried all the accepted ways of getting a home, don't be afraid to take matters into your own hands instead of letting the system grind you down. Everyone has a right to a home, and if others can squat, so can you! Take control of your own life instead of being pushed around by bureaucrats and property owners who are more concerned with money and status than the quality of people's lives or their happiness.

Contents

This is the 12th edition of the Squatters Handbook, dated October 2004. All the information is accurate at the time of printing. It is written by, and based on the experience of, Advisory Service for Squatters (ASS).

The Handbook gives comprehensive information on how to go about squatting and fully explains the law on squatting. If you are in any doubt about any part of the Handbook, want information or have any corrections to make, call ASS on 0845 644 5814 between 2 and 6pm, Monday to Friday.

ASS is an unpaid collective of workers who have been running a daily advice service for squatters and homeless people over the last 30 years. Donations and volunteers are always very, very welcome.

Most of the information in this Handbook, particularly on the law, applies only in England and Wales. For sources of squatting advice in Scotland and the north of Ireland see Contacts on page 74.

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Squatting is still legal!

Squatting, in England and Wales, is not a crime. If anyone says it is, they are wrong! With a few exceptions, if you can get into an empty building without doing any damage, and can secure it, you can make it your home.

The 1994 Criminal Justice and Public Order Act made some changes to the laws about squatting (see under PIOs and Evictions), but squatting is still as legal as it is necessary. You will almost certainly be evicted eventually, perhaps very quickly, but you have many of the same rights as other householders: eg the right to privacy, rubbish collection, postal delivery, social security and essential services like water and electricity (there may be some problems with electricity and gas - see page 30). Many squats last only a short time but if you choose your place carefully you may be able to stay for years.

Choosing carefully usually means taking time to gather information, but if you're really desperate and haven't got that much time, here are a few quick hints:

- **Do you want to squat or do you need to? If it's what you want to do - go ahead! But if you're desperate and see squatting as the last resort read the**
- **'Homeless you may have some rights' chapter first - there might be an alternative.**
- **Find a place that doesn't look too smart and is owned by the council or a housing association. (See FINDING A PLACE.)**
- **Get in quietly without doing any damage.**
- **Secure all the entrances and change the lock on the entrance you are using.**
- **Check that the water, gas and electricity are on or can be turned on; sign on for gas and electricity straight away.**
- **Make sure that someone is in all the time, especially during the day, at least until the owner or council officials come round.**
- **If the police, owners or council officials come round don't open the door, but tell them through the letterbox that this is now your home and you are not going to leave until the owners get a possession order to evict you.**
- **Read the rest of the Handbook !**

About the law

This Handbook explains the laws it is important for squatters to know about. People who don't know the law are easier to con, abuse and push around. Sometimes it gets complicated, and justice or common sense don't often come into it. In each part of the Handbook you will find the most essential laws and some other important information explained in grey boxes like this one. If you haven't time to read the whole handbook, try to make sure you understand these parts at least. You never know when the information might come in handy. If you're still puzzled about the law or anything else in this Handbook, you can always ring **ASS** for further advice. **Mon to Fri 2 - 6 pm 0845 644 5814**

LEGAL WARNING

Part II, Criminal Law Act 1977
As amended by Criminal Justice and Public Order Act 1994

TAKE NOTICE

THAT we live in this property, it is our home and we intend to stay here.

THAT at all times there is at least one person in this property.

THAT any entry or attempt to enter into these premises without our permission is therefore a criminal offence, as any one of us who is in physical possession is opposed to such entry without our permission.

THAT if you attempt to enter by violence or by threatening violence we will prosecute you. You may receive a sentence of up to six months' imprisonment and/or a fine of up to £5,000.

THAT if you want to get us out you will have to issue a claim for possession in the County Court or in the High Court, or produce to us a written statement or certificate in terms of S.12 A Criminal Law Act, 1977 (as inserted by Criminal Justice and Public Order Act, 1994).

THAT it is an offence under S.12A(8) Criminal Law Act 1977 (as amended) to knowingly make a false statement for the purposes of S.12A. A person guilty of such an offence may receive a sentence of up to six months' imprisonment and/or a fine of up to £5,000.

Signed

The Occupiers

N.B. Signing this Legal Warning is optional. It is equally valid whether or not it is signed

HOMELESS ?
YOU MIGHT HAVE SOME RIGHTS

Many squatters have a legal right to housing under Part VII Housing Act 1996 (recently amended by the 2002 Housing Act), but have either applied and been fobbed off, not realised that they have a right to apply or have chosen to squat in preference to the temporary accommodation that homeless people are routinely left in for months on end. Squatting is a sensible option for some, but others may blow their rights to secure housing by squatting. If you are considering giving up temporary accommodation or a tenancy in order to squat GET ADVICE from ASS first; it could mean the difference between sorting out your housing problem or creating a much worse one!

"Who Is Homeless?"
You can apply to your local council for housing if you are homeless or will be homeless soon. You are homeless if there is nowhere (in the UK or abroad) where you have a legal right to stay, or if that right will end in the next 28 days. The right to stay must extend to any family member who normally lives with you or to anyone who "might reasonably be expected to live with" you. So, for example, if you live in a hostel for single men and you need a home for you and your pregnant girlfriend, you are homeless. Squatters, by definition are statutorily homeless as they do not have permission to be in the properties where they live. The moment you get permission, you cease to be a squatter! Councils sometimes try to fob off squatters by saying they aren't entitled to help until a possession claim has been issued. This will always be wrong in the case of true squatters and should always be challenged.

To apply you need to go straight to a special department usually called the Homeless Person's Unit or something similar. This is not the same as applying to the council's housing waiting list and you need to make it clear to the council that you are applying as a homeless person.

"Reasonable To Remain"
You are also homeless if it is not "reasonable" for you to remain in your home e.g. you are experiencing racial harassment, domestic violence or the roof has fallen in. What you may consider intolerable conditions may seem

perfectly reasonable to the council. So always get advice before applying as homeless when leaving a property that you consider unreasonable or you may find that the council will refuse to help because you have made yourself "intentionally homeless"! See "INTENTIONAL HOMELESSNESS" below.

Are You "Eligible"?

Even if you are homeless, the council may not have to help you if you are a "person from abroad" subject to immigration control i.e. you are neither a British Citizen, a Commonwealth Citizen with a right of abode or an EEA National. There are some exceptions including people with refugee status or exceptional leave to remain. In addition, the council don't have to help people who are not "habitually resident" in the UK. If there are any restrictions on your stay in the UK at all (e.g. no recourse to public funds) or you have only recently arrived you should seek advice before applying as homeless. You should also remember that council housing staff may contact the Immigration Authorities to check your status.

Who Gets Housed?[1]

If the council think you may be homeless and you might qualify under one of the following conditions, then you and your household should be housed temporarily whilst the council make further investigations into your case:

- A dependant child lives with you or might reasonably be expected to live with you
- You are a pregnant woman (as soon as the pregnancy is confirmed in writing)
- You are aged 18-20 and at some point you were fostered, looked after or accommodated by social services
- You are aged between 16 and 17 years (note that if you have been in care or in a foster home or you are owed a duty under the Children Act you may not get help from the housing department, but instead will be housed by social services)
- You have been made homeless as a result of fire, flood or other disaster. (Usually you will only get temporary housing until you can move back into your own home).
- You are vulnerable as a result of :
  - o old age
  - o mental illness
  - o physical disability
  - o having been in the care system and you are aged 21 or over
  - o having been a member of the armed forces
  - o having been in prison
  - o having been made homeless as a result of domestic violence
  - o some other special reason

These last set of categories are neither exhaustive nor automatic; you need to show that your circumstances make it harder for you to deal with the effects of being homeless than someone else without your particular vulnerability.

If you don't fall into any of the "priority need" categories above, the council only have to give you advice and assistance. However they must carry out an assessment of your needs to make sure that the advice and assistance they give is appropriate in your situation. Prior to the 2002 Homelessness Act, councils almost universally ignored this duty and routinely handed out (often out of date) lists of hostels and B&B hotels. It remains to be seen whether the new requirement to carry out a needs assessment will result in an improvement in the sort of advice councils give to homeless people.

Even if you are in priority need, there are loopholes that councils are only too happy to exploit. Victims of these often find squatting is their only alternative and others prefer it to the hassles which applying for housing often entails.

"Intentional Homelessness"

The council won't provide any long-term housing for you if they decide you have become homeless intentionally. What this means is quite complicated, and of course real life and common sense don't have a lot to do with it! Basically you're likely to have problems if you've left a place that you were legally entitled to stay in, unless it was "unreasonable" for you to remain. (See above). You could have left the place some time ago; what the council have to prove is that a deliberate and informed act (or

1. The priority need categories set out here are correct for England. Slightly different rules apply in Wales. Persons fleeing domestic violence, leaving the armed forces, or former prisoners do not need to show that they are vulnerable as a result of the experience. They will automatically be found to be in priority need. However, there is no provision for vulnerable care leavers over the age of 20. Get expert advice if your priority need arises for reasons other than having child(ren), old age or disability and you live in Wales.

Family move into a squat after fleeing racial violence

failure to act) led directly to your homelessness. For example eviction on the grounds of rent arrears when you had the means to pay, or anti social behaviour might lead to an intentionally homeless decision.

Many people squat when it is the only way to get out of an intolerable situation quickly, sometimes even leaving secure tenancies. This won't ultimately solve the problem as all squats get evicted eventually, but it can offer a temporary refuge while you fight your case. If you have to do this try to keep your tenancy going. If you play your cards right it can be possible to do this without being declared intentionally homeless - but not without careful consideration of the best course of action: contact ASS for advice on this.

If you are declared "Intentionally Homeless" get legal advice straight away. You have the right to a review of this decision within 21 days. See REVIEWS below. The council must have given you their decision and the reasons for it in writing. This is called a Section 184 Notice - and it's important to get it if the council refuses to house you.

The council should have given you interim accommodation when you first told them that you were in a priority homeless category. They cannot evict you immediately if you are found to be intentionally homeless. They must let you stay there for one or two months while you find somewhere else to live (and assist you with this process). The new Act allows (but doesn't force) councils to provide housing to households even if they ***are*** intentionally homeless - so if there are compassionate grounds, you should put these to the council and ask them to use their discretion to continue house you.

"Local Connection"

If you have managed to jump the "priority", "homeless" and "intentionality" hurdles you will still have to showl that you have a "local connection". This must be the last thing the council considers, and you should be in temporary accommodation already. If the council decides that you do not have a local connection they must inform the council of the area that they do consider you to have a connection with, that you are owed the full housing duty. This council must then house you.

You will normally be able to show a local connection if you have employment, relatives or children at school in the area or have been living there for at least six months. You should not need to show a local connection if you are moving boroughs to escape domestic violence. If a council say you don't have a local connection, request a REVIEW (see below) of their decision; the law is very complicated and many people are successful in challenging local council decisions of this nature.

Squatting Reaches The Parts...

If you need to move to a different part of the country or have lost a battle over intentional

Hostel residents action group march

homelessness, squatting can bridge a gap of a year or so and enable you to apply again in a different area. Different councils apply the law quite differently and you will need to think carefully about where to squat if you want to increase your chances of getting permanently housed in the end. Contact ASS or a local squatting group for advice.

What Happens If The Council Accept You?

If you are literally homeless the council will put you in emergency or 'interim' accommodation, which may only be for a few weeks, while they consider your application, make enquiries and come to a decision on what duty they owe you. In many areas though you can expect to be there for longer than that. This interim accommodation must be 'suitable' for you and your family. Depending on your circumstances, B&B may not be suitable and you should ask for somewhere more appropriate. There are new rules now in force which prohibit the use of B&B for families with children unless there are exceptional circumstances. Even in exceptional circumstances, families cannot be left in B&B for more than 6 weeks.

Once your application has been considered, the council must give you a decision. If you are found to be unintentionally homeless, in priority need and have a local connection you will be owed the full duty. The full duty is to 'secure that suitable accommodation is available' for your occupation. This should not be B&B (which should only be used, if at all, during the investigation stage). However it will not be a secure tenancy. Many councils use their own 'hard to let' stock or housing association properties, others use private landlords. The duty is indefinite until one of the following events occurs:

- You accept or reject an offer of a suitable home from the council's waiting list (this could be a council or a housing association property)
- You accept or reject a suitable offer (arranged by the council) of an assured tenancy from a private landlord
- You accept a suitable offer (arranged by the council) of an assured shorthold tenancy from a private landlord (note you can reject an offer of an assured shorthold tenancy and the council's duty to house you will continue unaffected)
- You voluntarily leave the temporary accommodation provided by the council
- You cease to be eligible for housing (i.e. your immigration status changes)

When any of the above events happens, the council's duty to you under the homelessness legislation ceases. So, for example, if you are in temporary accommodation and you are offered a council tenancy in a property you don't like, it would be extremely risky to reject it out of hand. You may find yourself evicted from your temporary accommodation and back on the streets with little prospect of success in any future homelessness application. A better strategy would be to accept the property, and at the same time put in a written request for a review of the decision that the property is suitable for you. See REVIEWS below. If your review succeeds - you get another offer, if it fails - at least you have a roof over your head.

Unfortunately, just because a place is, for example, a shithole on a crack-ridden estate, doesn't mean it isn't suitable in law. You might have better luck challenging the offer of a flat in a very advanced state of disrepair, or one on the 10th floor when you have young children and there is no lift. ALWAYS GET LEGAL ADVICE BEFORE REFUSING AN OFFER and always give your refusal and reasons in writing to the council.

The Council's Housing Waiting List

The amount of time between applying as homeless and being made an offer from the council's waiting list varies from borough to borough and there are many different types of lettings schemes in existence. However it is a universal duty on councils to give homeless people 'reasonable preference' when allocating their housing stock - so homeless people should be rehoused relatively quickly (though in some areas this will mean years rather than decades). This duty also now extends to anyone who is homeless whether or not they fit into one of the priority categories.

Because of this duty to give reasonable preference on housing waiting lists to homeless people, squatters (who are all statutorily homeless) who want to get a council or housing association tenancy should consider applying as homeless, even if they don't have kids or a disability etc. They should ask for a written decision from the council about their homelessness status (s184 notice, see above) and then use this when applying to the housing waiting list.

Reviews

You can request a review of just about any decision the council makes about your homelessness case (the main exception is a decision that B&B or other accommodation is suitable for you during the interim period before the final decision on the duty to you is made - this can only be challenged in the High Court). You only have 21 days to request a review of a homelessness decision and the best people to advise you on how to do this are law centres or independent housing aid centres. Shelter may be able to help or put you in contact with someone who can. (see CONTACTS).

Appeals

Even if you lose your review, it is sometimes possible to go further and challenge the decision in a county court appeal. However this can only be done on a 'point of law' and new information about your case or circumstances can not normally be raised in an appeal.

To Squat Or Not To Squat?

Some people consider squatting to get out of unbearable conditions in B&B, other temporary housing, or even council tenancies. Squatting may be an improvement temporarily but you will eventually be evicted and may have made yourself "intentionally homeless". The probability of being given a tenancy of a property you've squatted is effectively nil, even if the authorities recognise you are entitled to a similar property. You should always keep your existing tenancy or licence and GET ADVICE.

If you are already squatting and you are applying as homeless, the council may give you the choice of staying in the squat until eviction or going into temporary accommodation while they process your claim. If this happens make sure that your time in the squat counts as time waiting to be rehoused (any talk of you not being homeless until eviction is utter rubbish and should be challenged). In practice many councils will defer eviction of the squat on the sly, in order to save money paying for costly temporary accommodation.

Other Legislation Giving Rights To Homeless People

If you are unable to secure housing via the Housing Act, maybe because you have been declared intentionally homeless, or because of your immigration status; the National Assistance Act 1948, NHS and Community Care Act 1990, the Mental Health Act 1983, the Children Act 1989 and the Local Government Act 2000 may offer other routes to housing.

If you are vulnerable, destitute, disabled or a young person / child suffering hardship due to lack of housing, consult a solicitor or law centre about your rights. Social Services will probably have to become involved, and will inevitably be reluctant to use their powers to access housing for you, but stand firm, find out what you are entitled to and make them do their job!

Alternatives

Some councils rent out properties that are "Hard to Let" to people they don't have a duty to house, but this is becomming less common, especially in London. Some councils have special offers for people with few points on the register, or have bidding systems that offer a chance for properties that nobody with more priority bids for. There are still some Housing Co-ops and Housing Associations that will take people excluded from council priorities. Housing Benefit will cover most rents if you are on JSA or Income Support, though restrictions are increasing. In some areas there are schemes to put up or loan guarantee deposits for the unemployed, and in emergencies there are Hostels. Check the Housing Rights Guide (see References) for your rights, and contact local advice agencies to find out what schemes are running locally.

FINDING A PLACE

Finding empty property is not difficult. Most areas have large numbers of empty properties. The most important thing is to find a place you are not going to get evicted from quickly. There are a number of different things that will affect this including; the owner's attitude towards squatters, their plans for the building, the state of the property and the legal options that are available to the owners which vary from place to place. It is not always possible to find out about all of these but it is important to try.

Squatting anywhere that's empty without digging out all the available information might get you a place that lasts a reasonable amount of time. On the other hand, you could be evicted in a couple of weeks through the court or worse still, be evicted without a court order through the provisions of Section 7 of the 1977 Criminal Law Act (see page 16) or have to deal with an interim possession order and move very quickly. It's also important to to know if the owner has a record of violent evictions or similar tactics. It's always worth trying to avoid such trouble by finding a place where there is good chance that the owner will leave you alone until they actually want to use it. "Lucky dip" squatting is best left for temporary measures in desperate situations. Opening a new squat is always a bit of a gamble but the more you know the better the odds are in your favour.

What are the best places to go for?

PUBLIC SECTOR

COUNCIL

In the past the best places to squat were local authority owned empties that were not going to be relet in the near future. This was for a number of reasons. The councils had quite a lot of empties and often did not have the money to keep them in a lettable state. Often quite reasonable properties were left empty because of mismanagement, bureaucracy or low demand on hard to let schemes (areas where people do not want to move to).

This can still be the case in some areas, but recently many councils have sold or transferred a lot of their housing stock to housing associations or private landlords so the number of council empties has fallen. Also many councils have become increasingly hard-line in their attitude towards squatters, and in fact to anyone living in council property, and the incidences of PIO's (see page 16), illegal or heavy-handed evictions and trashing property has increased. Many councils no longer classify any of their property as 'hard to let' as the council has a legal duty to house people in priority need and they are normally only given one offer and can't afford to pick and choose. Consequently there is less empty council property than there used to be.

On the positive side, illegal or violent evictions are less likely (though not unheard of) in a council owned property than in a private one. Where there are a lot of well-organised squatters, it may be possible to put pressure on a council to delay evictions, especially if there is no immediate plan for the property. Also, councils do have some duties to house people and these duties can sometimes be used as legal defences in possession proceedings (See page 55).

Council property is mostly flats on housing estates or (more rarely) houses. The properties will either be letting stock, i.e. properties that are fit to be let immediately, hard to let or awaiting renovation, demolition or sale.

Letting stock:
These empties are places that the council consider fit and ready to allocate. Some may be empty because the tenant has just disappeared and the council properly doesn't know about it yet. It is not usually a good idea to squat letting stock flats; particularly those that have been recently renovate or decorated, as the council will probably be able to get you out using Section 7 of the Criminal Law Act 1977, or will evict you quite quickly by other means. Places where a tenant has just disappeared without telling the council may be slightly better, but they're bound to find out in the end, as the rent is not being paid.

There is no definite way to identify places that are letting stock - you have to use your common sense. See if it could be in either of the categories below, and whether it is 'lettable' by council standards - that is, no MAJOR repairs are needed and all the services are working. Major repairs means work which couldn't possibly be done with tenants in occupation. If there are only a few empties in an estate then they are probably letting stock. Non-letting stock estates are usually very run down with lots of empties. Odd houses which the council has bought rather that built itself ('street properties'), are probably not letting stock unless they're in very good condition. They're very often no longer owned by the council either, even if they were until recently. You'll need to check the current ownership (see page 14).

Councils these days are happy to let out properties in an appalling state of decorative or actual disrepair. When challenged by the prospective tenant they are normally told that the repairs will be done when they move in. So don't assume that a flat is awaiting repairs if the wallpaper is hanging off and the windows broken.

Hard to let:
Some estates have become so run down or have had such bad amenities that it is difficult for councils to let them to tenants from the waiting list. This happens less in areas of high housing need i.e. inner London where people who do get housed have little or no choice about where they will live. The upper floors of tower blocks as well as older estates are sometimes in this category. Although some councils offer 'hard to let' places to people who normally wouldn't qualify for council housing, in practice they can stand empty for a long time. Occasionally, there are special schemes to get rid of hard to lets - say to students or flat sharers - and you should check this out.

Properties awaiting renovation or demolition:
These are often the best ones to squat. Sometimes whole estates are emptied of their tenants for demolition or renovation. In the past places like this were sometimes licensed to "short-life" organisations. These were groups - often co-ops - set up In the seventies to control squatting and a few of them have not forgotten their roots in the squatting movement. If they exist in your area they may be helpful. However most of the short life groups have shut down as councils sell off or take back properties, and some of those that do exist have sold out. There are still quite a lot of street properties and flats on estates awaiting renovation that will be unused until work starts unless they are squatted.

Council property waiting to be sold:
These properties should not be relet and you will often be ok in these places until they are sold. The council should realise that the places will only be resquatted if they evict them before the sale goes through.

ABOUT THE LAW - MYTHS AND FACTS

SQUATTING IS STILL LEGAL - don't let anyone tell you otherwise. Only squatting on embassy premises is a crime, though if you squat in someone else's home (or in some circumstances their intended home) you can be asked to leave and arrested if you don't (see page 16). The 1994 Criminal Justice and Public Order Act created an offence of failing to leave premises within 24 hours of being served with an Interim Possession Order (see EVICTION, page 65). Other Possession Orders carry no criminal sanctions.

Apart from that, there is nothing criminal or illegal about squatting. Squatting is UNLAWFUL, NOT ILLEGAL. That means it is a CIVIL dispute between two people, dealt with in a CIVIL COURT, which the state provides to be a 'referee' between them. A CRIMINAL matter, on the other hand, is a dispute between the state and a person who is accused of doing something ILLEGAL. It will be dealt with in a CRIMINAL COURT, and will almost certainly involve the police. THE POLICE HAVE NOTHING TO DO WITH CIVIL DISPUTES.

The main criminal laws about squatting are in part II of the Criminal Law Act 1977 (Sections 6 to 12). They mean that squatters need to take care not to commit a criminal offence, but they also provide some limited protection for squatters. Squatting is not a crime, but trying to evict squatters forcibly can be! It is important to understand these sections if you are going to squat. SECTION 6 may protect your home. You'll find an explanation of it on page 24. SECTION 7 is the one you have to be careful about - see page 16.

The normal way of evicting squatters is that the landlord goes to a civil court for a possession order under Civil Proceedure Rule 55 (CPR 55). (See EVICTION.)

All that really exists of what is known as 'Squatters Rights' is the right not to be evicted except by a proper legal process and the fact that if a place is continuously squatted for 12 years or more it may become the property of the occupiers (adverse possession). However the rights gained through adverse possession are now much harder to enforce (see page 52).

HOUSING ASSOCIATIONS/TRUSTS

These are government and/or charitably funded housing associations. Increasingly, housing associations are becoming the main providers of social housing as councils sell off (or give away) their stock. Housing associations used to be very unpredictable in their attitude towards squatters - some being quite reasonable and others downright vindictive. These days housing associations tend to be bigger, better funded and similar to councils in their practices - i.e. generally unsympathetic but will not routinely use violence or heavy handed tactics to evict. Like councils they can and sometimes do use PIO's to evict squatters. Much of the property housing associations now own or manage was council housing until recently. This is becoming more common as more councils look to transferring housing to new providers.

OTHER LARGE ORGANISATIONS

Many government departments and privatised public services own lots of empties. These include the Ministry of "Defence", the Police, rail companies, water companies, Transport for London etc. as well as hospitals and schools. Many road-building schemes have involved houses being bought up under Compulsory Purchase Orders (CPO's) and then left empty for years. In these cases it is important to know whether entry powers under the CPO's have been used (see page 64). If they haven't the owners may not have to go to court to evict you.

PRIVATE SECTOR

PRIVATE HOUSES

If an owner has only recently moved out, it is possible someone else is just about to move in, particularly if there is a 'For Sale' sign outside. A new private owner is able to use a PIO under Section 7, and is highly likely to do so. Unless you can be fairly sure the owner has no immediate plans for it, you should leave it alone and consider looking elsewhere. Occasionally a private owner may have left the country, be so rich that they have forgotten about their investments, or have left the place to rot. In these rare circumstances, private houses may provide years of housing to lucky squatters. It is unsafe to squat second homes, such as holiday homes. If a house is occupied, however infrequently, the DRO provisions of Section 7 apply.

MORTGAGE REPOSSESSIONS

These are places now owned by the banks or building societies. They are often in quite good condition. As long as the previous owners have been evicted and the warrant has been satisfied (see page 63), the owners will have to take you to court. But if the bailiffs have not yet repossessed the place from the previous owners you could find yourself with the bailiffs turning up quite suddenly, so it is important to find out as much as possible about what is happening. They will not be letting the place, so will be unable to evict you under the Criminal Law Act unless they have already sold it. While the banks and building societies are not sympathetic to homeless people (any more than to the people who they just booted out), it's in their interests to have the place occupied and they could be persuaded to delay eviction. But this is generally not very likely. Mortgage lenders tent to be quite efficient and will want to get the place sold and recover their money.

COMMERCIAL PROPERTY

Commercial landlords and property companies are always the most unpredictable type of owner - they could send in the heavies or leave you for years. This is particularly true of old pubs. Lots of commercial property is being squatted at the moment - small factories, offices, shops, yards and dozens of other places people are able to turn into homes or other useful spaces. It is especially important to research ownership, planning permission etc., in these cases. The good thing is that they cannot use a PIO to evict you from commercial property, and they are more likely to go for a deal to have you there as caretakers.

