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EDITION

# SQUATTERS handbook



This is the *14th edition of the Squatters Handbook*, dated October 2016. Much has changed since the last one and we are still finding our way around some of the issues, and we've tried to do things a bit differently. Your feedback and experience is very welcome to help produce future editions.

This edition is dedicated to the memory of Daniel Gauntlett, who died on the 25th February 2013 of hypothermia outside an empty building, having been spoken to by police about squatting. How many others have died on the streets when they could be using an otherwise empty property?

Advisory Service for Squatters (ASS) is an unpaid collective who have been running a daily advice service for squatters and other homeless people for over 40 years. Donations and volunteers always welcome.

This handbook is anti-copyright: it may only be reprinted in whole or part, credited to ASS, by non-profit organisations. Others must ask.

Much of the information is particular to England and Wales, and is biased toward London – and is based largely on our collective experience, so we are always grateful for feedback / criticism on this handbook or our advice.

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## SQUATTING IS STILL LEGAL - SOMETIMES

*Squatting means taking over empty land or property to make use of it. This is mainly done for housing, but also for social space.*

On the 1st September 2012, Section 144 of the Legal Aid and Sentencing and Punishment of Offenders Act (S144 LASPO) came into force in England and Wales, making it a crime to squat in residential property **with the intention of living there**. This came after a long campaign by some politicians and some newspapers on the false basis that people's homes were being "invaded" while they were out, and was snuck into legislation that had already gone through most of the parliamentary process. And they're still pushing for the law to be taken further.

### **S144 does NOT make it a crime to:**

- squat in a building which wasn't previously designed for living in
- occupy a building for other purposes than living (for example as a protest, as a social centre ...)
- stay in a building with permission, or after permission from the owner has come to an end

and it is still up to the authorities to show that someone is committing a crime, rather than just believing it. What it means to live in a building is not defined and it is therefore particularly hard to prove this. If you are arrested you should say "no comment" to police questions.

This means that it is still possible to squat, although it is harder. Meanwhile legal challenges are being tried out, and people are having to organise more to help themselves and each other.

But getting a squat doesn't mean it will last. There are a number of ways that the owners or authorities can hassle you, and if you avoid the problems of the criminal law you will probably find yourself threatened with eviction through the civil law. You need to read through the rest of the handbook to understand and be ready.





# **THIS IS A NON-RESIDENTIAL BUILDING**

## **Section 144, LASPO does NOT apply**

This is NOT a "residential building" within the meaning of section 144, Legal Aid, Sentencing and Punishment of Offenders Act 2012 because it was NOT designed or adapted, before the time of our entry, for use as a place to live (ss (3)(b)).