Anti Social Behaviour and Housing

The Anti Social Behaviour Act has introduced laws on closing premises that have been involved in selling and using Class A drugs. The 'crack house' legislation makes it illegal for ANYONE to go into a house that has been subject to a Closure Order within three months of it being made. This is where you should begin to develop a good relationship with local residents and find out about the history of the place your interested in. If you know that a property has been served a Closure Order, and you decide to squat it, then you can expect the police and a lot of confusion. If you find a Closure Order attached to the property, then you are committing an offence and may be arrested, unless you have a 'reasonable excuse'.

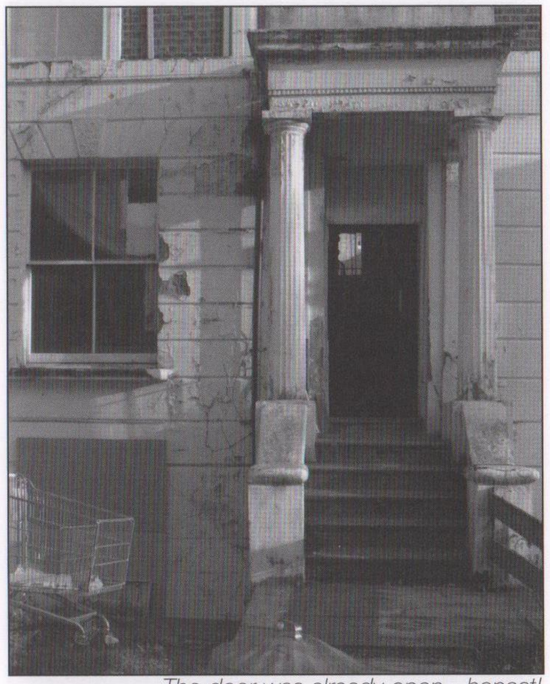
DISPLACED RESIDENTIAL OCCUPIER ('DRO')
Sections 7 and 12, Criminal Law Act, 1977

If you do not leave a house or a flat after being asked to do so 'by or on behalf of a displaced residential occupier of the premises' you could be guilty of an offence.

This part of Section 7 is hardy ever used. It was supposedly brought in to prevent squatters moving into people's homes while they were on holiday or even out shopping! Since squatters don't do this, it shouldn't be a problem. Do check carefully, however, to make sure anywhere you are thinking of squatting really IS empty. Some people live with very few possessions and others don't manage or choose to get together the usual domestic arrangements.

An unscrupulous private owner such as a landlord owning several houses may try to claim that (s)he was living in an empty house you have squatted. If this happens, contact ASS or a law centre straight away.

This section does not apply if you have - or have ever had - a licence (permission) to be in the property. See WHEN IS A SQUAT NOT A SQUAT (page 72) for an explanation of what a licence is.



The door was already open - honest!

Getting Local Information

Local groups, where they exist, are the best way of getting information; ask around other squatters for information. At the moment there are very few groups set up, so how about setting one up yourselves? ASS may be able to put you in touch with other people in your area. Otherwise you are on you own. You could try to get to know your neighbours and other local people as well as organisations such as community centres. These can all be helpful sometimes, but don't assume that they will have a favourable attitude towards squatters.

Finding Empties

Start by going around the areas where you want to live looking for empty houses, flats or commercial buildings. Council estates usually have signs at the entrance saying which council controls them. However after 15 years of 'Right to Buy' there are a lot of privately owned flats on the estates. Empty flats or houses may be obviously boarded up or steeled up but this is not always the case. Check for signs of someone living/using the building, how easy it is to get in and what the condition of the place is. If you're not sure if the place is occupied, try sticking a small piece of sellotape across the bottom of the door opening, or better still a hair held by two small blobs of superglue. If this gets broken, it means that someone has been going in or out.

Who Owns It?

There are two important things that you should try to find out about a place, especially if you are going to have to do a lot of work on it: who owns it, and what are their plans?

If you are not sure of the owner, the most definite way to find out is usually through the Land Registry (see below).

Land Registration

This just covers how to try to locate who owns this bit of land (England and Wales). Anyone who tries to tell you about a place, which has no owner, is just recycling a myth. Theoretically, all land belongs to some queen or other, but every square centimetre has a freehold 'owner'. Whether there's a building or anything else on that piece of land is irrelevant. It's the land that counts, not what on it or what it's used for. Conversely, a flat in a block of flats, up in the sky is still 'land', and is legally separated from the flats above and below it.

The ancient method of proving who owned land was with very complicated legal documents called 'title deeds'. In some cases, these still have to be used, but they are gradually being replaced by the modern system of land registration. Whether the ownership of a particular piece of land is registered or not will depend on where it is and when it last changed owners. Land registration began in different places at different times, starting with parts of London in 1900 until the last few bits of England and Wales kicked off in 1990. After land registration began in a district, ownership had to be registered every time it changed, or a long lease was granted. The position now is that most urban land is registered (though there a few exceptions) but a lot of rural land is not registered. If land is unregistered, the only way of proving ownership is with old style title deeds, though a summary of these called an "epitome of title" is sometimes prepared for court cases.

A big advantage of land registration is that you can find out who owns it quite easily. There are two ways you can get the land registration documents from the Land Registry. If you have access to the Internet and a credit card, then go to www.landregisteronline.gov.uk. Each search costs £2.00. Or for £4.00 a search, you can either visit the Land Registry, or apply through the post. The Land Registry headquarters is at 32 Lincoln's Inn Field, London WC2A 3PH, (tel 020 7917 8888). For all searches it's best to have the full address and postcode. For

searches done by post, you will need to get a form 313 "Who owns that Property"; you can get this from you local land registry, CAB or possibly the library. Send this off with the £4.00 payment and they will send you the form with the title number and name and address of the registered owner.

All land within England and Wales is owned. Land that has not changed hands for value (i.e. been sold) since registration became compulsory, probably will not appear on the registry unless it has been registered voluntarily. So places that have been passed down through families or through transfers from the GLC or ILEA etc, will probably not appear. Recent changes of ownership or new leases or assignments of leases may also not appear to have been registered. If land isn't registered, there's no definite way to find out who owns it.

It is also possible to look at the STATUTORY REGISTER OF PLANNING CONSENTS, which is kept by every borough or district council (usually called the statutory register or the planning register). Ask at the Town Hall or district council offices. It is a public document and you have the legal right to look at it. Ask to see the register for the street you are interested in. You don't have to tell them the number or invent elaborate cover stories. Some councils now have their statutory registers available online, but many don't. There is no way to check the register over the phone.

A few councils make it difficult to do this kind of research by keeping the register in date of application rather than by street order. However, you can be sure the council does have a street copy for their own use, so you could try saying you interested in the whole street or area because you live there and want to know what is going on. It might get you a look at it.

Understanding The Planning Register

The register lists all the decisions made by the council about applications for planning permission. Normally, owners have to get permission for all major alterations or changes of use. Even the council has to apply to itself for planning permission if it is the owner.

The applications are listed on forms, which show whether the permission has been granted of refused. You should look back over a period of 5 or 6 years. If there has been no application granted or applied for, it can be a good sign, as most empty property will need some type of planning permission before it is brought back into use (this is less true for houses and flats

Finding the empties...

though). If there is no entry on the register, ask to look through the applications pending. If you still don't find anything, see below for other ways of finding the owner.

Councils and Housing associations are the owners most likely to put places back into use without needing planning permission. Councils can also grant themselves permission very quickly.

The applicant for planning permission will usually be the owner except if it is a firm of architects or estate agents applying on behalf of the owner. These professionals are unlikely to be acting on behalf of a council unless the legal and architect departments have been contracted out. Anyone can apply for planning permission, whether they own it or not.

If you fairly certain that the council does not own the place you are interested in, you can give them the full address and ask to see the original planning application. Generally the owners name will be on the form. In case of problems, you have a right to see the original application by a statutory Instrument (or government order) made under section 34 of the Town and Country Planning Act 1971, and known as 'SI 1977/289A21'.

PROTECTED INTENDING OCCUPIER ('PIO')
(Section 7, Criminal Law Act, 1977 as amended by Criminal Justice & Public Order Act 94)

If you do not leave a house or flat after being asked to do so 'by or on behalf of a protected intending occupier' of the premises' (someone who can't move in because you are there), you could be guilty of an offence.

There are three kinds of PIO:

1.The most common type of PIO is someone who has been granted a tenancy or licence for a house or flat by a local authority or a housing association; they must have a certificate to prove this. The procedure is sometimes abused by some social landlords. It is important that you are able to make a quick judgement about whether an alleged PIO is genuine or MIGHT be genuine. If you can show it is not genuine, don't be conned. Stay put and contact ASS immediately. If it is genuine or might be, you really have no alternative but to move out quickly or risk being arrested and charged with an offence. It probably means you have chosen the wrong kind of place to squat.

2.The second type of PIO has to own the place with either a freehold or leasehold interest, and in the latter case there must be at least two years left to run on the lease. PIOs also have to intend to live in the place themselves and not rent it or sell it. Therefore, estate agents can't be PIOs and neither can companies, contractors or other organisations.

When you are asked to leave, the PIO or person acting on their behalf has to have with them a written statement sworn before and signed by a magistrate or solicitor. This statement should specify the PIO's interest in the property and state that they intend to live there. With this type, making a false statement as a PIO is an offence punishable by up to 6 months in prison and/or a fine of up to £5,000.

There is no known case of anyone trying to use this 'private' type of PIO procedure.

3.The third type of PIO is someone who has been granted a tenancy or licence to occupy a property as a residence by a landlord with either a freehold interest or a leasehold interest with at least two years left to run. Again the PIO must have a written statement sworn before and signed by a magistrate or solicitor. It must state that the PIO has been granted a tenancy or licence to occupy the property as a residence, that the landlord has the required interest in the property and must be signed by both the landlord and the tenant / licencee. The same penalties apply for making a false statement as above. Again, there is no known case of this type of PIO being used.

A GENUINE PROTECTED INTENDING OCCUPIER IS A PERSON WHO:

a) Has either a certificate, (in the case of type 1) or a sworn statement (in the case of type 2 or 3) stating that s/he is the freeholder or leaseholder and intends to use the premises as a residence, or has been granted a tenancy or licence to occupy the premises as a residence.

b) Is excluded from occupying the premises by someone who entered as a trespasser (i.e. a squatter).

If you squat a property and the Council, Housing Association or Owner come around and say that the property has been let and ask you to leave, ask to see the statement or certificate.

A certificate issued by a local authority or housing association must state:

- That the authority is permitted in law to issue such a certificate. For example: "London Borough of Backhander is an authority to which Section 7 of the Criminal Law Act 1977 applies".
- The address of the premises.
- The name of the person who has been granted a tenancy or licence.
- The signature of the Issuing Officer.
- The date.

If the actual PIO does not present you with a certificate there should be a signed agreement between the PIO and the landlord, authorising the landlord to act on the PIO's behalf. This is a separate document which you should ask to see, though they don't have to show it to you.

A PIO IS NOT GENUINE IF:

1. A property is not available for immediate occupation. If the premises need repairs that can't be done quickly or while the tenants are in occupation (i.e. a new roof, damp coursing, etc.) then the PIO is not excluded by the squatters but by the need for repairs. The rules used to state that the PIO must require the property "at that time", and the concept of "require" in the amended rules also implies a certain immediacy. (This applies equally to PIOs who own the property).

However many councils allocate properties that need considerable redecoration and may have been squatted for a number of years. It is hard to prove that a property will not be quickly repaired and occupied, which is what often happens, until after you have been evicted. Councils will, of course, claim to be able to get tenants in quickly and may try to abuse the law.

In one case, a squatter arrested for refusing to leave a burnt-out property being PIO'd, was found not guilty as he had reason to believe that the property had not been allocated. It remained empty for several years until building work started.

2. You did not enter as a trespasser (i.e. you were let in by a previous tenant, or you were granted a licence to occupy by the owner), or you have been to court previously and your case was adjourned.

3. The property was PIO'd previously and the tenant did not occupy within a reasonable time (e.g. 6 weeks). If they have not taken up residence by that time it is reasonable to assume that they do not intend to occupy the premises or that the PIO is false.

4. There is reason to believe the PIO certificate is false because; the property has been PIO'd on a number of occasions, or a lot of properties in that area have been PIO'd and left empty, or the PIO has told you that they do not intend to occupy, or the PIO does not exist.

5. There is a previous tenancy or licence still in existence (see page 53 for more information about undetermined tenancies). If a tenancy has not been lawfully determined, a PIO cannot be issued as the previous tenant is still authorised to occupy.

PIO certificates cannot, in law, be issued on; non-residential properties (e.g. squatted offices), buildings that have been condemned, and buildings that have had closing orders placed on them.

RESISTING

- When you receive a PIO Certificate or statement, check that it is correct. Check with neighbours to see how long it has been empty or if it has been PIO'd before. Photograph serious repair problems.
- MOST IMPORTANTLY, contact you local squatting group or ASS for any information they have on the building or landlords, and so they can build up information for others.
- See if you can contact the PIO to check if they are going to move in, or have authorised the landlord to issue the PIO certificate.
- If you think the PIO is false and the landlord is a local authority, go to the office where the PIO certificate was issued and see the person who signed it and argue your case with them. Inform them that if you feel that they have not dealt fairly with you that you will file a complaint with the local

government ombudsman (the person who investigates the Council when they are accused of malpractice). With private landlords/owners, point out that they could be commiting an offence.

■ Ask local Citizens Advice Bureau and/ or community group to contact the landlord on your behalf.

■ If they continue to insist on carrying out the eviction, find out which police station they will use and contact them to explain why the PIO certificate is not valid. Take along a copy of Section 7 of the Criminal Law Act 1977 (get this from ASS) pointing out the relevant bits to them. Ask the Police to at least check that the landlord has got written authorisation from the PIO to act on their behalf.

■ If you still can't put them off store your stuff at a friend's and argue your case at the door.

VIOLENT EVICTIONS ?

If you can't prove that the PIO is not genuine, there are now two ways in which you may be forced to leave the premises. The first is the threat of arrest by the police under section 7 which rarely happens, but if you resist you may be charged with obstruction, breach of the peace etc.

If the police are not used, the PIO or his / her agent now have the option to evict you themselves. In theory they would be able to use 'reasonable force' to get you out, as those excluding PIOs do not have the protection of Section 6 Criminal Law Act any more. (See page 24) However the loss of protection does not permit PIOs to use actual violence against you as this would be an assault. If you are violently evicted in this way, contact ASS immediately for advice.

IF YOU LEAVE

■ Keep your local squatting group or ASS informed so they can keep track of PIO procedures carried out and so challenge false ones more effectively.

■ Keep an eye on the property. Remember it is an offence for a private landlord / owner to make a false statement to get you out, so if no-one moves in get legal advice on how to enforce this. If it is a council or housing association place and no-one moves in within 6 weeks a complaint to the local government ombudsman (see Contacts page 74) should be made. These can be embarassing for the landlord, result in cash compensation if you are lucky and discourage them from using PIOs on others.

■ Squat properties that have remained empty.

The only way we can successfully challenge the increase in the (mis)use of PIOs is by being organised. Contact with other squatters and squatting groups must be made and maintained if we want to stop being on the defensive and being made homeless.

MOVING IN

Getting In

The most difficult part of squatting is actually gaining possession, though some would argue it's the washing-up! Landlords and councils often try to make their empty buildings squat-proof by using corrugated iron, steel doors, window grilles and padlocks. Squatters are sometimes arrested - or threatened with arrest - for criminal damage. Criminal damage, taken in its strictest possible form is an offence which almost all squatters commit. Removing steel doors, boards, damaging the front door when changing a lock, even taking out broken parts of a house, can be considered to be criminal damage (see page 25).

But don't let this make you too paranoid. Only a small minority of squatters ever get nicked - and with good legal advice, they often get off. The riskiest time is when you have just moved in - the police may come round and accuse you of having smashed windows etc. If any damage has been done, it's obviously important to make sure it is repaired as soon as possible. Don't forget boards can be taken off after you have moved in, and padlocks can often be unbolted from the inside without causing any damage. Removing any steel/boards once you're in makes you look less dodgy and shows you intend to stay.

This leaves the problem of getting in. Try all the obvious ways first; front and back entrances, open windows or windows with catches that can slipped with a knife. Don't try to batter down a strong front door before you've looked for other ways in. Try first floor windows around the back, etc.

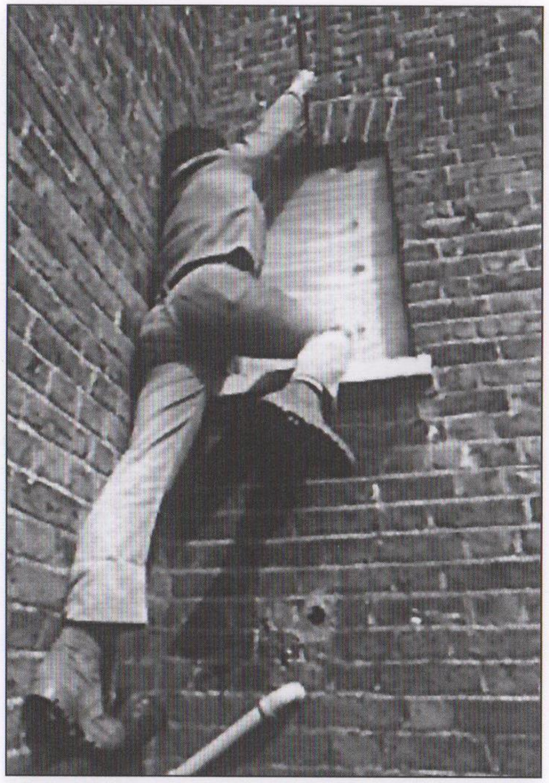
Take as few tools as you can manage with, so there's less chance of getting arrested for 'going equipped' to steal or commit criminal damage, or for possession of offensive weapons (section 8, Criminal Law Act). Check your pockets for anything potentially incriminating and maybe leave your I.D. behind.

If you are stopped in the street by the police, you could say you've borrowed the crowbar to 'clear the drains'. You don't have to give them any information (see DEALING WITH THE POLICE page 25).

If you're just having a look at the place (which is a good idea before you decide to move in!) you can use a mains-tester (see GETTING THE PLACE TOGETHER) to check whether the electricity is on. When you go back to open it up, you'll need a new cylinder for a Yale-type lock (if there is one fitted) and a screwdriver to put it on with. Check any post behind the door, it can provide invaluable information on the previous tenants and the situation with the electricity. Keep this post!

Opening a squat by yourself can be risky; avoid it - it's safer and often more fun to do it with others. Local groups may be able to find others willing to join in. Most forcible evictions happen in the first few days, so make sure there's a group of you who open up the squat and are ready to move in at once. If the police want to charge you with criminal damage, they'll have to sort out who actually did it. Provided no-one is caught red-handed or makes any stupid statements, they will obviously have a difficult time deciding who to charge.

Some places are almost impossible to get into without making a noise and alerting neighbours. If this is the case, choose a sensible time of the day - most people get a bit jumpy if they hear suspicious noises at night. It may be a good idea to wear council-style overalls during the day. Try and enlist the support of neighbours. Explain why you're homeless - you may get a



surprisingly sympathetic response. Most people prefer places around them being occupied rather than empty.

If there's an alarm it might be worth setting it off as an experiment to see what response there is and how much time you might have. When you move in, securing the building comes first but somebody can be trying to cut down the noise. Systems vary, but sensors can sometimes be de-activiated by selotape on the antena or by removing the batteries, and the noise can be dulled on some alarms with a few coats. Ask around the local teckies. If security turn up convince them that you're squatters not burglars and tell them you'll be more than happy for them to have their alarm back.

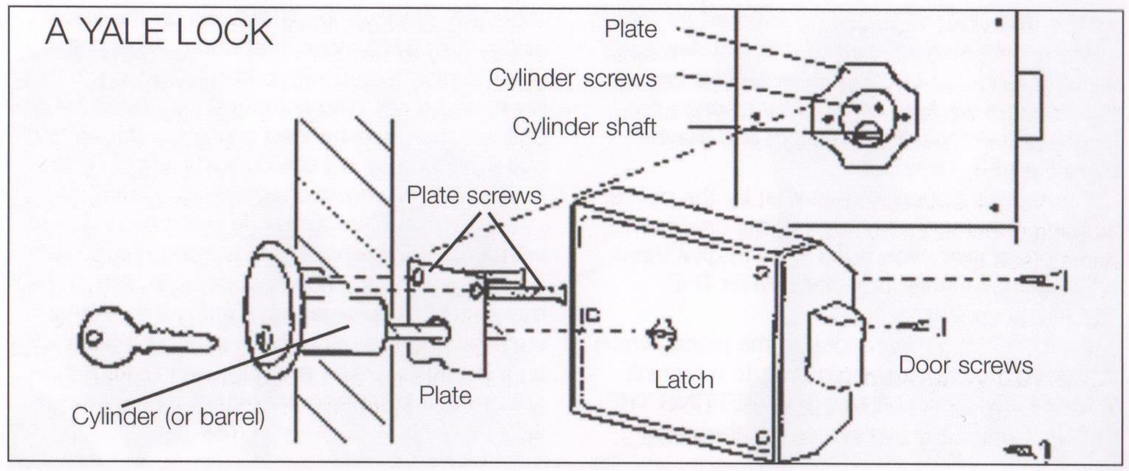
If you decide to move in, it's best to do so as soon as possible. But if you open a place up and decide not to use it, get in touch with local squatters or ASS right away - someone else might want it. Don't just help yourself to pipes or whatever you need from a house unless it's clearly unrepairable - you'll be depriving other homeless people of a squattable house, and increasing the ammunition for the anti-squatter mob. Be a good squatter!

Changing The Lock

The first thing to do after getting in is to change the lock on the front door and secure all the entrances. Until you have control over who comes in and out, you do not have possession and can be evicted straight away if the owner or police come round. It is a good idea for one person to be putting on the lock while others secure windows/other doors, put up curtains, get the kettle on and generally prepare to show potential cops that you mean to stay.

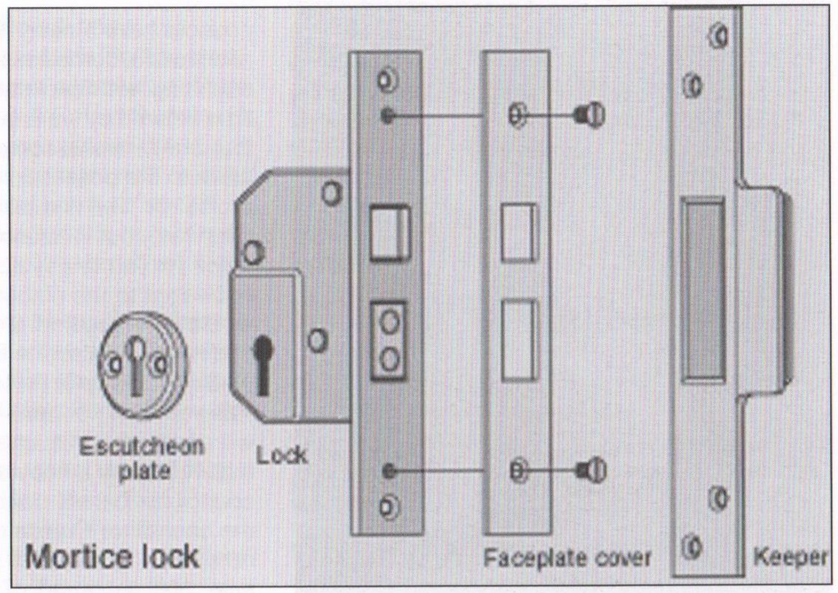
If there is one, take the old Yale lock off by unscrewing it. Replace the old cylinder with a new one and put the lock back on. Keep the old cylinder in a safe place in case you are accused of theft. The shaft of the cylinder and the screws which hold it in place may be too long, but they are scored to make it easy to break them (or cut them with a hacksaw).

This type of lock will do for the time being as it's quick to fit, but you'll need to add a stronger lock, such as a mortice, later on. This is fitted into the door and will stop the owner from



entering 'without violence' by slipping the lock. An old (locked mortice) lock can sometimes be removed from the inside with a hacksaw blade, or sprung back with a strong screwdriver; otherwise you will have to chisel it out. Always chisel the frame, not the door, as it's easier to repair properly.

If you can get in at the back, you can fit a sliding bolt or security chain before you change the Yale-type lock. A chain is a good idea for a squat anyway, as it gives you a way of seeing who is at the door. Secure all possible entrances; doors, windows, skylights etc. Squats have been lost by people not doing this. You can put bolts on all the doors, and nails in the window frames so that the window won't open more than three or four inches.



LEGAL WARNINGS

Putting up a legal warning (available from ASS, or copied from page 4) in a front window or on the front door may be helpful, as it may deter the police or owner from breaking in. But you must have someone in a place all the time to back it up. A legal warning will not stop you being evicted on its own. Giving a printed copy to the police if they arrive early on saves you trying to explain verbally that you can stay - they react well to the typed legal word.

Many people prefer not to put up anything at all, as they don't want to draw attention to the fact they are squatting; but have a copy of the legal warning handy near the door in case there's trouble.

On page 4 is an example of what a legal warning should say. You can sign it with all your names (see EVICTION for why this might help you) but you don't need to.

After You've Moved In

When you move in, try to make the place look lived in. Look around the local streets for sofas, fridges, mattresses etc, remember this is a very wasteful society!

Ring up gas and electricity companies quickly - before the owners do. If the services are on, take a note of the meter readings (see GETTING THE PLACE TOGETHER). If you use gas or electricity without paying for it, you can be charged with theft. You are also liable for paying water charges, but you can safely wait until they ask for them.

Look through any mail that you find for any information about who lived there before (this information may help if you decide to defend your home in court) and keep it in a safe place.

It's common to find letters in empty houses from some or all of the following; debt recovery bailiffs (for banks, utility companies, council tax and others.), TV Licence inspectors and the Electoral Register.

You do not have to let debt bailiffs in. In a similar way to vampires they can only come in if invited. They are also only allowed to seize goods belonging to the person whose debt it is, so just tell tham that you have never heard of that person and that they don't live at your address. Similarly TV licence inspectors have no powers of entry.

You can ignore letters from the electoral register unless you have a good reason to want to be on it - many people find it better not be.

Once you've settled these initial problems, visit your neighbours and if you haven't done it already, get in touch with other squatters in the area.

Getting In Touch With The Owners?

Because of the possibility of an Interim Possession Order (see Eviction page 65) you should think carefully about contacting the owners. This procedure can only be used if the owner convinces the court that they have known about the squatters for less than 28 days.

In council owned places you could go and sign on the housing register (waiting list) straightaway or make an application as a homeless person using your new squat as the address. The legal department probably won't find out within 28 days but the council won't be able to argue that they didn't know you were there. Applying for housing may be useful in defending court cases anyway. (For actual rehousing purposes, be aware that some local authorities may have a policy barring squatters from their waiting list - this is almost certainly illegal so get advice if you are refused access for this reason).

If you think you may eventually be housed by the council (see the HOMELESS chapter, page 5) and you are on a low income, then you should consider applying for housing benefit and / or council tax benefit when you move in. Some councils have a nasty habit of landing succeessful homeless applicants who were squatting, with backdated council tax bills for the time when they were in the squat. Even worse, (but pretty rarely), some try to atach an add-on claim to the possession claim, for "mesne profits" or "use and occupation charges". This often fails, but if it succeeds, an order can be made for you to pay a sum which is roughly equivalent to the amount of rent the landlord would have got from a tenant while you were squatting the place. A housing benefit claim when you move in (which will initially be rejected - as you won't be able to show liabilty for rent), will cover you for such an eventuality. Make sure that you make a copy of any housing benefit or council tax benefit claim before you hand it in to the council (or Crapita or whatever cowboy outfit runs housing benefit in your area) and keep it safe.

Very rarely, a council or other landlord might set up a "use and occupation" account for you before they take proceedings and write to you asking for money each week. If this happens, then make a housing benefit claim immediately - housing benefit does cover this sort of charge - but be aware that most housing benefit officers don't seem to understand the concept and often need their noses rubbed in the relevant regulations. If you aren't eligible for housing benefit for any reason, then don't worry, there is no legal obligation to pay "mesne profits" or "use and occupation charges".

With private owners and housing associations it is probably a bad idea to get in touch with them. The longer you can show you have been there the more difficult it will be for them to use an Interim Possession Order. If you have been there for 6 weeks or so they will probably get away with it unless you can prove that they did know. If you have been there for 6 months they will look pretty dumb if they say that they have only just noticed. With all owners you should keep notes of dates and details of any contact with anyone who could represent or contact the owners, e.g. security guards, estate agents and even the police. These notes will help later when you have to fight any sort of possession claim. If the owner contacts you, it is always worth asking if you can stay until they need to use the place - they might (inadvertently) grant you a licence. Generally, however, it is best to wait for the owners to discover you are there - the sooner they know, the sooner you are likely to be evicted.

What To Do If The Police Arrive

After you've changed the lock, it is best to start moving your things in as soon as possible. This is the point when the police are most likely to arrive. Don't let them in if you can avoid it. However, the police do have a legal right to enter a house if they have a warrant. Ask to see it. (See Dealing With the Police for other powers of entry). You should tell the police something like;

"We have moved in here because we have nowhere else. We did not break anything when we entered and we have not damaged anything since. It isn't a criminal matter, it's a civil matter between us and the owners, and they must take us to court for a possession order if they want us to leave."

In law this is essentially the case, unless there is someone actually living in the house (see FINDING A PLACE) or there is a 'Protected Intending Occupier' (see page 16).

Some police act as if they can evict or arrest any squatter they see. This is not true. If the police appear on your doorstep make your presence known but try not to let them in. If necessary, talk to them through the letter box. Make sure you know the legal situation better than them (not usually very difficult) and if you have a copy of the Legal Warning around, passing it to them through the letterbox may convince them. If they claim your tools are offensive weapons, say that they're for doing repairs.

If they simply say, "get out, don't be clever", etc, you can point out that if they evict you, they may be committing an offence themselves under section 6 of the Criminal Law Act, because they will be violently entering premises where there is someone opposing their entry.

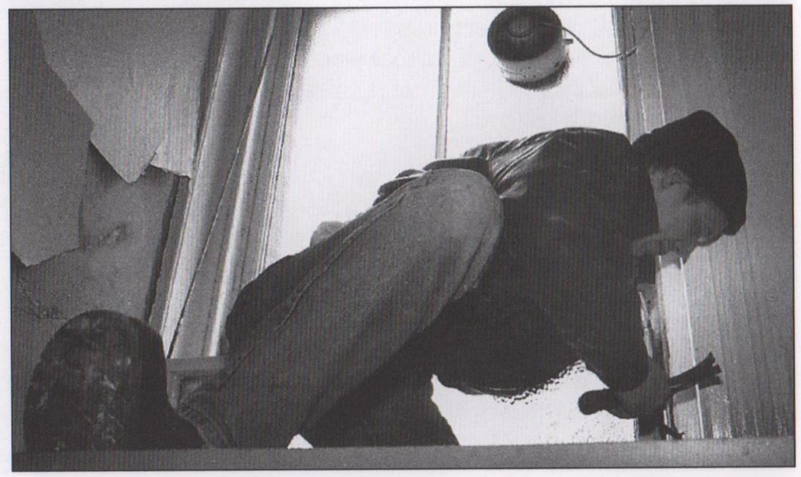
If you are polite, firm and make it clear that you know what you are talking about, they may at least go away to get advice. Some police have a habit of arresting squatters, holding them at the station while the owner boards up the house and then releasing them without a charge. If you're really unlucky, they may just break down your door and move you out.

Now You're There

Not all the problems with squatting come from the owners or the police. Some squatters have suffered at the hands of other people, both outside and inside squats. Don't be put off by this - if you go about things positively, it is possible to create a community that's good to live in.

Try to get the neighbours on your side. Squats, especially large or well-known ones, are sometimes attacked or ripped off by outsiders. These could be locals who wrongly blame squatters for their own housing problems, or right-wing groups.

The fact that you're squatting doesn't mean that you have no control over who lives with you. Many squatting households exercise strict control over who else lives with them. But remember that squatting often provides a refuge for less 'together' people, who might be locked up in repressive institutions like mental hospitals. Think carefully before you exclude anyone. Everybody has a right to a home - that is the basic principle of the squatting movement. There are no easy answers to this type of problem, but one way to start is to form a group and get everyone involved. If you're prepared to put a bit of time and enthusiasm into getting the squat off the ground, you'll probably find other people joining. Have a look at ORGANISING for ideas on forming a group and some of the other things that squatters have done. We all want to live without stringent rules, but this is different to respecting and adhering to the balance of a home. Good luck!



VIOLENCE FOR SECURING ENTRY
(Section 6, Criminal Law Act 1977)

This section gives squatters some limited protection from eviction. It makes it a possible offence for anyone to 'use or threaten violence' to get into any house or flat if there is a person there who objects to them coming in and they know there is someone there who objects.

This means that the owners or their heavies (agents) can enter by force if you are all out or if they don't know you are there. In one prosecution brought by squatters against a landlord who had evicted them in this way, the landlord claimed he 'hadn't heard' the squatters shouting inside the house - and the magistrate believed him. In principle this means that someone should be in all the time. In practice this type of action is used only occasionally, usually against isolated or unorganised squats and usually in the first few days after the squat has been opened. If you are in an area with lots of other squatters, the owner is unlikely to evict you in this way. Some owners (for example, most councils and housing associations) have a policy of not evicting in this way, whilst others, particularly private landlords and a few particular councils, may try hard to get you out without going to court.

It is important that the house is SECURED AT ALL TIMES, so that nobody can get in without either your permission or by forcing an entry. Yale locks are not good enough as they can be slipped too easily. Remember to lock the windows, skylights and back door too.

An offence under this section could carry a sentence of up to 6 months in prison and/or a £5,000 fine.

People who are, or claim to be, Displaced Residential Occupiers, Protected Intending Occupiers or their agents (see pages 13 & 16) are excluded from this Act. However any attempt to use physical violence against people will still be an offence.

Eviction of long-standing squat centre in South London

DEALING WITH THE POLICE

A lot of people have trouble with the police and squatters are no exception. In fact for some reason the police are often prejudiced against squatters and go out of their way to try and make our lives more difficult. It is important to know what they can and cannot do legally, what your rights are, and to stop the cops getting away with it.

Search And Entry

The police can always enter and search a property with the occupant's consent. This is why entrances should always be kept secure and you should be aware of your rights so that the police don't simply walk or talk their way in. Without your consent, they'll either need a warrant or will have to use the specific powers to search without warrant detailed below.

Entry under a warrant, must take place within one calendar month of issue. The police should identify themselves. The search warrant should be produced and you should be given a copy. However, if 'there are reasonable grounds' to believe that doing this would endanger the officers or frustrate the search, the police can enter without even letting you know.

The police can enter premises without a warrant in a number of ways. The important examples are:

- entry to execute an arrest warrant.
- to arrest someone for an "arrestable" offence (such as burglary or criminal damage).
- to arrest someone for using threatening words or behaviour under S4 of the Public Order Act 1986 and
- to deal with or prevent a breach of the peace, to save life or limb or prevent serious damage to property.
- to search for evidence if they arrest someone for any offence who was inside the premises either at the time of the arrest or immediately before they were arrested.
- to search for evidence if the premises are either occupied or controlled by a person who is arrested for an arrestable offence.

This search has to be authorised in writing by an inspector or higher ranking officer.The police may use "reasonable force" to enter in these circumstances. There is huge scope for abuse and the cops protect themselves with phrases like *"I had reasonable grounds to believe an arrestable offence had been committed"* etc. If you appear to be on the ball, this may discourage out-of-order behaviour.

To protect yourself and others, it is important to note down as soon as possible what happens, officers' numbers, what was said and done, things taken away or broken and so on. Any injuries should be photographed and recorded by going along to casualty or to see a doctor. This is because it may be possible to take action against the police afterwards. The cops often get away with things because we let them. If they know there may be a complaint, they may act more carefully and it may put them off in the future.

You can lodge a formal complaint or sue the police in the courts, but be careful. If you or anyone else has been charged with an offence, this may make the police more determined to get a conviction so that they can then turn around and say their actions were justified, undermining your complaint. So there may be tactical reasons for delaying. But if no-one is charged with an offence, make the complaint as soon as you can.

On the Street

You do not have to say or sign anything at any stage - in the street, at home or in the police station. Remember the right to silence still exists. But you may choose to give your name and address to the cops, just to get them off your back. Use your common sense - if the cops are wound up, they may try to arrest you on a trumped-up charge or think your refusal to give these basic details means you've got something to hide.

You still have the right to refuse to answer all police questions ('though if you are stopped when driving it is an offence not to give your name and address).

In some circumstances, e.g. you are stopped for a minor offence such as disorderly conduct, the police can arrest you if you refuse to give your name and address or if they think that you have given a false name or address. They can take you to a police station and hold you until they have found out the information. You cannot be arrested for refusing to give other information, such as your date of birth.

It is an offence to refuse to give your name and address if the police suspect you of engaging in "anti-social behaviour". Although the police don't have the power to arrest you for refusing to give your name and address, they could claim that they suspect you of committing a non-arrestable offence and demand your details to serve you with a summons. You do not have to give your date of birth.

In public places, the police can stop and search people or vehicles before anyone is arrested, for stolen or prohibited articles e.g. offensive weapons, drugs or firearms, for items used to cause criminal damage and for any articles associated with terrorism.

During a search, the cops cannot make you take off more than gloves, coat or outer jackets in public. A more thorough search must be carried out in private (e.g. a police van) by an officer of the same sex. A record should be kept of the search. You will be asked for your details but you don't have to co-operate.

Before doing any search the police must give you their name and the police station they are based, the object of the proposed search, what grounds they have to want to search you and that you are entitled to a written record of the search.

Check the cops' identities. Ask to see their warrant cards and remember the details. This could be useful for a complaint, particularly if you are being harasssed by the cops.

IF YOU ARE ARRESTED

Right To Silence

There has been a lot of alarmist publicity and misinformation about the right to silence being taken away. It still exists, albeit in a more limited form. In practice, it is still best to say nothing at all stages, at least until you have spoken to a lawyer. This means making sure that you answer "NO COMMENT" to all of the questions put to you by the police. This includes questions that appear to have no bearing on the offence you were arrested for. Once you start talking, it is often difficult to stop and you may contradict yourself, admit to more than the police knew or even get your friends into trouble.

Section 34 of the 1994 Criminal Justice and Public Order Act (CJPOA) says that the courts can draw conclusions if you fail to mention something when questioned by the cops which you later use as your defence in court. This applies if you were under caution when the questioning took place. Even if you think you have not been cautioned, don't say anything, as the police will often turn around later and say they did caution you. To avoid doubt, the wording of the caution is: -

"YOU DO NOT HAVE TO SAY ANYTHING BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION SOMETHING WHEN QUESTIONED WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE".

If you are arrested, you will be either released on "street bail" or be taken to a police station and they must decide whether to charge you with an offence, release you (maybe on bail to go back to the police station at a later date) or detain you without charging you (in order to get further evidence by questioning you 'in interview' or to 'protect' evidence). If this happens, they must give reasons for holding you.

If you are released on "street bail", the police must give a written notice telling you the offence you have been arrested for, the grounds on which you were arrested and that you are required to attend a police station at a later date. They cannot issue you with any other bail conditions except to report at the police station at a later date.

You do not have to give your name or address if you are given street bail, but if you refuse, you will probably not be given bail until the police find out who you are.

The length of time you can be held by the police without being charged depends on the kind of offence. You cannot be held without charge for more than 36 hours if you have been arrested for an 'arrestable offence'. If you have been arrested for a 'serious arrestable offence', which is unlikely in most squatting cases, this time can also be extended by up to 36 hours by the police or up to 96 hours by a magistrate. (Whatever happens you are likely to be in the police station for some time.)

'Arrestable offences' are ones for which you can be sent to prison for five years or more PLUS: taking motor vehicles, going equipped for stealing, offences against the Public Order Act such as conduct likely to lead to a breach of the peace, driving whilst drunk or disqualified, offences against the Customs and Excise and Official Secrets Acts, failing to remove a face mask, and committing harassment.

Some offences are not "arrestable offences" but you can still sometimes be arrested for them! Examples are obstructing the highway, disorderly conduct, threatening behaviour and aggravated trespass. You can only be arrested for these offences by a police officer at the time of the offence. If you are under arrest for one of these "non-arrestable offences" you can only be detained for a maximum of 24 hours and the police will not be able to search your house unless you were there at the time of the arrest or immediately beforehand.

Some offences carry no power of arrest e.g. obstructing a police officer and common assault. In these circumstances you could only be arrested for breach of the peace or for failing to give your name and address in order for the police to serve you with a summons.

You have the right to have someone informed of your arrest. You should be allowed to make a phone call but sometimes the police will make the call for you if they think it will harm their case or if they are just plain unpleasant. Your right to a phone call can be delayed for up to 36 hours by an Inspector (or above) if you are under arrest for a serious arrestable offence.

You have a right to see a solicitor while you are in custody. A superintendent can delay this right only if s/he has a good reason and only if you are under arrest for a serious arrestable offence. The reasons for any delay must be recorded, and the delay cannot be longer than 36 hours.

It is always best to ask for a sympathetic solicitor who you know and trust, but you have a right to a solicitor from the 24-hour duty solicitor scheme. Always ask to see the list. (You also have a right to have a friend or relative notified of your arrest. This can be delayed only for the same reasons as applying to see a solicitor.) You can be searched on arrival at the police station, but only by an officer of the same sex.

The police can take the fingerprints and DNA of anyone who has been arrested for a recordable offence and can use reasonable force if necessary. This would not apply to an arrest for breach of the peace, as this is not a recordable offence. The police can take the photograph of anyone detained in police custody, using reasonable force if necessary.

In practice, especially in London, the police are unlikely to release you without taking fingerprints and photographs unless you make a big fuss about it.

In order to get bail, you may have to satisfy the police that you have a fixed address. As a squatter, this can be difficult, particularly if you have been evicted while the police have held you, unless you can stay at a friend's house which isn't a squat. A 'satisfactory' address for the purpose of serving a summons on you for a 'non-arrestable offence' doesn't have to be your own address. The police must give you bail unless there are very strong reasons for holding you. A friend can offer to give their address to the police for the service of a summons. If your friend will consent to this

over the phone or in person the police might accept this.

IN PRACTICE YOU HAVE FEW ENFORCEABLE RIGHTS AGAINST THE POLICE. EVEN EVIDENCE OBTAINED BY THEM ILLEGALLY CAN BE USED AGAINST YOU IN COURT. IT IS STILL BEST TO SAY NOTHING TO THE POLICE. YOU CAN ALWAYS MAKE A STATEMENT AFTERWARDS.

IF YOU COME UP IN COURT

If you are going to be charged you will most likely appear in court the next morning. The alleged offence will be read to you and you will be asked to plead 'guilty' or 'not guilty'. Always plead 'NOT GUILTY' at this stage. Never plead 'guilty' without advice from ASS or a trustworthy lawyer. You can always change your plea later if you want to. The case will not be heard that day - a future date will be set.

The charge against you may be a police try-on. In particular, any charge relating to squatting under part II, Criminal Law Act 1977 (see page 16) or under section 76 of the CJA (see page 65) will be a bit of an experiment on the part of the police as neither of these laws have been properly tested in the courts yet. It is important that each case is looked at carefully for possible defences and defended in court if there are any.

Tell the magistrate you have not had time to discuss the case properly with a lawyer, you want legal aid and you want to be bailed, whether or not you have already been bailed by the police.

All the offences directly concerned with squatting are 'summary offences', which means you can only be tried in a Magistrates Court. You will not have the chance of a jury trial. If you are charged with any of these offences, tell ASS as soon as you have been released after pleading 'not guilty'. They are keeping a close watch on the use of these laws and can give you information on similar cases and put you in touch with reliable and sympathetic lawyers.

GETTING A PLACE TOGETHER

This section only covers basic 'first-aid' repairs to make your home more habitable. For more detailed advice, consult the various books on do-it-yourself house repairs. The Collins Complete DIY Manual is pretty comprehensive.

Sometimes you may move into a new squat and have to do very little work apart from cleaning, at other times major repairs may be necessary before it becomes a comfortable place to live. Squatters often think that houses which are in very bad condition are a good bet because the owner appears not to care very much about them. Sometimes this is true, but often you will be evicted just as quickly from these as from somewhere thats in far better condition. Its worth thinking about how much work you want to put into fixing a place up - you don't want to spend weeks doing major repairs then get evicted quickly anyway. If you do decide to take on a building that is in very bad condition at least try to do some research about it first (see page 8). Whatever you decide, try to do the work as soon as possible otherwise it may never get done and a few hours of work now is better than weeks or months without a working bath, for example.

Before you decide to move into a new squat you should have a good look at the condition of the building. Get inside and make sure that you are able to fix any problems and you can get electricity and water supplies connected. Don't necessarily think in terms of having to restore your new home to a perfect condition but instead make sure that you are able to do the repairs which will allow you to live as comfortably as possible in the time that you are there.The main points to check are as follows:

1) Services

Check that the water and electricity supplies are on at the point where they come into the house from the street (see below for more details). It is possible to live without mains electricity but very difficult to live comfortably without water. Gas is less essential and more difficult to repair, so only check if you have time.

2) Structure

- Roof. Have a good look from the outside to see if there are lots of missing tiles or slates and collapsed chimneys or guttering. Inside, look for signs of roof leaks such as collapsed ceilings and water damage - often shown by areas of stained and sagging plaster on the upper floors (this may also be due to leaking pipes or water tanks). If things are really bad you may be able to see holes in the roof from indoors. Large damage to roofs which isn't repaired causes major problems such as rotten floors which are too costly and time consuming for most people to fix, so it's worth checking.

- Toilets, Kitchens and Bathrooms. These are fairly easy to replace if broken or ripped out, so don't necessarily be put off moving in - especially if you think that the squat might last for a while.

- Windows and Doors. Windows are often broken in empty buildings - allowing you to get in easily along with our feathered friends the pigeons. Pigeon shit is poisonous so don't breathe in any dust from it, but can be easily cleared up. Glass in broken windows can be replaced quite easily and cheaply.

- Doors; if steel doors have been fitted on the outside, make sure that the original doors are still attached to the frames or at least in the building. External doors are often not standard sizes and may be difficult and expensive to replace.

- Damp. Mould is bad for your health. If a building smells strongly of mould and you can see lots of it on the walls then, unless you are really desperate, find somewhere else to live.

- Rubbish. It almost always looks worse than is! A lot of empty places have some rubbish and junk left in them. Be aware that other people may have been using the building before you and left unpleasant things such as needles. Wear strong gloves when cleaning up and don't put your hands into anywhere that you can't see - piles of rubbish, drawers etc.

There's usually plenty of work to do when you move into a house and if you can repair your own place you will save yourself a lot of money.

Other squatters can often help out with advice and sometimes tools. Try and get yourself a decent DIY manual.

GETTING THE GAS AND ELECTRICITY CONNECTED

Getting a Supply

1. When the electricity supply to the house has been disconnected in the street (see ELECTRICITY) it is best to try to find another place as it will cost thousands of pounds to get reconnected. If the electricity suppliers discover you are squatting they will probably refuse to connect you anyway. If you are near or next to a friendly house, you can lay your own cable from it (see ELECTRICITY again).This is perfectly legal as long as you pay for it. If services (gas or electricity) are disconnected where they come into the house, when you've signed up for a supply (see below) you will be visited by a representative from the respective suppliers to fit new meters and possibly check the condition of the wiring/piping (this is far more likely for gas). Make sure it is all right (see relevant sections below) before the supplier calls or it may be used as an excuse not to connect. If the Electricity or Gas Supplier knows or suspects you are squatting they may inform the owners.

2. Once you are in, it is important to get new accounts as soon as you decide the place is secure enough to stay in.

To get connected you will need to find out which company is the supplier at present. Look for an old electricity bill. If there aren't any then look for a letter showing the full postcode of the house or flat, write down the meter readings and the electricity meter's serial number (it should be clearly visible on the casing or across the dials). Then look at the website energywatch.org.uk and go to 'distributer information' in the 'Help and Advice' section; each area should only have only two or three companies.

Distribution companies do not sell electricity to the public, you ring them and ask for their "Meter Point Administration Service" (MPAS). Ask the MPAS for the name of the electricity company which last supplied the address. You may also need to quote the reading and serial number. MPAS will then tell you the most recent electricity supply company and their contact number to arrange a new account.

The same procedure can be used for gas companies, but you have to call 'TRANSCO' (look in the phone book for your local number).

It will probably be easiest to use that company but if they won't give you a supply then you have the option to use any one of a number of other companies which have been created by the privatisation of the industry.

These fall into two categories, "tariff suppliers" (for example; 'London Electricity') and "contract suppliers" (for example; 'Virgin Energy')

"Tariff" suppliers are those that were supplying electricity in the area before privatisation, which still have a duty towards "occupiers" and so are still affected by a court decision in 1975 which said that squatters are not "occupiers" in the legal meaning of the word and therefore don't have an automatic right to a supply.

"Contract" suppliers are those that have set up in competition with the main supplier, including those who are main suppliers in another area. These companies do not have the same legal obligations but have a duty under their licences to offer a contract when they receive a request from a "designated customer" (someone who wants a domestic electricity supply). Because this supply is based on contract rather than legislation the supplier is not able to disconnect on the basis that the occupier is a squatter.

The best way to sign up for a new supply is over the phone. Don't tell them that you're squatting. If you've never had an account before they are likely to give you a 'key meter' or in the case of gas a 'card meter'. These both need prepayment and will cut off your services if you don't keep them topped up, the power also costs slightly more. Unfortunately if you've never had an account before in the UK, or the address has a bad credit rating, they won't even give you these without being sent a copy of a tenancy agreement or similar evidence first.

Private tenancy forms can be bought from legal stationers, and other evidence can be sorted out with a photocopier. If you've squatted on a council estate it's best if you can claim to be a council tenant, but flats have been bought by tenants and sold/rented out, so it is possible to claim to be a private tenant/subtenant.

Alternatively, it might be better to try another contract supplier, although be aware that if there are unpaid debts owed to the existing supplier they will not want to let you change.

If you've had an account with the company before and don't have a bad credit rating it can often be sorted out without you having to provide proof of tenancy. They are also less likely to

replace existing meters with prepayment versions.

You maybe also be able to sign up in person, by going to the nearest showroom (there aren't many of these around anymore), but its usually easier to arrange things over the phone.

Electricity and Gas companies sometimes try to make you pay bills that haven't been paid by a previous occupier. Their most common method is to add the debt onto a key or card meter which will automatically take few pounds every week as a payment. If they try to do this make sure they understand that you are new occupiers who have no connection at all with the previous ones and are not liable for their unpaid debts.

3. Don't panic if they do work out you're squatting - all is not yet lost. Try quoting the Human Rights Act 1998 at them. If you have children, they should be more sympathetic. Tell them you know that their official policy is to connect squatters unless there are instructions from the landlord to the contrary. If you can afford it, offer a deposit. If they insist on it and you have kids, this may be paid by the social services but they will need a lot of hassling.

4. If they refuse all this, you can try to connect it up yourselves and deposit some money together with the original meter reading, with the nearest law centre or sympathetic local solicitor - specifying that the money is payment of gas or electricity bills. If you are accused of theft, you can then produce the money as evidence that you had no intention not to pay, which should be enough to prevent a charge of theft. If you do this, you must have the meter reading to show how much you have used; electrical meters can be bought from electrical wholesalers. This is not completely foolproof, but if you are nicked, you are unlikely to be charged as normally people are simply arrested and released without charge when the owners have had time to repossess the place.

5. Some people ignore all of the above, connect the supply themselves and hope! It is an offence to steal gas and electricity and if you do this you are laying yourself open to a charge of theft (even if there is already a meter installed and you are just using the services) and loss of your home. Some councils (and more rarely private owners) have been using the fact that squatters can't get legally connected (thanks to them) to carry out dodgy evictions. They turn up with the electricity company and cops, who can, under the Police and Criminal Evidence Act 1984, break in if they have reason to believe a crime is being committed on the premises - i.e. 'abstraction' (theft) of electricity. They then tend to threaten arrest unless the occupiers leave. Obviously if you choose arrest the council will repossess while you're down the nick anyway. If this is happening in your area it might be best to consider an alternative power source (see below) or fit a stronger door!

6. If the electricity distribution company or Transco discovers that you are using electricity or gas without having an account, they will probably try to cut you off. If they try to disconnect you in the house it is possible to refuse them entry if they don't have a magistrate's warrant. But it is not usually wise to do this as it may push them into disconnecting the supply in the street.

7. It is now very rare for electricity to be cut off

in the street. Privatisations of energy suppliers and housing have left a myriad of companies, regulators and owners who cannot be traced, often no-one is clear about who is responsible (as was spectacularly demonstrated in 2003 when the power on the Tube in London failed and no-one knew who was responsible to fix it!). Few officials are willing to risk the cost of a street disconnection which they might not be able to recover from the owner (who might even sue them). Street disconnections now usually take place only when co-ordinated by the police and council in a big pre-planned operation (such as at the Radical Dairy Social Centre in north London in 2002).

The policies of the Electricity Companies need to be challenged. They are not very popular generally, and now they are privatised they ought logically to be trying to screw money out of anyone they can. Concerted action may work. (see ORGANISING).

Anyone thinking of fighting a legal battle should consult ASS and as many squatting organisations as possible because if you take a case as far as the Court of Appeal and FAIL then the outcome could be a disaster for all squatters. The case of Woodcock v. South West Electricity Board in 1975 changed things for the worse for all squatters for thirty years.

PROBLEM SOLVING, REPAIRS AND INSTALLATION

ELECTRICITY

Disconnected Supply

As soon as you get in, you will want to know if the electricity is on. If the house has been empty for any length of time the supply will probably be disconnected. You will need either a voltage probe (£8 upwards) or a screwdriver type circuit tester (about £3) often called a mains-tester to check for current.

If you have a voltage probe, test the incoming fuse terminal inside the company head (this maybe on the top or the bottom depending on how it has been installed) by placing one probe onto it and the other onto the earth terminal or cable end. TAKE GREAT CARE, IF THE SUPPLY IS ON IT WILL BE LIVE. Don't use a screwdriver circuit tester to do this.

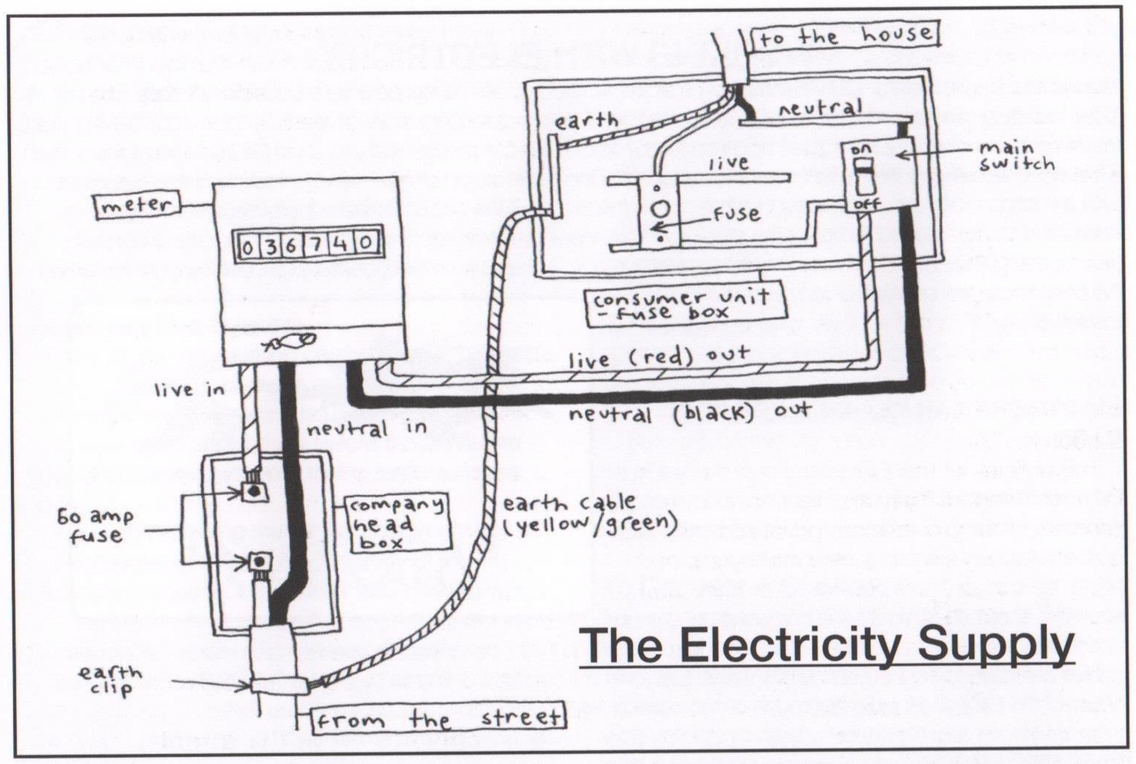
The company head is usually situated in the hallway near the front door or in the basement. In newer houses and industrial or institutional buildings the company head may be in a locked cupboard somewhere outside. In flats, the company head may be in a box in the main stair-well or, if you live on the ground floor, in an electricity cupboard.

If you don't have a voltage probe use a screwdriver circuit tester further on in the system (take note that the only certain way of knowing whether the supply is live is to test the company head with a voltage probe because some meters don't allow power through without prepayment using a special 'key'). Remove the fuses in the consumer one after the other and test by touching the bottom fuse terminal with the screwdriver end of the tester whilst holding the body of it. Tap the metal cap with your finger, if the supply is live the bulb inside will light up. Never touch the fuse terminal or any exposed metal parts of the tester except the cap whilst doing this.

If the company head and/or the consumer unit are not live it may be for the following reasons:

1) Supply cut off in the street

Signs of this are freshly laid tarmac, a few feet into the pavement, in front of the house. If the supply has been cut off in the street, it will be almost impossible to get it turned on again without the owner's permission. Unless you can cope without mains power it is probably best to try another place. It's impossible to be sure without testing the company head inside the building. You can check by touching the incoming supply terminal inside the company head with a voltage probe, as shown above. If the company head is off you can run a cable from a nearby house (next door is obviously best). This is perfectly legal as long as the house has an account with the electricity supplier. You will need armoured 16mm cable which costs around £7 a meter and is generally only available from the manufacturers (your local supplies shop should know who your nearest manufacturer is). Take the cable from beyond the company head in the supplied house and fit another junction box with a switch, preferably between the meter and the consumer unit (fuse box). The switch will need to have the same rating as the cable (either 30 or 60 amps). If the house is next door you can simply run the cable through the wall. If the cable is to be laid outside it must be at a specified depth underground (the connection will not be recognised as legal by the supplier if it is not): the depth below ground which is under



The Electricity Supply

cultivation is one meter; under a concrete roadway or path 300mm. Once the cable is in the second house you can by-pass the company head and simply connect to the consumer unit. Both houses can easily split the bills, but if you want to keep separate accounts, connect up a meter before the consumer unit. The ends of the cable (like the cable leading into a company head) should be sealed off with black tar so that damp doesn't get down it.

2) Fuse removed from company head

In the company (or supply) head there is a 60 amp cartridge fuse (3" version of the sort in an ordinary plug) in a ceramic or plastic holder. These are often removed to cut off supply. Because there are dozens of different types of holder it may prove difficult to find a replacement. If you can't find one there are various possible temporary solutions - seek advice from a reliable person with proper experience. If there is space for three fuses you have a three-phase supply (this type is often found in commercial buildings such as old warehouses, shops etc.). Working on these is a bit more complicated so get advice if there turn out be any problems apart from missing fuses. Have a good look round in case the fuses are lying around. If the fuse inside the holder has simply blown you should be able to buy a replacement at electrical dealers for around £3.

In a block of flats, there is often only one company head serving the whole block. If there are distribution boxes on the landings, the fuses will probably have been removed to cut off the supply. They are likely to be standard fuses that are easily available.

3) Meter removed or wires to meter removed

Again, test the company head to see if it is live.

4) Key meter

Key meters need pre-payment before you can use any electricity, if the key is still in the meter you can pay at any shop (newsagents, some supermarkets etc.) with a 'PayPoint' sign. If the key is not in the meter have a good look for it first then if you can't find it you will have to phone up the electricity supplier to ask them to send you a new one. If you can find any mail with the name of the account holder then this will make things much easier as you can request a new key for the account. If not, you will have to sign up for a new account in the way outlined above.

If you are happy that the company head and meter are in working order and there is no

WORKING WITH ELECTRICITY

Always make sure that the power is turned off at the consumer unit or, if you think that somebody may turn the power back on accidentally, remove the company head before doing any work or repairs on the electrics. If you are working on the consumer unit (fuse box) you must remove the company head first, it will still contain live wires even if it is switched off and the fuses have been removed. Don't take any chances - always test potentially live wires with a voltage probe or circuit tester before you start working - if the system is faulty there may still be live wires even if the power is switched off at the consumer unit. Insulated tools such as pliers and screwdrivers are really worth getting, especially for working with company heads, but also for more general work. Look for ones marked 'VDE' as these are guaranteed to be properly insulated.

ELECTRICITY CAN KILL SO TAKE GREAT CARE.

Be careful when working on or near company heads, especially in damp conditions. If you are not absolutely sure of what you are doing, don't do it. Company heads have much more power than ordinary plug sockets - they can kill you! If the company head is on and fused, then any red cables running to the meter will be live. Remember, to connect up a meter, the red live cables are inserted on the outside of the two black neutral cables. If you aren't using an insulated screwdriver to connect the cables with, **do not** touch any exposed metal parts of the tool as they will be live!

ELECTRIC SHOCK

Degrees of shock depend on the surface you are in contact with; a dry wooden or concrete floor will cause a mild shock, a damp floor or soil will give a large shock, contact with metal will possibly be instantly fatal. If someone does receive an electric shock: turn off the current or remove them from contact with the live part. Use some insulating material such as dry wood, thick paper, plastic or rubber to move them clear. Stand by with a broom handle, never touch them with your bare hands.

Call for an ambulance. If breathing has stopped, apply mouth-to-mouth artificial respiration. Treat for shock - keep them lying down with legs slightly elevated. Don't move them unnecessarily or disturb them by questioning. Keep them warm, give liquids sparingly even if they say they are thirsty. Dress minor burns .

supply, read on and consult a repair manual for further details.

Installing A Temporary Supply

If you have electricity as far as the consumer unit but all the wiring from there on has deteriorated or is dangerous, probably the quickest way of getting power to each room is to install a ring circuit. From a 30 amp fuse in the consumer unit, using 2.5mm square twin and earth cable and clips, connect up a series of sockets before connecting the cable back at the fuse. Each socket should now have two cables connected into it. The maximum area served by the ring shouldn't be greater than 100m^2.

Getting Turned On

Check that all wiring is in good condition before you sign on; they will use any excuse not to turn you on. Things to check:

- No bare wires sticking out (even with insulating tape on them).
- Replace/remove light cords if they look old.
- If the metre and its cables have been removed, make sure you provide 16mm double insulated meter tails that are connected to the consumer unit. They can be purchased at any electrical wholesaler in metre lengths.
- The earthing system should be satisfactory and all cables should be the correct size: 16mm^2 from the earthing terminal to the consumer's unit and 10 mm^2 from the earthing terminal to the gas and water pipes (main equipentential bonding).
- If there have been any drastic changes to the installation since the electricity supply company was last around, they will want to see a test certificate before they will turn you on. They can arrange for a worker to carry out the test for you but this costs so it is better to ask a friendly electrician to do it instead.

Repairing The System

Whenever you are working on any part of the house wiring, make sure you have switched OFF the consumer unit. You must also remove the main 60 amp fuse if you are working before the consumer unit. Check wires with your mains-tester to make sure.

It is worth knowing that all the equipment before the consumer unit is the responsibility of the Electricity company. If the meter was missing when you moved in, don't worry. The only thing you have to provide is 16mm square double insulated red and black "meter tails" from the consumer unit and the main earthing conductors. The electricity company will supply the rest when they come to connect the electricity.

- Lights require 5 amp fuse and 1.5mm wire
- Ring mains sockets require 13 amp fuse and 2.5mm wire
- Cookers require 30 amp fuses and 6mm wire (although electricity suppliers say 45 amp fuses and 10mm wire).

GAS

Gas can be dangerous, so don't try and do anything if you don't understand it. It is illegal to tamper with gas and gas appliances unless you are qualified to do so.

Gas meters are often on the outside wall of the building protected by a white box, you need a special key to open the flap, but as it's unlikely you'll have one the whole box can be quite easily lifted off.

Gas piping is not usually vandalised because of its low scrap value, but before you turn on the gas check for open ends. You might find them by fireplaces, or in bathrooms, kitchens etc. You can buy caps - either 3/4", 1/2" or 1/4".

Tools

If you are going to put in some new piping you will need:

1. Two stillson wrenches (one to hold the pipe or fitting you are adding to stop it moving)
2. To seal threaded joints you will need to use either jointing compound (Hawk White should be used - not Boss White which is for water only) or PTFE tape. Again make sure you use gas PTFE tape as the one meant for water pipes is not suitable. Most plumbers use PTFE tape as it is quick and simple.

Always check for leaks after you have installed any new piping and even you haven't changed anything, it's good to test the system for leaks before you start using it.

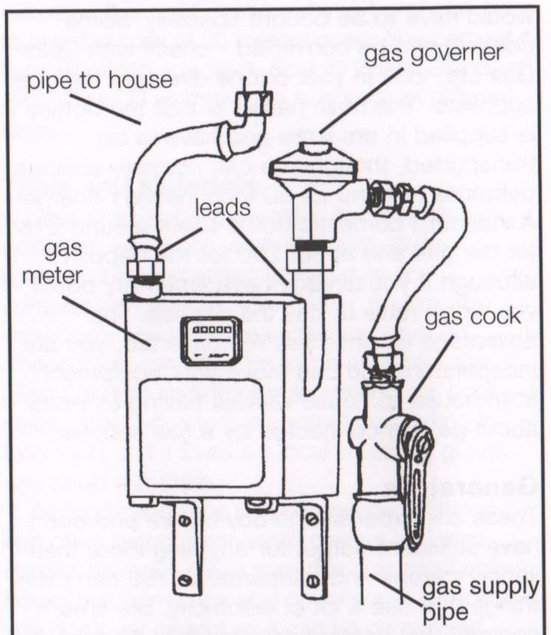
The best way to test if all the pipes are sound is to use a U-gauge (also called a manometer). Most common areas for leaks are gas cookers and fires, or if there is a gas fired boiler and the pilot light has gone out it will show up as a leak on the U-gauge.

New piping can be iron or copper; adapters can be obtained. Don't use polythene for gas - use copper or iron only. You can then assemble as water pipes (see WATER).

To Connect A Cooker

You will probably find that there is a pipe in the kitchen which has been capped - this should be the gas pipe. If this is the case, all you need is a flexible rubber connecting hose (cost about £6) and hawk white smeared on the treads to seal. Always test with a U-gauge or smear each joint with slightly diluted washing-up liquid. If it bubbles, the joint is not safe. Or you can thread a 'bayonet fitting' onto the end of the iron pipe.

This works like a lightbulb - the flex hose has two pins which you push in and turn to seal.



The Gas Supply

ALTERNATIVES TO MAINS GAS AND ELECTRICITY

As the owners of squatted houses make it increasingly hard to get gas and electricity supplies, squatters should start thinking of alternatives.

Calor Gas

This is an economic form of gas which can be used for cooking and heating, though fires would have to be bought specially. Some cookers can be converted - check with Calor Gas Ltd, look in your phone directory for local suppliers. The main hassle is that the bottles it is supplied in are large and have to be transported, though you can normally arrange deliveries (around £1.30 local delivery charge). A standard domestic bottle costs around £18 for the gas and about £20 for the deposit - although if you already have an empty bottle you won't have to pay the deposit. The advantage is, once you're converted, you are independent and can move your equipment from house to house without having to worry about getting connected by a gas supplier.

Generators

These are expensive to buy or hire and don't have sufficient output for anything more than lights, stereos and refrigerators. You can't run things that use a lot of electricity, like fires, cookers, fan heaters or immersion heaters. They are also noisy and use quite a lot of fuel (a diesel generator is most efficient). But they have been used in squats where the electricity has been cut off.

Oil Lamps

Oil lamps give better light and are cheaper in the long run than candles (they can also be hung out of the reach of children). A Hurricane lamp costs £6-£8 and a Tilley lamp, which will give a much better working or reading light costs around £35. They can be obtained from army surplus or fishing tackle shops, but are getting hard to find. Alternatively Coleman make very similar lamps which can be obtained from Cotswold camping supplies, Shepherds Bush, 020 8743 2976, B.T. Cullum Outdoor Leisure, Wandsworth 020 8874 2346 or other camping suppliers for between £35 and £40.

Alternatives

It is possible to use alternative energy sources such as solar or wind power to provide for some of your energy needs. Realistically in the British climate you will only be able to get solar powered hot water and lighting in summer but wind generated electricity maybe possible all year round.

It is fairly easy to set-up even if you don't have specialist skills but will probably involve some initial costs, especially if you want electricity. Detailed information about how to set up and build alternative power sources is too complex to be described here but more information and detailed guides are available at www.cat.org.uk and various other places on the internet as well as in some bookshops.

WATER

The water companies are increasingly giving squatters more and more hassle like the gas and electricity suppliers. However there is an important legal difference; where the water is connected already, Section 1 Schedule 4A of the Water Industry Act 1999 makes it unlawful to disconnect "any dwelling which is occupied by a person as his only or principle home" and states that this includes caravans, house-boats and any structure designed or adapted for permanent habitation. It is clear from the wording that this Schedule should cover every resident regardless of what type of occupier they are.

All water companies are acutely aware of Schedule 4A of Water Industry Act 1999 but they are keen to pretend that they've never heard of it as it means that they cannot disconnect you.

At some point you will receive a bill, if you decide not to pay, you will get a series of letters and possibly eventually, visits from debt recovery bailiffs which can cause some problems (see page 22).

If the water is turned off in the street, it will cost you a lot of money (too much in most cases) to get them to turn it back on. It is mainly new or recently converted properties that have water meters, but if you have one, water charges can be even more expensive.

If the water isn't on already it may be turned off by a stopcock, where the mains supply enters the house, usually in the basement or at the front of the house. In most houses, what is known as the 'Consumer stopcock' can be found anywhere after the boundary wall, i.e. the garden wall. Often it will be somewhere in the front garden, if you have trouble finding it ask neighbours where theirs is.

Once you find the stopcock, turning it anti-clockwise will open it (check to see if it's open already). If there is still no water, follow the line of the pipe towards the road where there should be another stopcock covered by a small iron plate set into the pavement or in the garden. You need a water key to open this one, as it can be as much as 20 inches below the surface. Check to make sure though, as it may be reachable with an improvised tool. The valve may be covered with earth and debris which you may need to scrape out. Failing this, the Water Board will connect you for a fee. They will sign you up for water rates if they come and they may inform the owners that you are there.

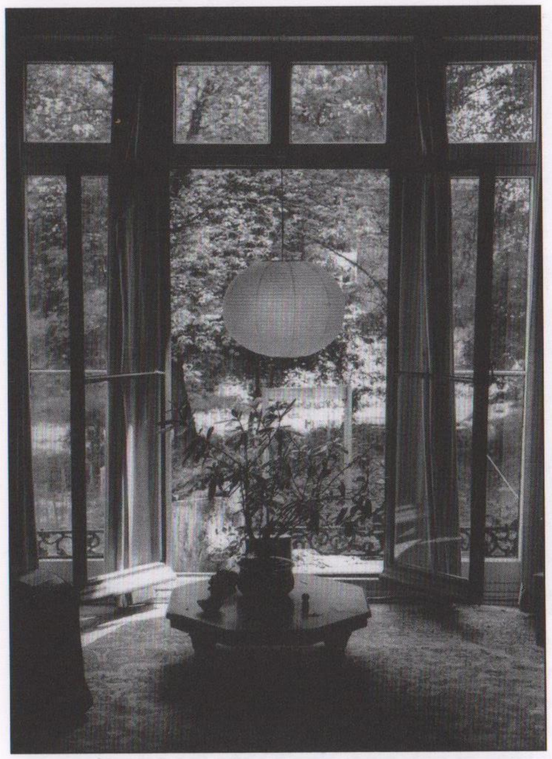
Before you turn the water on, check that all the piping is still there as lead and copper pipes have often been ripped out to sell as scrap. Even if everything seems to be in place have good look round for any leaks once the water is on. If you need to replace lead piping, you can change to copper, polyurethane or Hep2O. (If you replace lead or copper piping with plastic be aware that in the UK the electricity supply is often earthed via the piping system so check before you make any changes. There is such a fitting as a lead to copper compression often called a 'leadlock' (Vicking Fittings) available from large plumbing merchants. Check the size before you buy one of these, the usual dimensions are 1/2" lead to 15mm copper.

If you chose not to use copper, be warned that some water boards don't like poly pipe used where there's mains pressure, but they don't usually make thorough inspections. You can either use Hep2O, a cheap plastic pipe with pushfit fittings or poly pipe. Hep2O has the advantage of being cheap, very flexible and available everywhere in lengths or coils. It comes in 15mm or 22mm sizes and can be connected to copper with compression fittings with special inserts. The poly pipe you need is a low-density Grade C, which is 1/2" inside diameter and 3/4" outside diameter. It is quite cheap but you'll probably have to buy it in coils of 20 meters or so. You can get it from plumbing suppliers. Specify British Standard 1972 Class C as they have hundreds of different kinds.

Tools and Materials

A blow lamp, hacksaw, solder, flux (self-cleaning if possible), wire wool, wrenches, adjustable spanner, bending spring, boss white (for compression fittings), screwdriver, file etc. The more tools you have the easier you'll get on. Cheap tools can often be found at Brick Lane (East London) and other markets and car boot sales. Other squatters are sometimes willing to lend tools and if there's a local squatting group you could ask them.

Second-hand taps and compression fittings can often be got from scrap dealers and also derelict houses - make sure that you don't strip a house that some one else could squat. Be careful you don't get caught as it can be considered theft. Second-hand copper tube can be bought



and if it's imperial size you can get adapter connections to fit it to the newer metric piping.

Prices
The price of copper hasn't changed much from the ones quoted below. It is much cheaper to use a Plumber's Merchants than one of the large DIY chain stores.

Copper Piping
Copper tube is about £1.20 per meter for 15mm (1/2 inch) and about £2.30 per metre for 22mm (3/4 inch). 15mm is fine to use unless its for 'down' services from a water tank. Fittings can be 'compression', which you screw up (expensive but only two spanners needed) 'Yorkshire' which you heat up and are cheap, or 'end feed' which you feed your own solder into (cheapest). You will probably have to use a mixture of Yorkshire or end feed and compression.

Threaded Iron Pipe
In order to use this properly you will need a pipe thread maker which you'd probably have to hire. You can get fixed lengths and use them, for which you need a stilson wrench. Remember though, copper is much easier to work with so always try to convert to copper using an iron-to-copper adapter (these are readily available from plumbers merchants).

Lead Pipe
This can be difficult to get and is very difficult to work with. Pin hole leaks can be stopped by a sharp tap with a hammer or by screwing in a small screw slightly larger than the hole.

Plastic Waste Pipe
This comes in sizes one inch upwards with simple push-in fittings, or better solvent glue ones. The push-in fittings are expensive but easy to take apart if you make a mistake. The solvent glue ones are cheaper, more reliable and leak free, but can't be taken apart and re-used. The two methods are often not compatible with each other, so you'll need to stick to one or the other.

Leaks
If these occur in the actual pipe (as a result of freezing), make sure you check for more bursts. If there's a leak at a compression fitting, just tighten - same for a jubilee clip. If a Yorkshire or end feed leaks, empty all water, heat up and add more solder to seal properly. If that doesn't work use a new fitting. You can't solder a fitting with water in it. If you can't drain it off you can sometimes blow it out through an open tap by blowing on the open end of the pipe. Remember not to solder too near any fitting, e.g. a tap, which has rubber or plastic components as they might melt.

Toilets
If the cistern has been left empty for some time the ball valve is usually stuck. Tap with a hammer to release. If it overfills and the arm is a brass one, bend the arm downwards; if it underfills bend it upwards. If it is a modern plastic arm, there should be a screw nut to adjust the water level. If that doesn't work buy a new ball valve. If the down pipe from the cistern to the bowl is missing, buy an adaptable PVC one and a rubber flush cone which fits on the back of the bowl. There are two types of flush cones - internal and external.

If you are fitting a new toilet, connect to the drain either by a multi-size plastic connector called Multikwick or by quick setting cement. Multikwicks can be bought with angles, extensions etc. to cope with differently positioned toilets.

Drains
These are often blocked. They may be cemented up, which means the pipes need replacing - a major job. Otherwise, check the U bends under sinks and baths. You may need to hold a piece of hose-pipe over the plug hole, seal it with a cloth, turn on the water and hold firmly!... still blocked? Find the manhole (large rectangular metal plate - usually in the garden or yard but sometimes indoors) or gully and direct the hose up the pipe leading to the house and turn on fully. Failing that, borrow or hire drain rods, or try caustic soda. You will have to get dirty and maybe use you hand to remove blockages, but be careful of unseen sharp objects.

Water Heaters
If you or your friends are good at plumbing (including gas fitting) it might be worth getting a water heater. Gas ones are the best choice and have the lowest running costs once fitted. A re-conditioned instantaneous multi-point heater such as a Covec Brittany II would be a good bet.

ROOFS
These can be fixed easily provided you have access through a skylight or attic space; if not they can be a bit of a problem, but if your squat looks like it might last for while its worth trying to borrow or hire a long ladder to fix roof problems. Ladders are always useful so it might be worth investing in one of your own.

Tools And Materials
-Hammer and galvanised roofing nails.
-Roofing felt.
-Spare slates or tiles, etc.
-Cold-setting bitumen (i.e. 'Aquaseal').
-Cement. If you're not experienced use a ready-mixed mortar.
-Copper wire or 1" lead strips.

Problems
- Slates missing. Replace with wire or lead hooks or slip roofing felt under surrounding slates and nail onto batons underneath. Use Aquaseal to seal nails.
- Cracked tiles or pieces missing - replace tile. Otherwise cover with quick dry cement and then Aquaseal.
- Zinc centre gutters leaking. Sweep dry and cover with Aquaseal. Cover with a roll of roofing felt and tuck ends under bottom row of slates or tiles.
- Flashing (covering between roof and wall or chimney). If the flashing is made of lead, cover splits with Aqualseal and if it has come away from the wall push back into place and re-cement it. If the flashing is made of cement, use Aquaseal for small cracks and re-cement larger ones.
- Always unblock eave gutters and drainpipes. Caustic soda might be needed. Seal any leaking or new joints with an appropriate sealant.

Mending a flat roof

ORGANISING

There have been squatters for as long as there's been the concept of owning land, and squatting on land or in buildings which 'officially' belong to someone else takes place all over the world. It is basic to the survival of millions of people.

SOME HISTORY

In England squatting is known to have taken place since the middle ages, as legislation such as the 1381 Forcible Entry Act were passed to stop it happening after the Peasant's Revolt. The best known group of squatters were the Diggers who occupied land on St George's Hill in 1649 to live and work on in common. This was after the Civil War had ended in success for those who wanted to speed up the enclosure and privatisation of land, rather than those who taken part to fight it. There was also more individual squatting, known in some places as "cottars" or "borderers" whose houses sometimes still stand.

Squatting had a resurgence after both World War I and II, with ex-soldiers taking over former army camps as the promised "homes fit for heroes" failed to materialise. In 1946 the movement involved an estimated 44,000 people, and also included the squatting of property in towns and cities left empty by speculators or used only the summer.

A new movement arose in the late 1960s. It began in East London where housing rights campaigners and homeless families living in appalling hostels, came together to protest and then take action. After long struggles, local councils were forced to accept the temporary licensing of their empty properties to those in need, and the legal system was forced to accept that eviction by paid thugs without a court order was not on. Co-ops and associations were set up to obtain short life licences for families, some of which still exist but nearly all of which are now anti-squatter.

At the same time other people started squatting, challenging the division between families and others. The sensationalist media attention given to some particularly chaotic squats was seen as particularly embarrassing by the "family" squatters, and eventually the movement split.

The squatting movement of the '70s achieved many things. As well as providing housing for many thousands of otherwise homeless people, the movement challenged property speculators, prevented the destruction of housing, and sometimes of the communities around them, and confronted the authorities with their inadequacies. The movement also created social space, turning wasteland into parks etc. and gave space to people to find different ways to live, to challenge isolation and exclusion, and themselves.

By the end of the '70s families were far less likely to need to squat as councils had to some extent improved. Others could generally find a way through squatting to more permanent housing, either through amnesties granting licences or tenancies, through co-ops or housing associations or individually, or else through "instant letting" schemes on unpopular estates. The movement was almost ready to close down, but the convergence of mass unemployment, the Thatcher regime, punk, Italians fleeing repression and conscription led to a massive resurgence. Housing provision and rights started to come under serious attack with councils starved of funds and forced to sell property, while a new mobility was forced on people as whole communities were destroyed by the

1946 Squatters petitioning on street

government's industrial policies. Squatting again reached the levels of the mid-'70s with about 30,000 squatters in London and another 10,000 in other places.

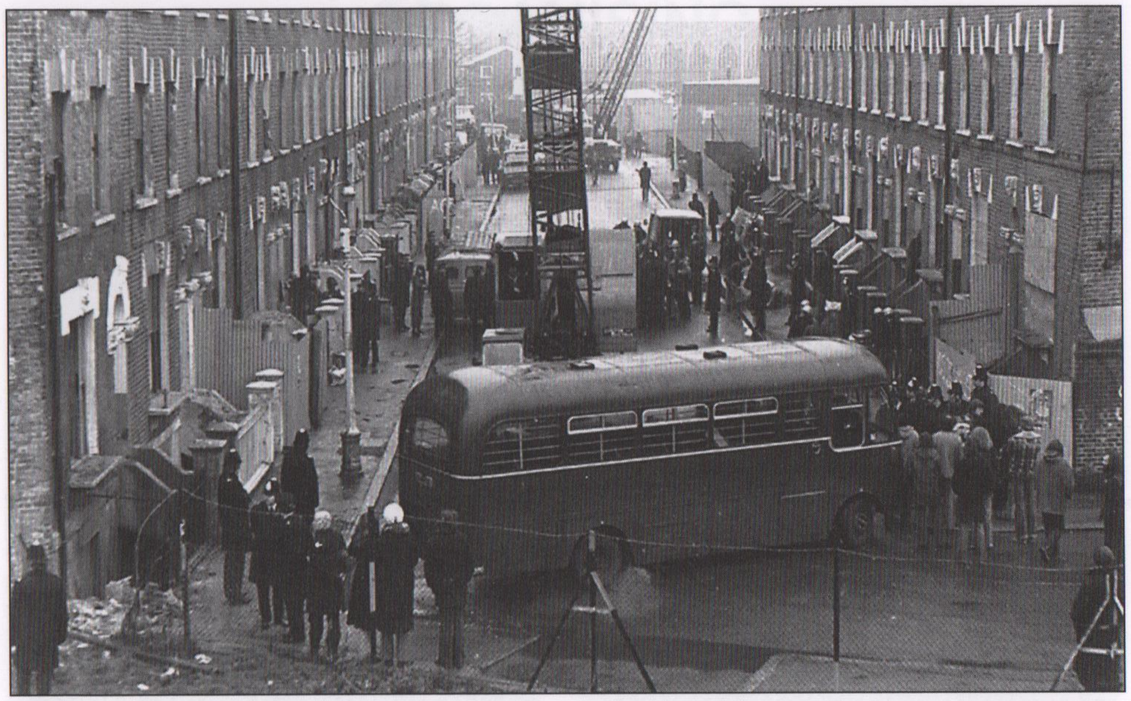
As this new generation of squatters itself found more permanent housing, new interest in squatting came again. In the early '90s the Criminal Justice and Public Order Act combined

Some objections you may meet, and some possible answers:

"Squatters are jumping the queue."
Why should there be a queue when so many properties are empty? Why has this place been left empty when so many are homeless? Why has the council been selling off all the property it can? Why should people have to wait for housing, which should be a right for all? Would you live on the streets 'til the council came up with something?

"All squatters are vandals, junkies, dole scroungers."
I'm not. OK I'm a caffeine addict, but so what. Squatters aren't a different race, it's just easier to spot anti-social elements. Why does being a squatter always get mentioned in headlines when someone does something wrong, but the fact that the Yorkshire Ripper was a homeowner wasn't? Chris Eubanks was a squatter, as were many others you wouldn't expect. Most vandalism is carried out by landlords, making empty property uninhabitable or running down property for economic reasons. Most squatters carry out work on their homes, stopping them from deteriorating, but when you get evicted every few months it gets harder to make the effort.

"I've worked hard all my life and always paid rent/rates/taxes. You lot are trying to get something for nothing."
"The world was made a common treasury for all" (Winstanley) not for the profits of a few stinking rich landlords. Why should we (or Housing Benefit) pay extortionate amounts just for the basic need of a roof over our heads? For successive years governments have been destroying affordable social housing, cutting housing benefits and removing the right to benefit to increasing numbers of people.



attacks on squatting with those on travellers and ecological activists, among others, helping to create a new "Do It Yourself" movement using squatting for protest and social space as well as for housing. In 1994 protest against road building converged on Claremont Road, again in East London, where activists and local people resisted the eviction and destruction of the street, house by house.

Attacks on housing and other rights have again increased the gaps in housing provision and made alternatives necessary. Refugees and other migrants are increasingly without rights, while being considered "intentionally homeless" or "anti-social" are increasingly ways for councils to get out of their duties. Private rents in much of the country are unaffordable while government policy imposes large rises on council and housing association rents leading to more pressures. The need for squatting continues, while despite the increasing value of property, much is still left empty.

For a more detailed history up to 1980, find yourself a copy of Squatting the real story (see Publications page 75).

Local Groups And Squat Centres

Organisation of the squatting movement has nearly all been done around local groups or around centres. The first groups in the 60s organised on a borough level to pressure particular councils, and these groups sometimes developed or were renewed in later years. Some groups have covered particular estates or smaller areas, while outside London a group could cover a whole town or city.

One thing about squatting is that it does need organising anyway, from finding a place to getting it together to defending it, and any of these stages can be a starting point for organising with others.

Local groups can make squatting, and life in general easier and more fun, by spreading skills and resources, fighting off attacks of various types, getting to meet new people, keeping up-to-date lists of empty properties and other information, discouraging the police from exceeding their legal powers, opening spaces for whatever we and others need, and helping others to resist attacks on services. In some places a separate squatting group is fortunately not necessary, and groups that include squatters and squatting along with other things can thrive.

More recently it has been harder to sustain local groups and where there has been organisation it has been around centres. A lot of '80s squatting was organised around centres that represented particular cultural and political aspects of the squatting of the times. While there's an argument for making centres as open as possible, organising will always be on the basis of the ideas of those doing the organising, and centres that have been set up with some vague idea of local people turning up and using it can fail dramatically. In the '90s there tended to be more general activist squat centres, and social centres set up because squatters or ex-squatters were feeling particularly isolated. Centres and their activities can help attract and involve people from outside the squatting scenes, and be a focus for general organising in an area.

While many centres are also homes (with the interesting contradictions this can cause) and so remain for as long as possible and then move on, or dissolve, some centres, particularly outside London have been set up for particular events and so remain for a weekend, a week or however long decided beforehand. The advantage of this type of organising is that it avoids people getting burned out and stuck with a building they don't want and all the work that goes with them.

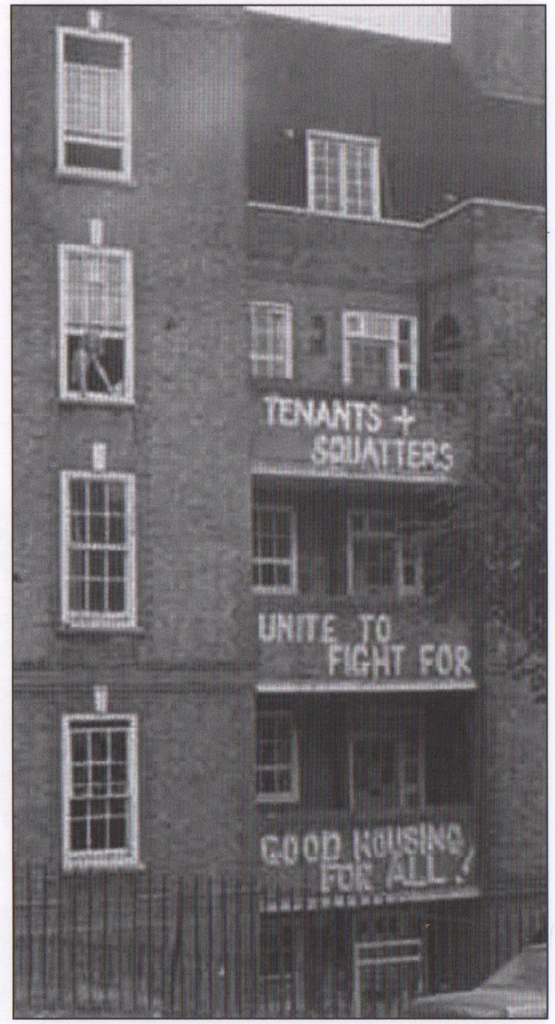
Making Links

Much of the advice in previous editions has become out of date. Gone are the days when workers felt strong enough to act in solidarity and refuse evictions, cut-offs etc. But that doesn't mean we shouldn't try to communicate even if this has no immediate effect. Things can and will change.

Tenants Associations should always be contacted, especially if squatting on estates, even if some have become unrepresentative busybodies and bureaucrats. Many TA activists are ex-squatters or have worked with squatters in the past. Some TAs are currently involved in fighting sell-offs and are happy for people to occupy flats deliberately left empty by the council, particularly those who make the effort to contact them. But more importantly, TAs and other local groups and centres have a knowledge of local history and politics that can make our struggles and activities more effective, and more understandable to other local people. Too often squatters repeat the mistakes of previous struggles, spend far too long reinventing the wheel, or ignore other communities.

One of the best ways that squatters have made real links with others has been through bringing their skills and knowledge to other peoples struggles (and the other way round of course). Occupying hospitals and other services threatened with closure, squatting in the way of unpopular developments, opening up space for refugees..... If squatting is to be meaningful outside a marginalised community, and if it is to be more than just a desperate measure for homeless people, it has to involve the needs and interests of others in our communities, and has to express the possibility of other, more human uses of space and of our world.

Previous editions of the handbook have given particular advice on campaigning, media work etc, but the best advice is to seek out and talk to others who have the skills and experience in your areas and communities. The best resource we have is people. ASS will happily help out with our experience and with advice on making contacts. A good place to start publicising your campaigns is Indymedia (see Publications page 75).



TRAVELLERS

ASS are not experts on the law relating to travellers, but have received increasing numbers of enquiries from travellers since the introduction of the Criminal Justice and Public Order Act 1994 (CJPOA). As empty street properties and flats become scarce in some areas, many squatters are using non residential buildings and surrounding land to live in. The distinction between a squat and a traveller site is becoming blurred as people are forced to adapt to changing conditions. Below is a basic summary of the law relating to travellers - for detailed advice and information contact a specialist group (see CONTACTS page 74).

Who Is A Traveller?

The law generally treats all travellers, whether they define themselves as Roma, Gypsy or New Age, the same. It recognises any person of 'nomadic habit' - purposeful travel (including work), economic independence and (to a degree) belonging to a tradition of travelling in groups - as a gypsy.

What Rights Do They Have?

Since the introduction of the CJPOA, not many. Local authorities used to have a limited duty to provide permanent sites to park up in, so groups of travellers could pursue their way of life, travelling from one site to another without breaking the law. This duty has now gone, together with any central government funding for the building or maintenance of such sites. As sites are closed down, travellers have no choice but to use unauthorised sites, buy their own land or give up their way of life completely.

WHO OWNS THE LAND?

When you park up, it is vital to find out who owns the land in order to work out what avenues are open to them to evict you:

Highway Land

The Highway Authorities can remove vehicles parked without lawful authority on the highway. They can also remove vehicles that are illegally, obstructively or dangerously parked, or abandoned or broken down on a highway. They can also use the CJPOA (see below).

Common Land

There is no right to camp or park up on common land. District Councils can make orders prohibiting live-in caravans on common land as well as using the CJPOA.

Local Authority Land

Councils can evict from their own land using a possession order (see below) or the CJPOA.

Private Land

Private owners can evict using a possession order or the CJPOA.

Railtrack, Or Other Rail Network Land

If you park up on operational railway land (e.g. near a railway line), an authorised person, after asking you to leave with your vehicle(s), has the power to arrest without warrant. In addition the rail companies, like anyone else, can get a possession order or use the CJPOA.

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

The provisions in this Act relating to travellers, unauthorised campers etc. only apply to 'land in the open air' (with the exception of 'aggravated trespass, see below). So if you want to avoid being subject to these (very nasty) provisions, park up in the forecourt or grounds of an empty building and squat that too.

Local Authority Powers

A local authority can direct anyone living in a vehicle within its area either -

- on highway land
- other unoccupied land or
- occupied land without the consent of the occupier

- to leave. This means that even if you have permission from the owner to be on 'unoccupied land', the local authority can still force you to go.

The direction notice must be served on you by either giving it to you personally, or attaching it to your vehicle and displaying it in a prominent place on the site. Note that a removal direction and subsequent order (see below) only applies to people on the land at the time of the direction and not to anyone who arrives afterwards.

You will be committing a criminal offence if you don't leave (with your vehicle) as soon as 'practicable' after receiving the direction. You will also commit an offence if you return with a vehicle to the same land within 3 months. The maximum fine for either offence is £1,000. If you can't leave, or have to return within 3 months due to 'illness, mechanical breakdown or other immediate emergency' you can raise this as a defence.

Removal Orders

If you don't leave the local authority can apply to a magistrate's court for a removal order. This will allow them to enter the land and physically remove you, your vehicle and your property. You will be summonsed to appear in the magistrates court but may get very little notice. You may well receive the summons on the same day as the hearing. If the land is 'occupied land' e.g. part of a working farm, the local authority must give 24 hours notice of their intention to enter to the owner (and occupier if not the same person - e.g. tenant farmer). You will commit a criminal offence if you obstruct anyone carrying out such an order. Again the maximum fine for such an offence is £1,000.

Guidance

The government issued guidance just after the CJPOA came in, regarding the offences outlined above. It urged councils to tolerate for short periods gypsy encampments that do not cause a nuisance and to consider providing basic services such as toilets, refuse skips, and drinking water at such sites. It also said that councils should not evict needlessly and should use their powers in a humane and compassionate fashion. So, as an absolute minimum, local authorities should make enquiries with social services, health and education authorities, visit the site to gather information about the occupiers' needs and ensure that social services do the same before issuing a removal direction.

If you receive a removal direction, and there are children or other people with special needs on the site, and no-one has visited to assess their needs, seek legal advice immediately. You may be able to challenge the council's decision to issue the direction in the courts.

It may possible to challenge other public authority' decisions to evict using this guidance - e.g. the Highways Agency. Further useful guidance has since been issued (see below).

Public Order Provisions

There are further public order provisions in the Act designed to stop unauthorised raves, hunt sabs etc. However they will also affect travellers, ramblers and anyone else the police or Countryside Alliance dislike.

Where two or more people are trespassing on land and reasonable steps have been taken by or on behalf of the owner to ask them to leave, the most senior police officer present can direct them to leave if:

- any of the trespassers have caused damage to the land or property
- or used threatening, abusive or insulting language towards the owner, member of his/her family, employee or agent or
- the trespassers have between them six or more vehicles on the land

Failure to comply with the police officer's direction

is an offence under section 61 of the Act, as is returning to the land within 3 months. In addition, the police have powers to remove vehicles when they use these powers. To add insult to injury, you may have to pay the police to get your vehicles back (at a basic rate of £105 plus £12 a day storage). If you are arrested under these provisions, you can argue in your defence that you were not trespassing or that you had reasonable excuse for failing to leave or re-entering the land.

Trespassory Assemblies

Where a chief constable believes a seriously disruptive trespassory assembly will take place, s/he can apply to the local district authority for an order prohibiting any trespassory assembly on or within five miles of the site for up to four days. A ban may now be sought for an assembly of as few as *two* people. You can be arrested for contravening such an order and can be stopped from travelling towards the site.

COMMON LAW

If you are lucky enough to avoid being evicted or even arrested under the CJPOA, the owners can still get an eviction order under the trespasser provisions of Part 55 of the Civil Procedure Rules (see EVICTION chapter) in the civil courts. These provisions are normally used to evict squatters and ex-licensees, but also apply to trespass on land. The only difference is that Interim Possession Orders cannot be used where the trespass complained of is on open land and not in 'premises'. Exactly the same defences can be used by travellers as squatters - see EVICTION chapter for further details.

PLANNING LAW

So there are no authorised sites left, you're sick of being moved on by the police and irate landowners every time you blink; you actually buy a piece of land to park up on and think you've finally found peace... Wrong again. You've still got to get past the planning authorities and you may also need a site licence.

In restricted circumstances temporary planning permission for a caravan is deemed to have been granted, but if you plan on staying for more than 28 days you will, more than likely, need planning permission from the local planning authority. (It may not be required where you are staying on land attached to a dwelling house).

Travellers school project

Where there is a breach of planning control, an enforcement notice can be issued by the planning authority. The notice will probably require you to stop using the land as a caravan site and you commit a criminal offence if you do not comply with the notice. Note that the planning authorities must also have regard to the welfare needs of those on the site (see 'further guidance' below) before an enforcement notice can be issued.

Planning law is very complicated and there are special provisions for 'gypsies', in theory to encourage the setting up of legal private sites. However most planning applications from travellers are turned down and if you are making an application it would be a good idea to get expert legal advice.

Further Guidance

As a result of various conflicting High Court decisions on eviction of travellers, further guidance was issued in 1998 (amended in 2000) and again in 2004, by the government. It states that "Local authorities must consider welfare issues when deciding whether to proceed with eviction whatever the powers being used". This means that decisions to evict using powers other than the CPJOA - e.g. planning law or a possession action in the civil courts - can be challenged if welfare considerations have not been properly taken into account.

Even in the absence of specific welfare needs, local authorities should consider the nature, size of encampment, behaviour of occupants, validity and number of complaints etc. before taking action to evict a site. Therefore when faced with an unauthorised site of any group of travellers, councils should always balance the needs of the occupants (given the lack of authorised sites) with the needs of the local community / landowner etc. before taking any decision to evict.

The guidance also states that welfare enquiries must be carried out, not only by local authorities, but by all public authorities, including the police, before eviction of an unauthorised encampment is considered or carried out.

Whilst you may find the idea of a police officer pausing to contemplate your welfare needs before deciding whether or not to trash your vehicle and family, laughable - these arguments may cut some ice when used by a sympathetic social worker to stall a threatened eviction, or by your solicitor afterwards if you get arrested.

SECURITY OF TENURE

If you live on a permanent council site you have basic protection from eviction under Part I of the Caravan Sites Act 1968. You are specifically excluded from the protection afforded by the Mobile Homes Act (MHA) 1983.You are entitled only to four weeks notice of termination of agreement and a court order must be obtained before eviction can take place. It is a criminal offence for anyone to evict you or exclude you from the site without a court order. As with squatters proceedings, if a court order is obtained against you, it cannot be suspended to give you more time to leave.

However in a recent ruling by the European Court of Human Rights, the lack of security of tenure on local authority sites was found to be in breach of Human Rights law. This decision should lead the UK government to change the law so that Gypsies and Travellers who live on local authority sites are provided with similar rights to those enjoyed by residents covered by the MHA and / or secure council tenants.

HOMELESSNESS

Travellers will be statutorily homeless if they've nowhere to pitch their caravan / vehicle. Councils are not obliged to provide a pitch, but can do so if resources permit. They are much more likely to offer bricks and mortar accommodation (see HOMELESS chapter). Similarly, social services have duties under the Children Act to provide accommodation in certain circumstances (see HOMELESS chapter), but again, are unlikely, initially, to offer site accommodation.

However this may not be good enough. Recent caselaw suggest that councils should try to facilitate the gypsy way of life when carrying out their duties. So if a council receives a homelessness application from a traveller, they must assess the extent of his/her "cultural aversion to conventional housing" before making an offer of accommodation. Whilst the caselaw doesn't say that site accommodation should be provided to every traveller who applies, they must have very good reason not to do so.

RECENT DEVELOPMENTS

New police powers of eviction have been introduced by amendments inserted by the Anti Social Behaviour Act 2003. If the police are satisfied that -

a) two or more persons in one or more vehicles are trespassing on land, ***and***

b) there is a suitable pitch on a caravan site managed by the council or a social landlord for the vehicle(s) in question;

- then they may direct the Gypsies or Travellers to leave the land.

If, after receiving such a direction, you fail to leave or you enter any land in the area of the local authority within 3 months, you commit a criminal offence.

The offences included under “aggravated trespass” in the CJPOA, which dealt with trespassers who were intimidating / trying to deter/ obstructing or disrupting persons engaged in a lawful activity (e.g. foxhunting) have also been extended to include trespass into buildings as well as on land in the open air.

EVICTION - CAN YOU STOP IT?

Unless you are evicted under section 7 of the 1977 Criminal Law Act (see page 16) or the owner has simply been able to take the place back because nobody was there (see page 24), the owner must apply to the courts for a possession order. Any other method will probably be illegal. Fortunately, illegal evictions are rare but you should always try to take action against anyone who does this or even tries to. Contact ASS for advice if it happens to you. Usually, squatters are evicted only after a possession order has been made by a court.

There have been big changes in the procedure owners must use to get a possession order against squatters, though not in the law itself. The new system is about two years old at the time of writing, but many judges, lawyers, court offices, and councils are still confused. If you understand everything in this chapter you could be better informed that they are!

Previously, the state provided a little squatty ghetto just for us in the court rules. Now ALL claims for possession of land have been lumped into a single procedure called Part 55 of the Civil Procedure Rules (CPR 55). It's always land that's being claimed, whether there's a building on the land or not and even if it's a 20th floor flat. Part 55 includes claims against tenants, people with mortgage arrears, nuisance neighbours - everyone. But there are still special rules within Part 55 applying to claims against alleged trespassers - which is us. They're jumbled in with rules applying to tenants etc. and no longer set out in one place. Squatters are entitled to much less notice of the court case than other people.

Because the rules are still fairly new the notes and interpretation are still being developed in ways that could affect how we defend ourselves. Similarly legislation like the Human Rights Act is still being tried out and may come up with useful precedents. Contact ASS or a lawyer for up to date information and for help with your defence.

WHICH COURT?

Claims to evict squatters should now normally be made in the local County Court. Owners are allowed to use the High Court only in exceptional circumstances. These are if there are particularly complicated points of law or disputes of fact involved or there is "...a substantial risk of public disturbance or of serious harm to persons or property...". In other words, owners might be allowed to use the High Court in cases of big political or campaigning occupations or party squats, but not in ordinary cases. They have to produce a certificate justifying their reasons for using the High Court. You should get advice from ASS and consider challenging any attempt to use the High Court. The "facts" they rely on in the certificate are often lies or exaggeration.

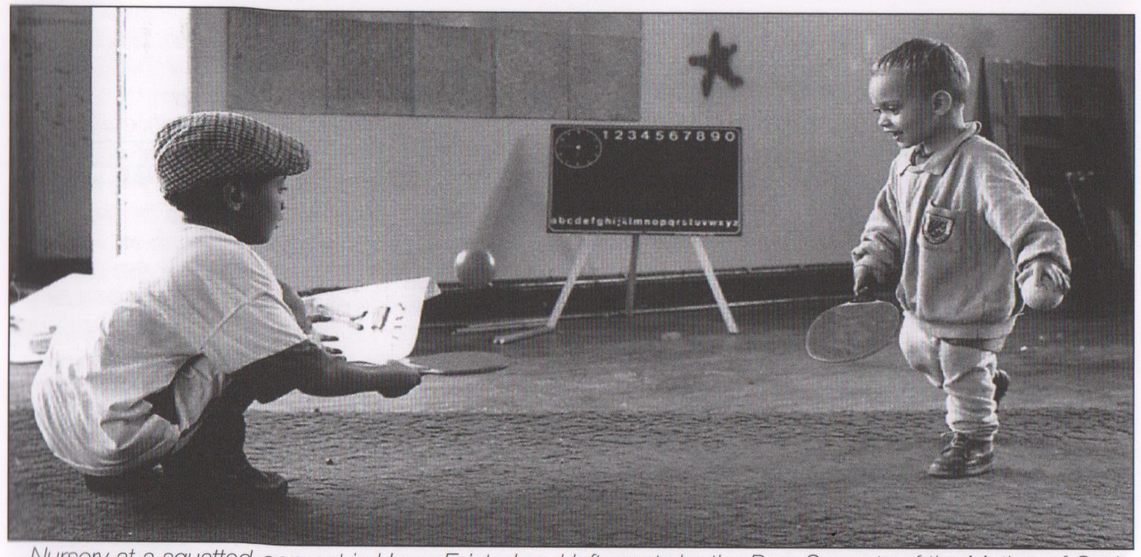
The reason owners occasionally try it on is that the High Court is usually quicker than the County Court. When it comes to eviction, the Sheriff's officers are allowed to call on the police to help them. County Court bailiffs can't do this, and police are not supposed to help with County Court evictions. If they turn up at a County Court eviction (which is rare) it should be merely to "keep the peace", not to participate. Although in reality they will get involved if you refuse to leave, for example. But the new rules do allow owners who get a possession order in the County Court to apply to the High Court for enforcement, so you would then get evicted under High Court powers, although this is unusual.

Using the High Court is more expensive for owners. If you convince the court there are no exceptional reasons and the claim should have been brought in the County Court, it should either dismiss the claim or transfer it to the County Court, so the owners will have wasted time and money. The only possible reason for not challenging an attempt to use the High Court is that you might get a better run with a judge there than in the high-volume eviction factory at your local County Court.

All the forms, procedure and defences you can use are the same in the High Court as in the County Court.

WATCH OUT FOR THIS

The usual claim for a possession order against squatters is a bog standard one under Part 55 on the grounds of "trespass", and this is covered on pages 50-64, below. But there's the possibility of a nasty optional add-on, an application for an INTERIM (or temporary) POSSESSION ORDER (IPO). This was one of the anti-squatting measures in the 1994 Criminal Justice and Public Order Act.



Nursery at a squatted convent in Hove. Evicted and left empty by the Poor Servants of the Mother of God.

The nasty bit is that once an IPO is made against you and served on the squat, it's a criminal offence not to leave within 24 hours, and the police can arrest and charge you. This is very rare and the police have often seemed reluctant to enforce it, or aren't told about such wicked crimes as people carrying on living in an otherwise empty house, but we can't guarantee their attitude in future.

IPOs are also complicated for owners, with many more technical rules to get right, and they can't be used against most squatters. Whilst some owners keep trying them, they're not very common - less than 10% of all claims against squatters include a claim for an IPO. Squatters have a much better chance of defending an IPO than an ordinary claim, and owners are often forced back to the normal procedure instead. The most important thing about IPOs is that you can get even shorter notice than in an ordinary claim so you need to take action STRAIGHT AWAY. Get legal advice and read pages 65-72 below.

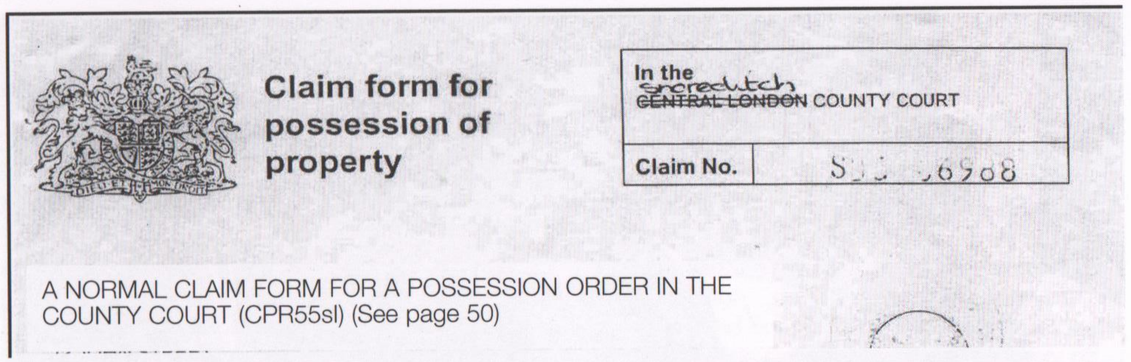
THE FIRST WARNING

The first warning of eviction you get may be someone calling at your squat saying they are the owner or acting for the owner. Ask to see their identification and note the name, address and phone number. They will probably say something like "You are trespassing" or "You are living here without permission and you must leave". If you have had a licence, or they think you might have, they may say something like "this is to give you notice that your licence or permission to stay here is over". Or they may say something which actually gives you a licence - usually by mistake (see pages 72-73 for more about licences). They may also give you some bullshit about the IPO procedure and say the police could come and arrest or evict you at any time. Make sure you understand the facts about IPOs so that you can explain them and can't be intimidated by this sort of talk.

If the owner is a council or housing association or trust, make sure the person isn't talking about a "Protected Intending Occupier" (PIO) or "Displaced Residential Occupier" (DRO), which are procedures designed to get you evicted without going to court, fully explained on page 16, but usually not applicable and a try-on.

Make notes of everything that happened straight away, sign and date it and keep it somewhere safe in case it comes in handy later.

They may ask for the names of the people living there. There is no advantage in withholding names, and it is best to give one or more. If you give a lot of names and they forget to give formal notice to all these people of a court hearing, you may have a bit of a defence in court. You don't have to give your real or full name if there's a reason why you'd rather not. On the other hand, lots of squatters have thrown away good defences by using false names and often people's reasons for doing this are based on paranoia or habit rather than anything realistic (see COSTS, below, for example). The best defences may need the involvement of lawyers at some stage. For that, you may need to claim legal aid; which you can't do in a false name. If

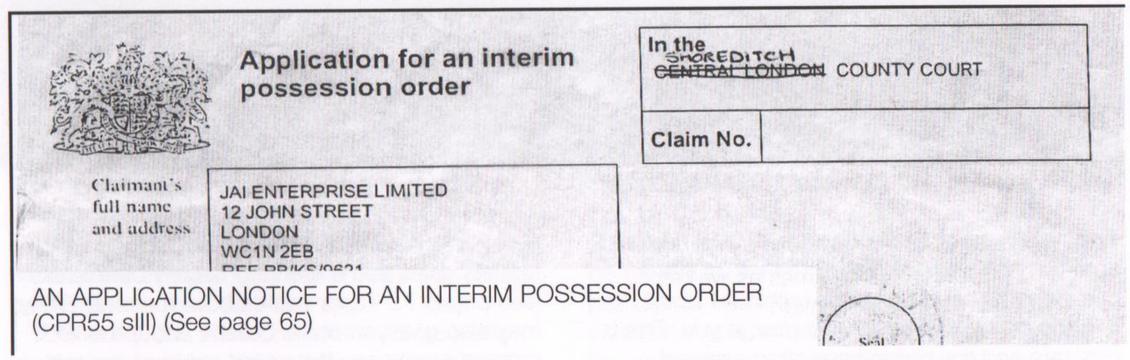


Claim form for possession of property

In the ~~CENTRAL LONDON~~ SHOREDITCH COUNTY COURT

Claim No. S[illegible] 6908

A NORMAL CLAIM FORM FOR A POSSESSION ORDER IN THE COUNTY COURT (CPR55sI) (See page 50)



Application for an interim possession order

In the ~~CENTRAL LONDON~~ SHOREDITCH COUNTY COURT

Claim No.

Claimant's full name and address

JAI ENTERPRISE LIMITED
12 JOHN STREET
LONDON
WC1N 2EB

AN APPLICATION NOTICE FOR AN INTERIM POSSESSION ORDER (CPR55 sIII) (See page 65)

you're hoping to get rehoused or you think you have a really good defence for which you may need a lawyer sooner or later, then at least some of the names you give in court (if not at this stage) need to be real ones. But if you really want to use false names you will not be asked for any identification, even at court.

Quite often, your first warning will be a letter rather than a visit. It will say the same sort of things and probably that you must leave by a certain date or else the owner "will take legal proceedings". DON'T PANIC ABOUT SUCH A LETTER. It just means the owner has found out you're there. If doesn't necessarily even mean they're going to take you to court soon. That will depend on how urgently they want the place, how efficient they are and how well you've chosen it.

They don't have to visit or write to you before issuing a claim for possession, so it's possible that the first warning you will get is the actual court papers.

WHAT YOU WILL GET

You must be served with at least two documents, which must be in the forms specified in the rules:

- A claim form which also tells you the time and date of the hearing and the address of the court. (Form N5)
- Particulars of claim. (Form N121)

You have a right to these documents, as well as copies of any other documents the owners have lodged or "filed" at the court. The claim is heard in a civil court, not a criminal one, so you don't have to go if you don't want to. It's more like an invitation, but one you should accept if you value your home and want to fight for it. If you want to fight the case, don't throw any of the documents away. Even if you don't fight the case, leave the papers in the squat so any potential squatters who come along can see what's happened

You should also get a blank defence form (Form N11) to help you write your defence and submit it to the court. If you don't get a defence form, you can have a good moan about it, but it doesn't really amount to a defence. It's not much use anyway as a decent defence would have to be continued on an attached sheet.

You may also get:

- A separate notice of hearing, telling you the date and time instead or as well as it being written on the claim form.
- Official "Notes for Defendants" supplied by the court. These will be irrelevant, applying to tenants, people with mortgages etc. Ignore them.
- More often than not, the owners will have added to the information given in the two compulsory forms above by attaching one or more witness statements. These may have copies of other documents attached to them which the owners want to "exhibit" or show to the court. Otherwise such documents will need to be attached to the particulars of claim. The most common of these documents will be trying to prove that the owners really do own the place.

Check the papers you've got carefully. Make sure they don't include an application for an IPO (Form N130), and if they do see above and read pages 65-72.

The normal claim form and an application for an IPO are illustrated on the page to the left.

MAKING MORE SENSE OF THE PAPERS

Look at the beginning of the claim form and see who this claim is being brought against -the Defendant(s). It will often just say "persons unknown" or, if the owners know any of your names, it should list those names as well as "persons unknown". Then look to see which box at the top of the second page they have ticked under "grounds for possession". If it's anything other than "trespass", then this isn't a squatting claim. You may be looking at a claim against a tenant. The tenant might have passed the place on to you or might have just disappeared before you came along and found the place empty. Sometimes, these cases can be defended, sometimes they can't, so get advice. The fact that a claim is brought against a tenant or perhaps some previous squatters won't stop you getting evicted if the case is lost, however. When a possession order is made, it operates against the place, regardless of who is there.

The claim form should also give the full address of the place they're claiming. Sometimes this can only be done by attaching a plan, usually in cases of open land or yards etc.

Assuming this is a claim against "trespassers", turn to whatever other papers there are. In either the particulars of claim and / or any extra witness statement(s) the owners have attached, they should state the following:

- That you have never been a tenant of sub-tenant of the place.
- Whether or not the place they're claiming includes residential accommodation (See Service, below).
- That the claimant owns the place or has a lease or tenancy (which are the same thing). In rare cases they may say they have only a licence or management agreement.
- The basis of their right to claim possession. This is not necessarily the same thing as owning the place, though owners often think it is. (See Other People With A Right To Possession, below).
- The circumstances in which they say you have occupied the place without their permission. (Usually you either entered as trespassers or you had a licence but it has now been ended.) The details of what they say here are sometimes lies and they will often say you moved in much more recently than you really did.
- That they don't know the names of anybody in occupation except for people they've already named on the claim form,
- If the owner is not an individual but a firm or an organisation such as a council, the person signing the particulars of claim or making the witness statement (usually an employee) must say what their position is and that they are authorised to sign the particulars or make the witness statement on behalf of the claimant. They should say if any information they give is not from their own knowledge, but has been found in the organisation's records or passed on by someone else. A solicitor can also sign on behalf of a person or organisation.

GETTING ADVICE AND HELP

Some cases are not worth fighting if there is no defence. Even if there is a defence, you might reckon you're better off looking for another place than putting energy into a court case which will go against you sooner or later. On the other hand, even technical defences can give you a little more time and sometimes quite a lot. IPOs should always be opposed if possible.

If you want more advice on the law, contact ASS or, if you have one, perhaps a local law centre. If you want to consult a lawyer make sure that they know what they're doing. At the very least they should be experienced in housing law. Most ordinary lawyers won't be interested, and even those that are may not know enough, or may not understand the use of playing for time. A good criminal lawyer will probably not have the experience for this kind of civil case. The right sort of lawyer, however, will not be too proud to read through this chapter or ring ASS for basic ideas. ASS may be able to recommend a good lawyer in your area.

Community Legal Services funding (CLS - the fancy new name for legal aid) is available to pay for a solicitor if you're on benefits, very low wages, student loans etc. but is unlikely to be

given for representation in court (as opposed to simply advice and help) unless you have a very strong defence which gives you a chance of winning something permanent or substantial, such as the right to stay in your home or be rehoused by the council. Most squatters' defences - even ones which get the claim thrown out - don't meet this test because they're based on cock-ups by the owners. They can always go away and start a fresh claim and, when they eventually get it right, you'll lose. You apply for CLS funding through the solicitor or law centre. Law centres do their work free, but they're under heavy pressure and have to make priorities - which may not include squatting.

THE NORMAL PART 55 PROCEEDINGS AGAINST SQUATTERS

These are the usual way for squatters ("trespassers") to be evicted. They can also be used against other "trespassers", such as student or workplace occupations, many travellers and ex-licensees (see pages 71-73, below for who is a licensee). But they can't be used against anyone who is or was a tenant or a sub-tenant, even if the tenancy or sub-tenancy has ended. Where landlords claim an arrangement was a licence and has now ended, they're often wrong. It could well be a tenancy, so get advice. The special rules about claims against alleged trespassers in Part 55 are quick procedures, designed to be so simple that even the stupidest lawyer should get it right first time. However, many lawyers are even stupider than the government thinks and the courts sometimes reinterpret the rules to cover up for landlords' mistakes.

DO WE HAVE ANY DEFENCE?

There are two kinds of defences squatters may use: "real" defences and "technical" ones. "Real" defences may occasionally get you housed if the circumstances are right, and will often slow up eviction. "Technical" ones are only useful to delay eviction, but they can sometimes add months or even years to the life of a squat. The main "real" defence is that you (or someone else other than the owner) has permission to be where you are, either as some kind of tenant or as a licensee, and that it hasn't been ended. Another one is that the claimants bringing the proceedings against you aren't really the owners at all.

The owners aren't supposed to start producing extra documents at the court hearing to try to counter any defence you have raised. Part 55 says that in claims against "trespassers" all the evidence the owners want to use must be filed at the court and properly served on you beforehand, together with the claim form (see Service, below). They shouldn't be allowed to whip anything new out of their briefcase. Sometimes, judges want to adjourn the case for a couple of hours so the owners can get couriers scuttling round with extra documents from their office. Always object to this - say you need to get advice about it. But if the judge decides to adjourn for a few days so the extra documents can be filed at the court and properly served on you, it's difficult to object.

Twelve Years' "Adverse Possession"

The old law under which owners couldn't evict you, and you could become the effective owner, if your squat had been occupied continuously without permission for more than 12 years has been changed. It no longer applies to registered land. See page 14 for an explanation of what is registered land and what isn't. You will have to put in a claim to the Land Registry after 10 years, giving the registered owner notice and time to get you out. Get advice from ASS if you have been squatting a registered property for 10 years or more. What you can't do any more is use 12 years' "adverse occupation" as a defence in court if the land is registered, though it may still work in a few cases if you can prove the 12 years was completed before 13th October, 2003. If the land isn't registered, however, the defence is still available and the "owners" shouldn't be able to evict you. If you're in this situation you need to be very careful about any contact with the "owners". Best not to deal with them directly, but go through a lawyer who understands adverse possession or contact ASS for more information.

Title

This means ownership or whatever other right to the place the people trying to evict you are claiming. If they claim to own it, they should produce evidence that they do, such as an "office copy entry" from the Land Registry, or in rare cases the old fashioned title deeds. If they don't actually produce a Land Registry document, they may get away with quoting the title number, but you should always challenge this, especially if they're a big bureaucracy such as a council as they might have made a mistake. If you have time, it may be worth checking the title number quoted with the Land Registry (see page 14 for how to do this).

If they say they have a lease or a tenancy, a copy of that should be produced. (Leases and tenancies are really the same thing). There's a tax called Stamp Duty, which has to be paid when most leases or tenancies begin. The agreement produced should be stamped to show this has been paid. If it hasn't been stamped it's not allowed to be used as evidence. Without this evidence, they can't prove they have anything to do with the place at all. Tenancies are exempt from stamp duty if they started after March 2000 and the rent is less than £5,000 per year. If they started between March 1982 and 2000 the limit is less than £500. Between 1974 and 1982 no tenancies are exempt. All tenancies for 7 years or more must be stamped even if no duty is due.

If they have only a licence or a management agreement themselves, the position is now a bit complicated. Whether they are entitled to evict you or not will depend on the exact terms of the licence or management agreement, so get advice.

Licences And Tenancies

Are you really are a squatter? A squatter is someone who has entered the place without anyone's permission ("as a trespasser") and has stayed as a trespasser right up to the day when the claim for possession is issued. Someone who has had permission to be in the place -even if it is not in writing and even if the permission was given by a tenant rather than the owner- is not a squatter, but a licensee or an ex-licensee. A licensee is someone who is midway between being a squatter and a tenant. A licence is not necessarily a piece of paper and you may have one without knowing it. You may even have been given a tenancy or a sub-tenancy. See WHEN IS A SQUAT NOT A SQUAT on page 72 for a full explanation. Remember, the rules in Part 55 for claims against trespassers can be used only against squatters and some ex-licensees.

Other People With A Right To Possession

If the property you've squatted has a tenant or lessee they should claim possession, not the owner. It is important to remember that a tenancy or lease (and, sometimes, a licence) doesn't end just because the tenant\ lessee\ licensee moves away or dies or because the landlord says it has. Two decisions by the Court of Appeal in 1982 said that claims against "trespassers" can

Resistance at Claremont Road, East London

be brought only by someone with an immediate right to possession (Wirral Borough Council vs Smith & Cooper and Preston Borough Council vs Fairclough).

The owner doesn't have an immediate right to possession until a tenancy, lease or licence has been legally ended, though it will be legally ended if the previous tenant(s) have been rehoused by the same landlord. For example, if a council tenant moves away and hands their place over to a friend, the council must serve a Notice to Quit on the tenant (which ends their tenancy) at least 28 days before they start proceedings to evict the friend. The same applies if someone is squatting the place. In some circumstances, even a Notice to Quit will not be enough to end the tenancy unless it can be proved the tenant knew about it. If the tenant dies, the notice must be served on his or her "personal representative", which means either an executor appointed in a will or someone who has been given "letters of administration" by the High Court. If there was no will (which is usually the case) the "personal representative" is the Public Trustee whose official address the

owner must get right.

Many councils and housing associations never bother to end their tenancies properly. If they can't prove the legal ending of the previous occupancy, they'll have to serve a Notice to Quit, let it run for 28 days and then start again. It is not enough for them to get the case adjourned while they serve it and then come back. It's always worth finding out who lived in your place before you did, what was their status and the circumstances in which they left. Neighbours can often help with this, and the post you find lying around when you move in can be mine of useful information. It isn't a crime to open post addressed to someone else, but preventing them getting it is a crime. So have a look through the post you find when you move in, then keep it carefully.

The same principle applies if a lender like a bank, building society or mortgage company is evicting squatters after the borrower has defaulted on the mortgage. They will need to have re-possessed the place from the borrower before they can evict you. Usually, this is done on paper, by getting a possession order from a court against the borrower, but the lender is allowed to simply go along and take the place back if it is empty, without having to go to court. If they are relying on this sort of physical repossession, they will have to prove how and when they did it. If they are relying on a court order against the borrower, they should produce it.

Squatters With A Right To Housing

Another "real" defence can be an effective way to enforce squatters' housing rights against councils. Strictly speaking, it isn't really a defence at all - more a matter of getting the eviction process postponed so that you can start a different court case against the council. This is based on another decision in the Court of Appeal called West Glamorgan County Council vs Rafferty (1986) and only works if you are squatting in a council owned property.

If a council has (or might have) a legal duty to house you (see HOMELESS page 5, for who this applies to) but they have failed to do so, it could be argued they have made a mistake in "administrative law" in taking the decision to go to court to evict you. The court may then adjourn your case so that you can have time to bring a "judicial review" against the council. You then ask the High Court to declare the council's decision to evict you unlawful because, in making it, they had failed to consider a relevant fact - their own mishandling of your housing application. This takes between 6 months and a year if it goes all the way, though often it doesn't and the council gives in.

If the council said you were "not homeless" because you were squatting in a council place, you can argue that you therefore have permission to be there - in other words a licence. You are legally homeless if don't have place where you have the right to stay for at least 28 days, and it is reasonable for you to do so. If you're squatting, you don't have a right to be there at all (well, not a legal right, anyway). So, if the council says you're not homeless, and they own the place where you're living, you can't be squatting it, can you? You must have at least a licence to be there.

These are complicated arguments and if you're going to ask for an adjournment for a judicial review you'll need a lawyer to help with it, and will need to apply for legal aid.

If you are successful in raising one of these real defences, the judge should adjourn the claim and give "directions" for further evidence to be produced and/or further argument to take place on paper. This is not the time to sit back and wait for another hearing in court. You will need to pay attention to the directions, and make sure YOU do everything they say by the dates set. This may involve filling in forms or drafting more legal documents. If the owners fail to comply with the judge's directions get advice. Whether to take action and try to get the claim dismissed or just let the whole thing go to sleep will depend on the circumstances.

WHAT ABOUT THE HUMAN RIGHTS ACT?

The Human Rights Act does not give anyone a right to a home. The nearest it gets is a right not to have your "private or family life" interfered with except for a good legal reason. There's been an attempt to use this to stop a trespasser from being evicted, which got to the House of Lords but lost there. The House of Lords decision is very messy and complicated, and lost on specifics that aren't relevant to most squatters. It still might be usable for people who have lived for some time (or have a good local connection, like kids at the local school) in a property owned by a public authority that is not going to be used for some time. If this is the case and you can get legal aid, get advice.

Other uses of the Human Rights Act may come up over time, and other issues may be usefully raised as technicalities.

TECHNICAL DEFENCES

If none of the above applies, then your only defences are technical ones; in other words they got the procedure wrong. Most irregularities can be ignored by the judge if everyone knows about the case and no-one has been 'prejudiced', but sometimes they are taken seriously and you can use these technicalities to gain time.

There are three main technical defences: failing to name someone, bad service, and not solely occupied by trespassers. The first two of these are two-part arguments. The fact that the owner hasn't followed the rules may not be enough to delay the proceedings. It's much better if you can suggest that someone has suffered as a result, that they have been "prejudiced" and "injustice" is likely. So you should give evidence that someone doesn't know about the proceedings because the owner hadn't served the papers properly and you believe they would have come to court to defend the case if they had known. The court might then order the claim forms to be re-served, which will mean an adjournment. Obviously, anyone who turns up at court isn't prejudiced in this way.

Failing To Name Someone

This is a rare defence. The owners should name on the claim form everyone whose name they know. If they don't, it will be up to you to prove that they did know the name(s) and that as a result of leaving them out someone doesn't know about the case. Most claims are against "persons unknown" or "persons in occupation". If the owner is a council, they can't hide behind the fact that their different departments don't know what each other is up to. So if you have a child at school, for example, and the council is also the education authority they do know your name and that you live at the address they're now evicting. The same would apply if the social services or any other council department has a record of you at your squatted address.

Breakfast at 75A Squatters Cafe

Service

See above for the papers you must receive and others which are frequently included. Every person who is named as a Defendant should receive a set of these papers. In addition, a copy should be pinned to the door addressed to "the occupiers" and another one should be put through the letterbox, provided this is practicable. Each set of papers should be in a transparent envelope. In the case of squatted open land, they must put stakes in the ground in conspicuous places with sets of the papers attached.

If you are squatting a place which is wholly or partly residential, you should get at least five clear days between the day you receive the claim form and the day of the hearing, unless the judge has previously decided it is exceptionally urgent (which is rare). The day the claim form arrives doesn't count and neither do Saturdays, Sundays and public holidays. For instance, if you get the claim form on a Wednesday the earliest the case could be heard is the following Wednesday.

If you are squatting "other land", you are entitled to only two days' notice, so if a claim form is served on a Wednesday, the hearing could be as soon as the following Monday. "Other land" can include buildings such as cafes, warehouses, factories etc., but there have not yet been any court decisions to define what "residential" and "other land" really mean. The fact that you are using the place residentially is unlikely to work. But if the building includes a flat, a kitchen and a bathroom or shower it's worth arguing it is partly residential and you should have had more notice.

If you manage to win an argument that you didn't get enough notice, the judge may decide the issues straight away but adjourn the actual making of a possession order until the required number of days have passed. So this argument will usually get you only an extra day or two. But if you didn't get all the correct papers, the case should be adjourned so you can be served again properly.

Partly Occupied By People Who Are Not Trespassers

The premises or land must be occupied only by trespassers, so they can't claim possession of "27 Listeria Gardens" if you are squatting in 27B while 27A is let to a tenant, for example. Check the address given in the claim form and the particulars of claim to make sure it doesn't include any parts which are occupied by someone else who has permission to be there.

The same applies to any plan attached either to the claim form or included in land registration documents. This argument can fail if the owners or their lawyers think quickly in court - which they often don't. They can apply to amend the claim form to leave out the bits occupied by people who aren't trespassers. You will be asked if you object to this, but it's hard to think of a convincing objection. They can't do this, of course, if the place is complicated and it's unclear which bits are occupied by trespassers and which bits aren't. Often, the owners or their lawyers in court don't really know the place at all so you can keep them confused. Don't give away more information than you have to.

NOT REALLY DEFENCES AT ALL BUT....

Other Technicalities Or Lies

A simple failure by an owner to follow the rules to the letter in the drafting of their papers is unlikely to lead to a dismissal or adjournment by itself, but if you have one of the real or technical defences described above, pointing out any extra failures to follow the rules may help your case. For example, claim forms are supposed to say whether the land claimed is residential, but it's only relevant if you haven't had the right amount of notice (see Service, above). Another example is if you didn't get a blank defence form to fill in. Owners often tell a load of lies, but if they aren't relevant to what the court has to decide they're not going to matter. For example, they often say you broke into the place when you didn't, or they only found out you're there recently, though you know they knew about it ages ago. Always point these lies out to the judge if you're running a defence anyway, but don't expect to win a case on these sorts of arguments alone.

Support From Neighbours

It's always worth getting to know your neighbours and being generally friendly and co-operative. Sometimes, this results in neighbours wanting to write to the court supporting you or getting up a petition against your eviction. Strictly speaking, this is "irrelevant". The fact that you're nice people and good neighbours and have made a home out of a place which would otherwise have been a crack house or unsightly nuisance has nothing to do with what the court has to decide. But do encourage this sort of support from neighbours and present any such letters or petitions to the court. It can sometimes soften a judge up no end

so you get a much better run with your more "relevant" legal arguments. But again, this sort of thing won't win by itself.

DOING DEALS AND "ORDERS BY CONSENT"

An Order by Consent can sometimes be the best possible solution for all sides, or can sometimes be just getting a bit more time when you don't have any legal arguments. It means a possession order with conditions - normally that they won't evict you until they actually need the place, and you'll look after the place until then.

An order by consent needs to be drafted in legal jargon and agreed between you and the owners, to become part of the order granted by the court. The conditions then can't be broken, or the owners will be in serious trouble for contempt of court. ASS can give you advice about this and has models you can use to negotiate and amend as necessary. It is a good idea to approach the owners' solicitors with a suggested order by consent as soon as you get a claim form, especially if you only have a weak or technical defence, but start working on your defence at the same time. If they say "no", you go along to court and run your defence anyway. If you get an adjournment, you might find they've changed their tune, and are now happy to agree an order by consent.

Although it isn't relevant, it can be worth mentioning attempts to do a deal in your defence to put pressure on the owners. Judges have been known to suggest very strongly to owners that they make an agreement, while on other occasions it has encouraged the owners not to use the possession order for some time without a formal agreement. If you don't make a formal agreement in court, you will just have to trust the owners.

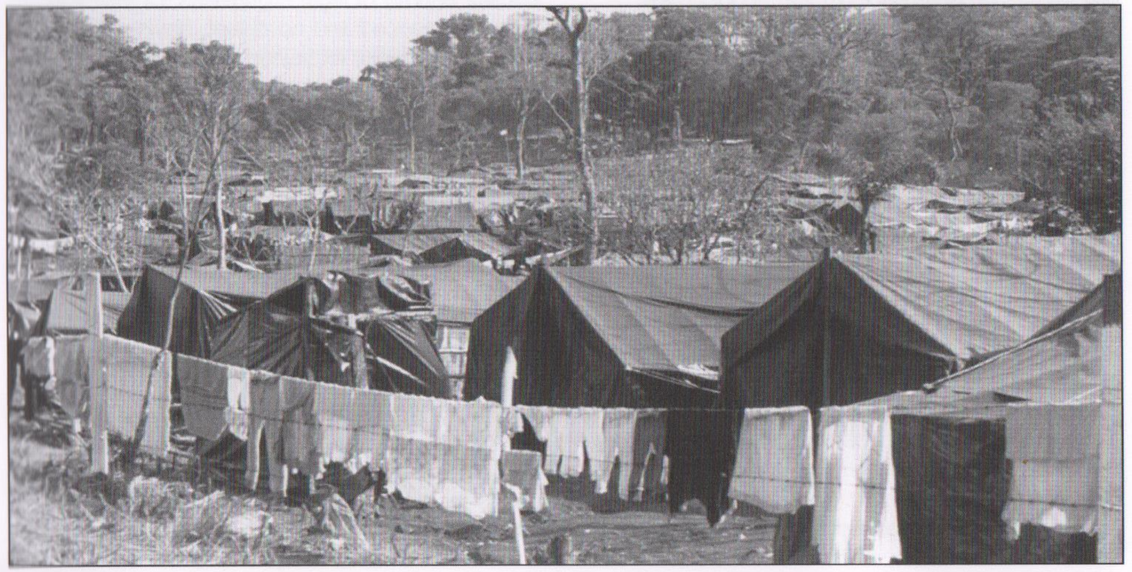
SO YOU WANT TO FIGHT?

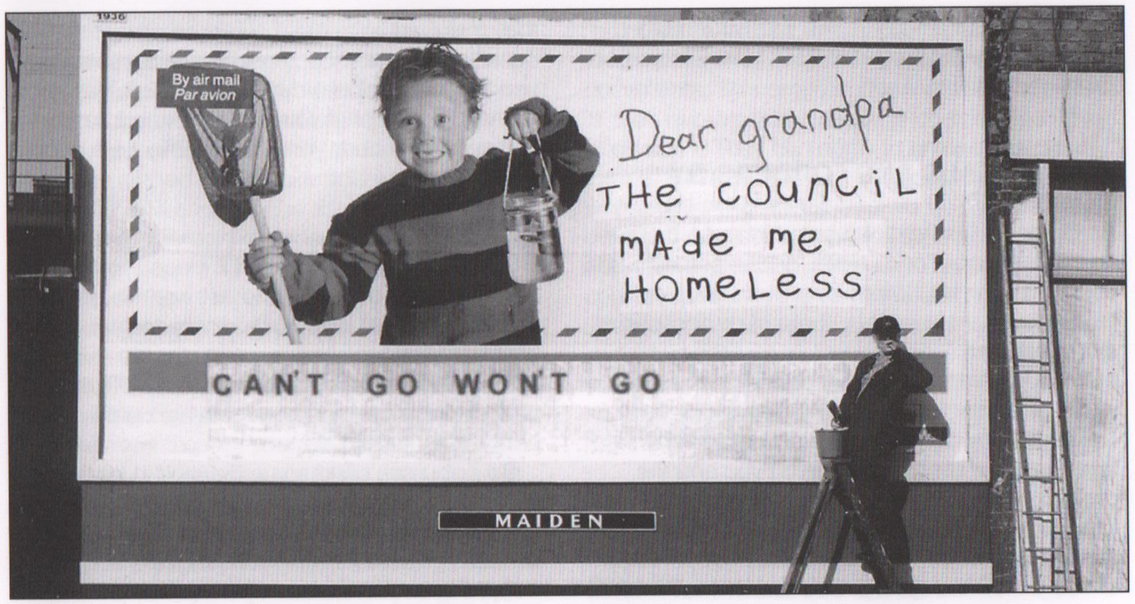
If either you or the owners don't want to go for an order by consent, you'll either have to give up your home or fight for it in court. Courts exist to administer law, not to dispense justice. They protect property - and squatters are some of the people they protect it from.

So if you can't find some defence in law, don't go along hoping to win simply by saying you're homeless and need a place to live (that would be something like justice!). A few judges can be swayed when confronted by homeless people, particularly if the owner hasn't any plans for the place, but the best they occasionally do is delay things a bit. They can't refuse to grant the possession order unless you have one of the defences mentioned above. Most judges come from the property-owning classes and will inevitably see the case from the owner's point of view, however "impartial" they may think they are.

This doesn't mean that you shouldn't go to court and try things. You might come up with an argument that hasn't been heard before and that stumps the judge and owners, or with just the right combination of technical arguments. It is also worth arguing for adjournments because you need a translator. You should also go to court

Squatter camp in Brazil





because there's a possibility the opposition will forget to turn up, the judge will be bitten and all the paperwork lost, or that someone else will come up with an argument that the judge considers to affect you as well. It's worth knowing that you've got more time rather than leaving unnecessarily. You can also chat to the opposition and get some idea of how long they might take to get you out.

Preparation

If you think you have one of the defences above, make sure you have the legal arguments and / or the evidence to back it up. Most of the work is preparing your evidence and arguments before the case. The defence form you should have been given is really a special type of witness statement. If you haven't got a defence form, you will have to type one out for yourself. The top and bottom of it should look roughly like the example illustrated on the right. What goes in between is all your factual evidence and legal arguments, clearly set out in numbered paragraphs.

If you have been given a proper defence form (Form N11), you'll find it's fairly useless. There will usually not be enough space to argue your case properly. So where the form asks you why you say the claimant should not get a possession order, you'll probably have to write "see attached page(s)" and type out your defence just the same, in numbered paragraphs. You'll need to make three copies -one for the judge, one for the other side and one for you.

It is very unusual for verbal evidence to be allowed, and this will never happen at the first hearing, so all the facts you want to rely on should be in your defence. Occasionally, you will want to use evidence from someone else, for example a friendly neighbour. This should be written up as a separate witness statements which the person giving the evidence will need to sign. Written defences and witness statements are the best place to make any "irrelevant" political points (the owner's record, lack of plans for the place etc.) as the judge may stop you if you are saying them.

Your defence should include all the legal arguments you want to use, as well as the facts you're relying on. Often squatters' defences consist entirely of legal arguments. Unless you are very experienced and confident, having all your arguments clearly explained in your written defence will also help you in court and save you having to explain everything to the judge verbally. Your defence and any extra witness statements you include should do the talking for you. Any documents you want to show to the court to the defence or witness statement as "exhibits". Your legal arguments will have to be backed up with the law reports of any previous cases you are relying on, and you will need to take three copies of these to court. ASS can give you advice on this and has stock defences and copies of relevant cases available to help you.

If the owners mention or refer to records or documents in their claim form, particulars of claim or any witness statement without exhibiting them, you have the right to inspect these documents. In fact, you should already have been served with copies (see page 51, above). But if you haven't, you can write to the owners (or their solicitors, if they're using them) demanding to see the document or record. The rules to quote are CPR 31.14 and 31.15. They are supposed to let you see the document within 7 days and to give you a copy as long as you pay the copying costs. Often 7 days will be too long, as the case is in court before then. Point this out in writing to them. If they don't answer or refuse to comply, apply at the court hearing for an order that the document(s) be produced and ask for the case to be adjourned while this happens.

If the documents you're after are not specifically mentioned but their existence is inferred (e.g. the council has an internal memo saying "don't evict these people" and you are claiming a licence), you can make an application to the court for specific disclosure or inspection of the documents. You must give good reasons why they will help your defence. The owners can then be ordered to give you copies.

Contacting The Other Side

Sometimes it is definitely worth contacting the owners or their lawyers before the court date, but more often you'll be better off using surprise tactics. Your defence should, in theory, be filed at the court and a copy served on the other side as soon as possible after you receive the claim. However, for both practical (lack of time) and tactical (you want to surprise them) reasons you may not want to do this. Instead, just take your defence and any other documents with you to the court on the day of the hearing. You won't usually need an excuse ready for not having filed them earlier, but if asked you only got it done last night (and make sure you've dated it accordingly).

Defence form

In the
BIGOTRY-ON-SEA COUNTY COURT

Claim No.
5 BS 00666

MAMMON & PARASITE PLC

Claimant

PERSONS UNKNOWN

Defendant(s)

I dispute the claimant's claim because:-

1. Blah blah blah

2. More blah blah blah

Statement of Truth

I believe that the facts stated in this defence form are true

Signed A. Squatter date 31/9/05

Full name Alexander Squatter

Defendant's address to which documents should be sent

2B Sleazy Passage,
Bigotry-on-Sea,
Hunts,

Postcode BS4 0BJ

N11 Defence form

IN COURT

Though the court is a civil, not a criminal one, it can still be intimidating. Anyone who wants to be considered an occupier can be 'joined' by giving their name to the usher outside or the judge at the beginning of the case. The case may be heard either in public or in private. If it's in private, the time will usually be 10.00am, if it's in public it'll normally be 10.30 or later. If it's in private, nobody except people who say they are occupiers will be allowed to go in. If you're not named on the claim form that doesn't stop you fighting the case. Anyone who is or has been in occupation can turn up and be 'joined'.

The case will usually be heard either by a Circuit Judge, a District Judge or occasionally a Recorder. It's important to write down the name and type of judge involved, as this can affect any right to appeal you might have. The name of the judge is always displayed on a list outside the court.

The court doesn't have to listen to anyone who isn't an occupier speaking on your behalf, except a qualified lawyer, though judges will often agree to do so. An alternative is to say you want a friend beside you "to quietly advise you but not address the court". This person is called a "McKenzie friend" and can be very useful, because they might be a trained lawyer acting without pay, someone in the squatting movement who understands the law or just a friend to consult before you open your mouth.

THE RESULTS YOU CAN GET

Case Dismissed

The best result is that the case is dismissed or struck out. This means you've won! The owners will have to start a new court case to evict you, or else they will try to do a deal such as an order by consent (see above).

Case Adjourned

Most cases are not dismissed first time. It is more likely to be adjourned to give the owners a chance to sort themselves out. Sometimes this is for a short period such as 7 or 14 days. This means you will not usually get a notice of the next hearing, so ask what time of day it will take place. Or it may be adjourned to the "first open date" after 7 or 14 days, in which case the court should send you a notice. The best sort of adjournment is when directions are made. See page 55, above, about directions and get advice. In these cases, there will often not be a definite date for the next hearing. One will be fixed when both sides have done all the things set out in the directions. It's important YOU do what the directions say by the dates set, otherwise the owners can simply apply to get a date set quickly and you won't have a leg to stand on. A longer time will be set aside for the hearing in a case like this and there's a possibility of verbal evidence being heard. A trial with verbal evidence can be tricky, so get advice.

Possession Order Granted

If the judge doesn't accept your defence s\he will probably grant a possession order "forthwith" (at once). If the judge is a District Judge and you think you might want to appeal against the decision, ask for leave (permission) to appeal NOW. It will almost certainly be refused, but asking now will save you hassle and maybe money later. You should be sent a copy of the order by the court a few days later. It will order you to get out on the date of the court hearing. By the time you see it, that date will already have passed!

IF YOU HAVE LOST

Giving Time

The judge only has power to suspend (delay) the order for up to 2 weeks, or up to 6 weeks in cases of exceptional hardship. However this only applies if you are ex-licensees (see WHEN IS A SQUAT NOT A SQUAT). If you have always been trespassers, the order can't be suspended unless the owner agrees. Occasionally, a genial judge will invite the owners to do this if s\he felt you made some good points. Sometimes judges wrongly think they have power to suspend the order even against the owners' wishes and do so. We don't bother telling them they're wrong.

Appeals

You may be able to appeal against the decision. You can appeal to a Circuit Judge against the decision of a District Judge, but not of a Recorder. You must do it within 14 days of the decision. There is a fee of £50, but if you didn't ask the judge who made the order for permission to appeal, you'll have to do that now and it'll cost you an extra £50. There is a special form to fill in (N 161) and you'll have to supply a bundle of all the papers in the case up to now. What you say on the form about your grounds of appeal needs careful thought. ASS can help with this.

Apart from appealing against the possession order itself, you should apply on the form for the "execution of any warrant of possession" to be "stayed" until the appeal is heard. This is important, because just putting in an appeal doesn't stop you getting evicted. When you take your appeal form down to the court, point out to the people in the office that it includes an application for a "stay". They may fix a quick hearing on that issue alone or a judge may agree to it without you needing to do anything. Lastly, your appeal form needs to be accompanied by a transcript of the original hearing. That costs a lot of money, so you should also apply to be supplied with a transcript at public expense. If the Claimants were represented by a barrister in court, the barrister is obliged to supply you with a copy of his or her notes free of charge.

In theory, you can appeal against the decision of a Circuit Judge or Recorder to the Court of Appeal, but this would almost certainly be a bad move. If you lose, the decision affects all other squatters. The Court of Appeal is a very nasty court, and is not likely to decide in squatters' favour. Even if you think the judge got the law sufficiently wrong to have made a legally incorrect decision, please discuss very carefully with ASS and other squatters the politics and legal consequences of going to the Court of Appeal. Even if you win a delay in your own eviction, you may give a judge a chance to say something which could make the situation worse for all squatters.

Fees

If you get Job Seekers Allowance or any other means tested benefits you should be able to avoid paying court fees for appeals by completing an exemption form and getting confirmation from the benefits agency or job centre of your income. If you aren't on benefits you can argue 'exceptional hardship'. Exemption forms are available from the courts.

COSTS

If or when you lose a court case, the owners will often ask for costs against you. This means their costs in bringing the case, typically £150-400. Courts don't have to award costs against the losers. They usually do, but sometimes won't. The thing to remember about costs is:

"They're virtually unenforceable, you know".

Not our words, but those of a senior judge reluctantly giving a council costs against some squatters. And who are we to question His Honour's wisdom?

Getting costs off you is inconsistent with evicting you. To force you to pay the costs, they'd have to take you back to court at some future date, and to do that they'd have to have an address to serve you with more papers. There will usually be no way they can get the money from you except by not evicting you for months or years while they try to get you to pay. For this reason, owners experienced at evicting squatters -such as councils- often don't bother even asking for costs. They also think the name(s) you have given in defending the case might not be genuine. What nasty, suspicious minds they have!

But if you don't pay the costs won't you be put on the County Court debtors list, so you can't get credit in future - even supposing you want it? This is what straight lawyers, court offices etc. will tell you BUT IT'S NOT TRUE. You can only be put on the debtors list if you've been served with new papers and taken back to court again, and there is a judgement against you for the costs, which just doesn't happen.

The only time you need to think about costs is if you have a right to rehousing by or through the organisation which is evicting you (see page 54, above) and you're using the case to enforce that right. Then they will know where you live in future. This is another reason it's a good idea to claim legal aid for such cases if you can and get the case taken through by a good solicitor. If you have legal aid the Community Legal Service pays any costs.

WHAT HAPPENS NEXT?

A possession order itself doesn't get you evicted. Neither does it entitle the owner to come round and evict you or involve the police. What it entitles the owner to do is issue another document which you won't usually see called a WARRANT OF POSSESSION. This instructs the bailiffs to evict you. After a possession order is made, the owners have 3 months to issue a warrant. They can apply to the court for permission to issue one later than that, but they might not get it. Once a warrant is issued, it must be used within a year. Again, the owners can apply to the court to have it renewed if they haven't used it, but the court will usually want to be given a good reason.

In theory, a possession order can be granted, a warrant issued, and an eviction carried out in a few days, but this is very rare except maybe in rural areas. In the rare cases where owners apply for a High Court eviction (see page 48, above) this will usually be carried out within a week or two. The normal County Court eviction may take longer. In London, the county court bailiffs have long waiting lists and the "queue" for eviction can be between two and six weeks. Ask local squatters or ASS about the situation in your area.

A warrant of possession is not supposed to be enforced until a copy of the original order has been served on the place. You will often get one about a week after the hearing - but sometimes you don't. It will order you to leave the place on the date of the hearing. Bailiffs are supposed to send you a notice (called Form N54) telling you what date and time they will come round to evict you. There's a circular saying they should do this, and they usually do. If they don't, however, they're very naughty bailiffs - but it doesn't help you. You won't be able to see them off on the doorstep because you haven't had an N54. If you haven't had a copy of the possession order by the time you get Form N54, however, you may be able to create a few more days' delay. Contact ASS for advice.

You can always ring up the bailiffs' office at the court and ask them when they're coming. They'll usually tell you if they know. They often won't know anything about it until at least a week after the possession order was made. There has to be time for the warrant to be issued and passed to the bailiffs, for the owners to pay the bailiffs' fee, and for an appointment to be made between them. If you find the bailiffs' office obstructive, try the owners themselves, or their solicitors. Failing that, the information might be obtained for you by a social worker, probation officer or advice centre.

Remember, the owner will not necessarily issue a warrant straight after getting a possession order. They may delay for quite a while between the two.

Can We Re-squat? - Warrants Of Restitution

If a place is re-squatted after the bailiffs have evicted the former occupiers, and the owners think they can prove that at least one of the same people have gone back in, they can apply to the court for an "warrant of restitution". The re-occupiers won't get any notice of this hearing.

If, soon after squatting a place, you get a Form N54 without any previous court papers, contact the court and ask if it's a warrant of restitution. If the bailiffs turn up with a warrant of restitution you should tell them you are not the previous occupiers and you didn't know about them. Ask them not to enforce the warrant for a couple of days so that you can apply to have it set aside (see below).

Who Gets Evicted?

Anyone who is on the premises when the bailiffs come round will be evicted, whether they are named on the order or not. This includes anyone who moves in after the original squatters have left but before the bailiffs come.

However, a warrant (except a warrant of restitution) can't be validly issued after new squatters move in if the owners actually got the place back some other way; for example by boarding it up or putting locks on after previous squatters left, even if they left following a claim form being served or a possession order being made. They can't issue a warrant from an old possession order just to get the second squatters out, because the possession order was "satisfied" when the first squatters left and the owners got the place back. It's them getting the place back that counts, not whether they used the bailiffs to do it or just noticed it was empty and secured it. If this fiddle is tried, you can apply to have the warrant set aside. Good evidence will be important. It won't work if the warrant had already been issued when you moved in.

Setting Aside

If you find out bailiffs are planning to evict you without the proper court procedures having been gone through, you can apply to the court to have either the possession order or the warrant, or both "set aside". This will stop the bailiffs at least until the situation is sorted out.

For instance, if you get an N54 notice and you didn't get papers for the original hearing you could apply to have the order set aside for bad service and maybe get a new hearing. (But remember the hearing could have been months ago.) If it's the circumstances in the last section, you would apply to have the warrant set aside. A judge will normally agree to set aside a possession order if it was made without you being at the original hearing, you had good reason to be absent (e.g. you weren't served with a claim form) and you have a reasonable prospect of defending the action (i.e. you have one or more of the defences listed above). A warrant will normally be set aside if there has been an 'abuse of process' - which getting two evictions for one possession order certainly is. Get a form from the court office (called an "application notice" or N244 form) and contact ASS or a law centre for advice on filling it in. The application will cost you £50 unless you are exempt (see Fees above).

ODDITIES

Injunctions

This is a court order to stop you doing something (in your case trespassing). In the past it could only be used against named people but recently the courts have made injunctions against "persons unknown" in cases not involving squatters. Although it is rarely tried against squatters this could change. If you break an injunction you can be jailed for contempt, but only after a further application to the court. One problem is that applications are often granted before you hear about them and by the time you can argue against them in court it is too late. This does not mean you needn't go to court, as only by fighting them all can we stop them being used. Get proper legal advice.

Luckily English bailiffs aren't as enthusiastic as the ones in Spain.....

Damages For Trespass Or "Mesne Profits"

These are claims for money which would be the equivalent of rent. They're not to do with anyone saying you have damaged the place. Again, they are rare and Form N121 does not provide for such claims to be tacked on to claims for possession against trespassers, though some councils like to try it on. Even if an order is made against you, there is no practical way they can get the money off you. See page 22 about claiming benefits to cover mesne profits if the owners have suggested paying them prior to taking you to court.

Compulsory Purchase

When a council or government department compulsorily purchases a place from the owner, there is a complicated procedure allowing the owner to object or appeal. If, at the end of all that, the owner has lost but doesn't hand the place over, there is a power for County Court bailiffs to be brought in to take it over without a court hearing. This has occasionally been tried against squatters occupying a place which has been compulsorily purchased, but it is usually a fiddle. If the place has already been taken over by the authority which did the compulsory purchase, they can't get the bailiffs to do it a second time. Look for steel doors or other signs that the purchasing authority has already had possession of the place and contact ASS for advice.

Anti-Social Behaviour Act 2003

At time of writing the ASBA2003 is still quite new and untested in the courts so it is too early to predict if it will have a severe impact on squatters. The new Act creates offences which may be tried against squatters:

Crack-houses

The "anti-crack house" laws allow police to close down premises where Class A drugs are being used, produced or distributed and the premises is associated with serious public nuisance or disorder. Class A drugs are mainly heroin and cocaine and it is squats (or even owner-occupied flats) where smack or crack are being used which are likely to be the primary targets of closure notices under the Act.

In most big cities the police will have enough real crack-houses to deal with to bother misusing this law against ordinary squatters. In smaller towns however it is conceivable that a group of young ravers might be alleged to be running a "crack-house" by the local paper. Ecstacy and LSD are also Class A drugs and if they are being used at a premises which some over-excited rag editor can allege is a serious public nuisance then ASBA 2003 could potentially be used.

If your squat is deemed to be a Class A drug-centre then you will receive a written closure notice from the police giving you 48 hours until a hearing at a magistrates court where a closure order will be issued. You can attend the hearing and ask for a 14 day adjournment if you can show that the premises are not being used to produce or supply Class A drugs or that no serious disorder has occurred there but the closure order might still be enforced even if the adjournment is allowed.

If you get such a notice, contact ASS and/or a local solicitor immediately.

Breaching A Closure Order

The most likely problem for squatters under this section of the Act is if you squat a former crack-house after it has been closed down. For three months after a closure order has been served on a property police can ensure that the place stays empty. If you squat it thinking it is just another empty flat you may get arrested as it is illegal to enter or remain on the premises during a closure period without "reasonable excuse". Being homeless and not knowing a closure order was still in force might be a reasonable excuse. Closure Notices are supposed to be attached to the door but might have gone missing.

Squat Parties

Part 7 of the ASBA 2003 extends the Criminal Justice and Public Order Act 1994 to cover squat raves in buildings as well as in the open air and reduces the initial number present to constitute a rave from 100 to just 20. It makes it an offence to re-squat a building for a rave or even to prepare to attend one on a subsequent day after a direction has been given not to by the police. For more information and legal updates check out the free party websites, such as www.partyvibe.com

Aggravated Trespass To Buildings

The expression "in the open air" has been removed from the CJPOA 94 creating a new offence of aggravated trespass to buildings. At first sight this looks like a law to make squatting illegal and some police and councils might think that it does but it doesn't.

Aggravated trespass to buildings is likely to outlaw office occupations and the disruption of share-holder meetings by protesters. It may even make student and union sit-ins illegal. The offence requires you to have squatted a building with the intention of intimidating or disrupting a lawful activity. Estate agents and housing officers might argue that you are disrupting them from their lawfully activity of showing people around the building but the courts have already decided that the offence of aggravated trespass cannot take place unless people engaged in a lawful activity are actually physically present at the time of the trespass; so this ruling should also apply to squatting empty buildings.

INTERIM POSSESSION ORDERS (IPOs)

The IPO procedure forms a special bit of Part 55 (Part 55 section III). But IPOs are not really separate from the normal procedure for claims against trespassers in Part 55 section I. It is an optional extra which owners may choose to add on, but only in restricted circumstances. That means there will be two hearings; one to decide if the owners should be given an Interim (or temporary) Possession Order and a second one to decide if they should get a final possession order. The nasty bit is that if you don't leave within 24 hours of an IPO being served on you, that's a criminal offence for which you could be nicked. If you lose the first hearing, you can still go along and fight the second one, but you will (in theory at least) be out of your squat by then and fighting to get back in. All the defences you can use against the normal proceedings can also be used against IPOs, plus a lot of extra technical ones which apply only to IPOs.

Restrictions

- IPOs can only be used against squatted buildings, not open land.
- The owner must issue the application for an IPO within 28 days of the date when they knew "or ought reasonably to have known" that you had squatted the place. Remember, it is not necessarily within 28 days of when you actually moved in, but within 28 days of when they found out, or ought to have done so. When squatting a new place, it is always worth considering whether to try to reduce the chances of an IPO by making sure the owner knows straight away and the 28 days starts running. See page 20 for ideas on this.
- IPOs can only be used if you moved in as trespassers (or squatters) and have been trespassers throughout your occupation. This means they can't be used against ex-licensees, anyone who was let in by a tenant (even if the tenancy has since ended) or anyone who has ever been given any kind of licence or permission to be there (see WHEN IS A SQUAT NOT A SQUAT on page 72).
- The claimant must have owned or been a lesee or tenant of the building throughout your occupation. They cannot use an IPO if they have bought it or started their lease or tenancy after you moved in.
- The claimant must have an immediate right to possession of the building or the part of the

OBSTRUCTING OFFICERS OF THE COURT
(Section 10, Criminal Law Act, 1977)

This section makes it an offence to resist or intentionally obstruct a bailiff or sheriff enforcing a possession order. It gives the bailiffs or sheriffs, as well as the police, the power to arrest people for resistance or obstruction. It only applies to possession orders that have been obtained against trespassers. (Where the possesion order was not obtained under the 'trespasser ground' then obstructing a county court bailiff is not an offence in itself, other than contempt of court).

In practice you are only likely to be charged if you have actively resisted attempts to remove you. Building and standing behind barricades, for example, would be treated as 'obstruction', if you have been clearly warned to leave the building or land.

Squatters should demand that anyone claiming to be a bailiff or sheriff produces his/her identification and warrant (or writ) for possession. If these are not produced any subsequent resistance or obstruction may not be an offence as it is a defence if you didn't know the person being obstructed/ resisted was a bailiff or sheriff.

This section carries a maximum penalty of 6 months in prison and/or a fine of up to £5,000.

The Sheriffs Act, 1887, which makes it an offence to obstruct a High Court Sheriff, has not been repealed. The maximum penalty is 2 years and/or an unlimited fine.

building they are claiming. That means there must be no other person with an existing licence or tenancy. See page 54, above, for more about what this means. As it takes at least 28 days to end a tenancy, it will usually be too late for the owner to end the tenancy and then go for an IPO once they have found out you're there.

THE PROCEDURE

Service

You will normally be served with only three documents:

- An ordinary claim form (Form N5) which will tell you where and when the hearing is
- A special application notice for an Interim Possession Order, which includes the owners' written evidence (Form N130). Alternatively, the written evidence might be in a separate witness statement.
- A blank defence form (Form N131). This is in the form of a witness statement and is different from the defence form you're supposed to get in ordinary trespass claims, but usually don't. The rules are very clear that you **must** get one of these in IPO cases, and you usually do.

You could have as little as three days' notice of the hearing (though it's often a little longer) so it 's important to act very quickly. Get advice STRAIGHT AWAY.

On the back of the application notice is some "advice". Amongst other things, it says "If you have no right to occupy the premises you must leave". This is not good advice. There are many circumstances where you may not have a legal right to be there, but the owner is not entitled to an IPO either (e.g. you have squatted the place for more than 28 days and the owners know that, or someone else - such as a tenant - has a right to be there and the owners don't.) You should look for any such defences, ring ASS for advice, and stay and fight the case if you can.

The application notice must be served by the owners, not the court, and it must be served within 24 hours of it being issued in the court. Look at the bottom, where it says "For this notice to be valid, it must be served before...." and it then gives a time and date. If it's served after that time, or that part hasn't been filled in, you already have a technical defence. The notice must be posted on the door or some other conspicuous part of the building and also put through the letterbox, if that is possible. The owners may also fix copies to stakes in the ground near the building. It must be addressed to "the occupiers" and be in a transparent plastic envelope. It should also name anybody whose name is known to the owners.

Organising Your Defence

It's even more important to write a defence in IPO cases. You are supposed to use the form you've been supplied with, but you can type out one exactly like it. If you do this, don't leave out any paragraphs you don't need to use. You will still have to type them in, then cross them out by hand. In fact, the form you get often isn't much use as it doesn't allow enough space (in box 6) for the defences squatters usually use. In this case, you will have to write "see separate sheet(s)" and continue there. ASS has adapted versions of the form available, together with model arguments for all the possible defences, and this will usually be more practical and less work than typing your own from scratch. If you are outside London, a suitable defence can be faxed or e-mailed to you after you have discussed the details with ASS on the phone.

Your defence should really do all the talking for you. It needs to set out your points fully, including all the legal arguments for them, which is where ASS's models come in useful. If you are found out telling any lies in your defence, you can be prosecuted and sent to prison for up to two years, of fined, or both. But these rules apply to the owners as well, so they have to be very careful.

At The Court

You should make three copies of your defence; one to file at the court or give to the judge, one to give to the owners or their lawyers outside the court and one for you. If you have time, take your defence to the court the day before the hearing or earlier and leave it with the court office, which is called "filing" it. Tell them when the hearing is. Otherwise, get there in good time and give it to the judge at the hearing or the usher just beforehand.

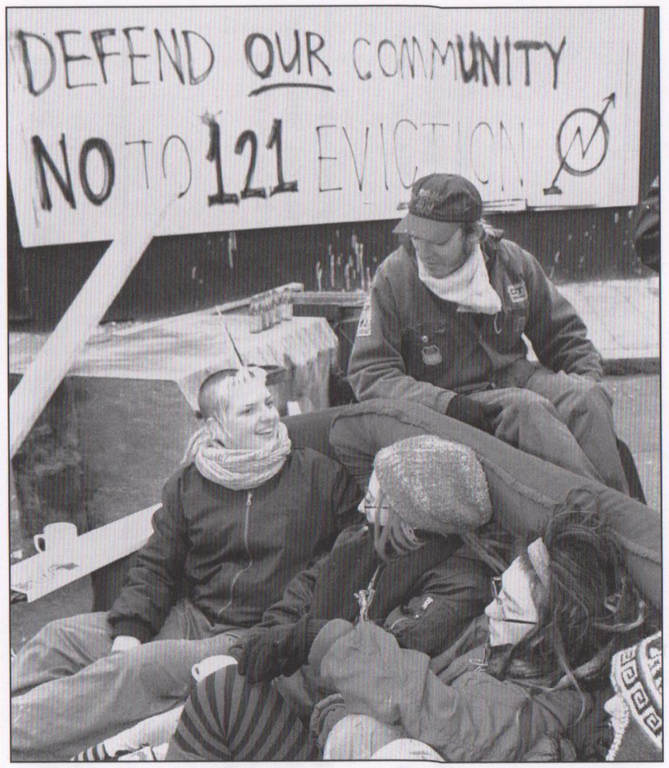
If you have prepared your defence well, your main concern will be to make sure the judge reads it carefully. Here are the questions the owners will have had to answer in their IPO application, together with what you might say in reply. **(See pages 68-69 below)**

The only extra thing you might want to point out is this procedure has criminal sanctions, so it is very important for the owners to have complied with all the rules precisely. Stay off the moral and political points as much as you can. It is no use saying you are homeless and are making good use of the place etc., true as that is. However if the property has been empty for years or the owners are lying about their intentions for its use, it may be worth mentioning. If you are not confident about arguing verbally, you can just say all your arguments are in your defence and tell the judge which are the most important paragraphs to look at, then answer any questions you are asked. The judge will then decide whether or not to make an interim possession order. The rules say that one should be made if certain conditions are met and the court is satisfied with the undertakings given by the owners. The conditions are, basically, the points under "Restrictions", above and the undertakings are explained on the table on pages 68-69 above.

Disused cinema in East Oxford reopened for movies, kids space and protests about the CJA.

Here are the questions the owners will have had to answer in their application, together with what you might say in reply.

Paragraph in Owners Statement	WHAT THE OWNERS MUST SAY	Paragraph in Your Statement	YOUR REPLY
2:	They must say what kind of building it is, that they have an immediate right to possesion, and since what date they have had this right. Owners often don't understand what this means. this is where they will usually have to say when and how the last tenancy has been ended.	**6 or maybe 4:**	If you think there has ever been a tenancy of licence, say it must be ended and anything you know about the last tenant or licensee. See page 53 for more about this argument.
3:	They must say what their "interest" in the premises is (e.g. they own a freehold or lease) and attach a copy of whatever this is.	**6:**	If you have any reason to think they don't own it or have a tenancy or lease (the same thing) say why and that they must prove their interest.
4:	They must say when they found out you had squatted the place and give reasons why they couldn't have known about it sooner.	**2 and 3:**	Give the date you moved in. If you moved in more than 29 days ago say why they should have known about it.
5:	They have to say that you entered without their permission or permission from anyone who had a right to be there.	**4 and maybe 5:**	If you were let in by a tenant, say so. If you were ever given any sort of permission to be there (see WHEN IS A SQUAT NOT A SQUAT on page 72) explain it and attach copies of any relevant documents.
6:	They must say they don't know the names of any occupiers except those who are named on the claim form and application notice .	**3:**	If the owners know any of your names which are not on the claim form, say so and explain how they came to know them.
7:	They must say whether there are any other people entitled to possession of any other flats or parts of the same building. If so, they must say who they are.	**6:**	This will apply to blocks of flats, houses converted into flats, or any other case where you are squatting part of a building whils other parts are occupied by tenants or licensees. Explain the layout, how many flats there are, etc. and say the owners must have accounted for that number of flats or other parts.
8:	The owners have to say whether they are willing to give a set of 5 UNDERTAKINGS. These are solemn promises to the court; they will be in serious trouble if they break them. They don't have to give any undertakings, but their chances of getting an IPO will be reduced if they don't, so they usually will. 0Roughly translated from the jargon, the undertakings are: a) To put you back in the place if the court makes and IPO, but it later turns out they weren't entitled to it. b) To pay damages to you if this happens. c) Not to damage the place between the date an IPO is granted and the date for the second hearing to decide if they will get a final possession order. d) Not to let the place to a new tenant or licensee or sell it between these two dates. e) Not to damage or dispose of any of your belongings left in the place between these two dates.	**6:**	If you are arguing that they are not immediately entitled to possession (e.g. becuase someone else has a tenancy or licence which has not been ended) point out that they are not in a position to fulfil undertaking (a). It is not their place. It is the TENANT's place. They have no right to put you or anyone else there. If they do this, they will be trespassers against the tenant themselves!
		6:	Any other defences you might have (as for normal Part 55 trespasser proceedings - see page 48 onwards). Stress that procedures must be followed to the letter because of the criminal sanctions attached to an IPO.



should also serve a copy on the owners or their solicitors by hand or by sending it by first class post.

If An Interim Possession Order IS Made

A copy of the IPO has to be submitted to the judge for approval. This will usually happen the same day as the hearing or the following one. The IPO is then served to your squat, together with further copies of the claim form and the owners' written evidence. This must be done within 48 hours of the IPO being approved.

The IPO must have on it the date and time it was served and the date and time when the 48 hours from the judge's approval runs out. If the IPO is not served within the set period, it lapses and the owners must ask the court to let the case continue as if they had never applied for an IPO. The rules about how it must be served are the same as for service of the notice you received to start with (see Service, above). The IPO must also tell you the date and time of the second hearing.

Once an IPO has been served on you, you have 24 hours to leave. It is a criminal offence for you or anyone else to be in the place from that time until the day of the second hearing. You can be arrested and fined up to £5,000 or sent to prison for up to six months, or both. You would only have a defence if the IPO had not been served according to the rules.

There is still very little experience to show whether owners or the police are really ready to enforce the IPO, some squatters have not left and haven't been arrested but this is obviously risky. Anyone in the place 24 hours after an IPO has been served has already committed an offence and can be arrested.

If An Interim Possession Order Is NOT Made

A date will be fixed when there will be a second hearing for a normal Part 55 possession claim, just as if the owners had not applied for an IPO in the first place. Often the judge will want to have this second hearing there and then, and the new rules seem to allow this, but arguing that you need more time to organise your defence could work. Otherwise, you may be told this date there and then or you may be able to find it out by going to the court office afterwards or ringing the following day. You should be sent a notice of it, anyway. The judge may also make "directions" about this second hearing. These are instructions to you and / or the owner to do something before the next hearing date. Take careful note of these.

What you need to do before the second hearing is basically the same as for normal Part 55 proceedings, explained above, except that you will have to comply with any "directions" and you have already filed a defence. You might want to file another witness statement, though, with extra information or arguments. This will be an ordinary witness statement, not "in the prescribed form". If you file it with the court, you

Can You Appeal Against An Interim Possession Order?

If you think the IPO was wrong, according to the rules, you can apply to have it "set aside "on grounds of urgency" without waiting for the second hearing, but you can only do this if you have left the place. If you win, and the !PO is set aside (cancelled), you can move back in straight away and wait for the second hearing. Contact ASS for advice if you are thinking of this.

Alternatively, you may be able to appeal against an IPO. This is a different procedure from applying to have it set aside. See page 61, above. It's really only applicable if you're saying the judge got the law seriously wrong and you're going to have to act very quickly indeed to get the appeal in before the IPO is served.

The Second Hearing

If you lost the first hearing or didn't get your defence together in time, this gives you another chance to fight for your home. It might be worth it, even though you may have had to leave by now. If you took a chance and didn't leave - which is not recommended - and the police didn't come and arrest you either, your worries on that score are reduced, in theory anyway. The IPO expires on the day of the second hearing and simply being there is no longer a criminal offence. However if you have already committed the offence of being there for all but the first 24 hours of the time the IPO was in force you could still be liable to arrest for that if the police want to get you out, though this is very unlikely. In this way this offence differs from that created by section 7 of the 1977 Criminal Law Act [see page 16]. You have committed the offence whether or not you subsequently leave, whereas under Section 7 the offence is only if you fail to leave when asked to do so. In practice, people have not been arrested or charged under this law.

An IPO is only temporary. The second hearing is to decide whether to make a final possession order, so the IPO will either be confirmed or cancelled. Things are virtually the same as for normal possession claims in the County Court under Part 55, section I, explained above. The owners don't have to turn up for the second hearing, and often won't. If you turn up with a reasonable argument, the case will probably be adjourned to give the owners a chance to appear. What the owners must have done before the second hearing, though, is file a certificate of service - a special document to say they served the IPO on you according to the rules. A final possession order cannot be made unless they have done this, so point it out to the judge.

If you won the first hearing and no IPO was made, you still have to win the second hearing to save your home. If the arguments you used were specific to IPOs you will need to come up with some new ones.

After The Second Hearing

If an IPO was made, it is now dead. If the owners are given a final possession order but you're still there, it can only be enforced by the bailiffs evicting you in the usual way, and with the usual delay. But if you did leave as result of the IPO, it is a criminal offence for you to go back into the place "as a trespasser" for a year from the day the IPO was served. However this doesn't apply to other people. If the owners leave the place empty again, there is nothing to prevent new squatters from occupying it. The only people who commit an offence by re-occupying the place within a year are those who were there at any time when the IPO was in force - in other words between the two hearings.

If an IPO was made, but you win the second time and a final possession order is NOT made, the owners' undertakings should now come into play. If you have left, they should put you back into occupation, and you can apply to the court for the owners to be made to do this. Contact ASS for advice about it. But what if you just decide to put yourselves back into occupation? If you won the second hearing because you established some right to be there (such as a licence), there is no reason why you shouldn't do this. If you won only because the owners didn't get the procedure right or because of some other technical point, this will, in theory, be a criminal offence because you will be re-entering "as a trespasser" within a year of the IPO, but you're much less likely to get arrested for it.

In these circumstances you can also apply to the court for the owner to pay you damages. This is less likely to happen if you won only on a technicality, but if you established a right to be there, it's worth going for. Similarly, if you left and find out that between the two hearings the owners let the place to someone else, damaged it, or damaged or threw out any of your belongings which were left there, you can apply for the undertakings to be enforced against them. They can be sent to prison or fined for breaking their undertakings.

A Consolation Prize?

If you're squatting in a block of flats, especially a council one, an IPO claim against you may produce a handy list of nice safe places for your next squat or which is useful to other people. In their written evidence, the owners will have had to say who else has a right to occupy different

parts of the building. Paragraph 7 should contain a list of the tenants in the block, or at least the tenants they think are there because their tenancies have not been ended. In real life, some of these flats will be empty and the council may even have steeled them up. These are the flats to target for your next home! Because the council has said they have a tenant there, you can defeat another IPO if they try one (because they're not immediately entitled to possession) and they won't even be able to get you out with normal Part 55 proceedings unless they end the tenancy before starting the court case.

WHEN IS A SQUAT NOT A SQUAT?

When You've Got A Licence

A licence is not necessarily a piece of paper. It just means permission given by the owner or tenant (or someone entitled to act for them) to someone else to occupy premises. It can be written or verbal, though it's obviously better if it's in writing. It can even be given by mistake. For example, a visitor from the council, who is supposed to ask you to leave, may say "You'll have to leave when we want the property but you can stay till then." This is a licence - you have been given permission to stay, even though it's only for the time being. This is the reason you should keep signed and dated notes on your dealings with the owner.

However, it's important to think carefully before using this sort of licence as a defence in court, as it may affect other squatters in your area whether you win or not. For instance, if there is a friendly official in the housing department who is known to tell squatters how long they're likely to have in a place, it may be best to keep quiet rather than threaten their job or their scope for being helpful to others.

A licence can also be implied by an owner's words or actions. For example, if the only contact you'd had from the owners was a note asking you not to leave your rubbish out the front or make too much noise, that would show they knew you were there. If the note didn't also say you weren't wanted there and should leave, or something to that effect, it would imply they didn't mind and could amount to a implied licence. But if a letter says "without prejudice", it means nothing is implied beyond what it says. Negotiating with owners about being able to stay for a while could also give you an implied licence which will apply up to the time they either say "yes" (in which case you've got an express licence, which is better) or "no", which ends the implied licence. If you write to an owner asking to be allowed to stay and they don't reply, you could argue there's a licence.

A common type of implied licence is created if you let the owners in to do repairs. This may not apply if the workers are contractors, but certainly will if they are directly employed by the owners. The strongest implied licence is giving you a key! This happens surprisingly often in blocks of flats if an entryphone or a new street door is installed, and keys are distributed to all the flats.

Who Can Grant A Licence?

Of course, permission from just anybody doesn't amount to a licence. The people who are entitled to grant licences are those who own, control or manage properties or are tenants of them. So, a Council or housing association lettings officer, an estate manager, the chairperson of a housing association or the Council Housing Committee, or a private landlord can all grant licences. So can a tenant as long as their tenancy still exists - which is often the case even if they have moved away or even subsequently died. Not all employees of a Council or housing association can grant a licence. Building workers, caretakers etc. will not usually have that power as part of their jobs. On the other hand, the people Councils or housing associations send round to check out squats usually have the power to end licences, so it follows they must have the power to grant them as well. You can't argue a licence from payment of fuel bills or even council tax. You're supposed to pay all these anyway. Even if the owner is the Council, acceptance of council tax doesn't imply a licence.

What Type Of Licence?

There are two main types of licence: those you give the owner something for and those that are entirely free. The most common form of short-life licence, which used to be mistakenly called a "licensed" or "legal" squat, is written permission from a housing association, short-life housing group or council to be in a property. In fact, these arrangements are nowadays nearly always tenancies, but the word "licence" is sometimes still used, usually wrongly.

Secure Licences Under The 1985 Housing Act

If you have been given a licence by a council of a house or flat, or part of one which includes both bedroom and kitchen (or both combined, but not necessarily bathroom or toilet), you may be a "secure licensee" under section 79 of this Act, and have the same rights as a council tenant. There are two main exceptions to this:

- If you entered the place as a trespasser.
- If the premises were acquired by the landlord for development (rehabilitation or demolition, but not just repairs.)

This may also apply if you were given a licence by a housing association, but only if it was before January, 1989. If you suspect that you may be a secure licensee contact a housing advice centre or a friendly lawyer to find out what your status is.

Ending A Licence

If you pay money or money's worth (such as doing repairs) in return for a licence, it can only be ended by a notice to quit which is not a letter but a formal legal document which must contain various statutory words. It is usually on a printed form. It must give you at least 28 days' notice, after which the owners can take you to court.

If you have a secure licence, it cannot be ended in this way. The council must send you a notice seeking possession, but this will not end the licence. Only a court can do that, and it cannot do so unless certain "grounds" are proved. These must be things like rent arrears or trashing the place. As long as the place is your home and you don't do any of these things, you can stay. If the council wants you to move, they must give you another place on the same terms.

If you have an implied licence or one that you don't pay for in any way, the owners simply have to give you "reasonable notice" to end the licence. This should be at least a week for every year or part of a year you have been in occupation. If the licence was implied or given verbally it can be ended verbally, but it should usually be done in writing. The owners can take you to court to evict you once the "reasonable notice" has run out.

This handbook is dedicated to Chris Groner.

Chris Groner
1967 - 2004

Chris was a significant supporter of ASS, having spent many years herself squatting in Hackney and subsequently being involved in a succession of squatted social centres. Her death from cancer in February 2004 was a great loss for her many friends and comrades, but also for the movement. Well known, and regularly harassed by the police, she was seriously international in her politics and was as comfortable confonting the authorities in Prague, Belorussia, Berlin or Haggerston. A multi-linguist, she developed her own network of contacts with activists across Europe. Her work as a journalist took second place to her political activity. By the simple strength of her personality she managed to motivate and co-ordinate disparate groups of anarchists, environmentalists, ravers and punks. She was tireless in her activities - never happier than when she was organising big benefit concerts in pubs, nightclubs or preferably large squatted venues. Over the years she raised thousands of pounds for different causes - most notably to help finance the 1999 'J18' demo in the City of London, the anti-capitalist May Day demonstrations, various Reclaim the Streets projects and of course, the Advisory Service for Squatters.

CONTACTS

ADVISORY SERVICE FOR SQUATTERS
~~2 St Paul's Road, London N1 2QN~~.
T: 0845 644 5814 (local rate)
~~F: 020 7359 5185~~
e-mail: advice@squatter.org.uk
Legal and practical advice for squatters and homeless people in England and Wales, plus contacts for local groups. Open M-F 2-6pm, but phone to check if visiting.

SHELTERLINE - National Free Housing Advice Line
T: 0808 800 4444
Emergency housing advice and hostel information. Covers, Wales and England
www.shelter.org.uk

WOMEN'S AID FEDERATION
52-54 Featherstone St, London EC1.
T: 0845 125 5254
Support for Women and their children, suffering from domestic violence. Can help with temporary accommodation, and advice.

REFUGE
24-hour domestic violence helpline.
T: 020 7395 7700
www.refuge.org.uk

LIBERTY (formally NCCL)
Civil rights organisation
T: 020 7403 3888
www.liberty-human-rights.org.uk

LEGAL DEFENCE AND MONITORING GROUP
www.phreak.co.uk/ldmg

TRAVELLERS ADVICE TEAM (TAT)
Emergency 24-hour advice helpline 07768 316 755.
Solicitors firm with specialist travellers team.
Community Law Partnership, 191 Corporation St Brimingham B4 6RP.
General Helpline: 0845 1202 980
T: 0121 685 8595
www.groundswelluk.net/fft.tat.htm

NATIONAL GYPSY COUNCIL
T: 01928 723 138

ROMANY RIGHTS ASSOCIATION
T: 01945 780 326
www.gypsy-traveller.org.uk

FRIENDS AND FAMILIES OF TRAVELLERS
T: 01273 234 777

CHAPTER 7 (planning information)
T: 01460 249 204
www.thelandisours.org/chapter7

GROUNDSWELL (Homeless self-help umbrella group)
T: 020 7737 5500

CENTRE FOR ALTERNATIVE TECHNOLOGY (CAT)
T: 01654 705950
www.cat.org.uk

LOCAL GOVERNMENT OMBUDSMAN
T: 0845 602 1983

For Scotland and the north of Ireland, where squatting laws are different, contact:

LAW CENTRE (NORTHERN IRELAND)
T: 028 7126 2433 - Western Office
T: 028 9024 4401 - Belfast Office

SHELTER SCOTLAND
T: 0131 466 8053

AUTONOMOUS CENTRE OF EDINBURGH
(for more activist info on Scotland)
T: 0131 557 6242

REFERENCES AND PUBLICATIONS

RIGHTS AND INFORMATION BOOKS

HOUSING RIGHTS GUIDE
Produced by SHELTER (T: 0808 800 4444)

WELFARE BENEFITS HANDBOOK
FUEL RIGHTS HANDBOOK
Published by Child Poverty Action Group (CPAG) T: 020 7837 7979

GYPSY AND TRAVELLER LAW
From Legal Action Group T: 020 7833 2931

COLLINS COMPLETE DIY MANUAL
May be in your library, probably the easiest to use for getting your place together.

JOURNALS

SchNEWS
Weekly counter-information from your friendly info seekers.
Send 1st class stamps to c/o on-the-fiddle, P.O.Box 2600, Brighton, BN2 0EF.
or download from www.schnews.org.uk

SQUATTING HISTORY AND INTERNATIONAL

SQUATTING - THE REAL STORY
Nick Wates & Christian Wolmar (1980), celebration of squatting and it's history.
Not many copies around. ISBN 0 9507259 1 9 or 9507529 0 0

COTTERS AND SQUATTERS - the hidden history of squatting. By Colin Ward.
Published by Fiveleaves 0907 123 198

NO TRESPASSING! - Squatting, rent strikes and Land Struggles worldwide. By Andrew Corr, South End Press 0896 085 953

Remember that you can always ask your local library to order books!

WEBSITES

Most good websites should have links from ours:
www.squatter.org.uk
or from Indymedia: www.indymedia.org.uk
If you know of a good website that we don't have a link to let us know.