*insert reasons why the above applies if not physically obvious:*

**The provisions of section 144 are therefore NOT APPLICABLE to this building or to our occupation of it.**

**Part II, Criminal Law Act 1977**

**(As amended by Criminal Justice and Public Order Act, 1994) DOES APPLY**

## **LEGAL WARNING**

### **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.

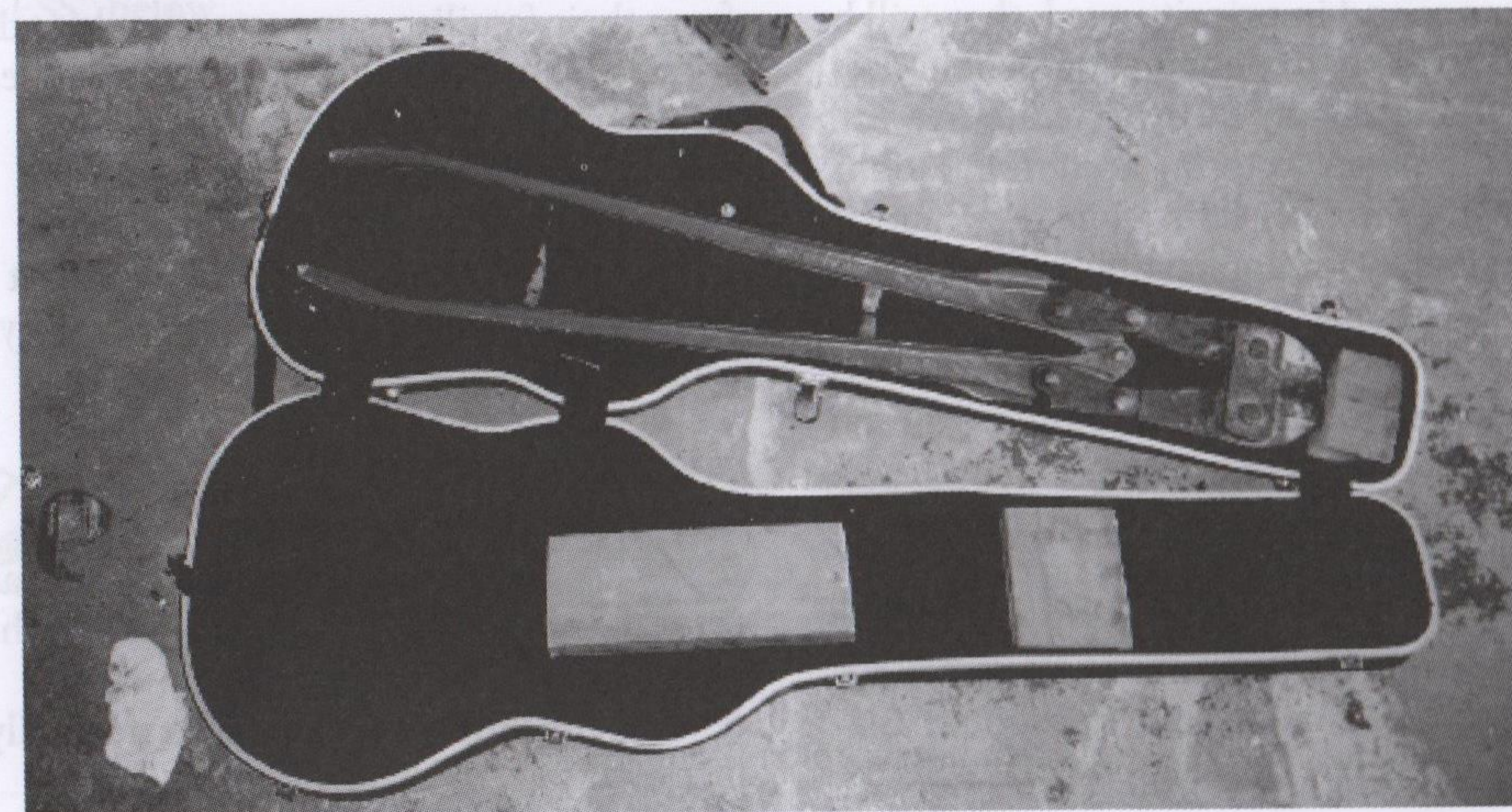
**THAT** if you want to get us out you will have to issue a claim for possession in the County Court or in the High Court.

The Occupiers

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

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**ADVISORY SERVICE FOR SQUATTERS**

**A.S.S**

**020 3216 0099**

***advice@squatter.org.uk - www.squatter.org.uk***



## HOMELESS? You May Have Some (but not many) Rights

In earlier editions of the handbook, this chapter set out the important rights giving some homeless people access to temporary accommodation and priority for social housing. More recent editions warned potential applicants of the "gate-keeping" practices that some councils were using to prevent people accessing these rights. Local Councils are now able to discharge their duty to accommodate applicants for homelessness assistance via an offer of short hold private rented accommodation. The likelihood of this happening varies between Councils depending on their particular policies. Even if your homelessness application is successful, it is quite likely that you won't end up in social housing. Despite this, making a homelessness application might be better than the uncertainties of squatting for some.

### ***Making an application for homelessness assistance***

You can apply to your local council for housing if you are homeless or will be homeless soon. To apply you need to go straight to a special department in the Council usually called the Housing Options Centre 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.

### ***Duty to provide temporary interim accommodation as soon as you make a homelessness application***

If the Council have reason to believe that you may be homeless now, eligible for assistance and in priority need, they will be under a duty to put you and people you could reasonably be expected to live with in emergency 'interim' accommodation. The interim duty lasts while the Council considers your application, makes enquiries and comes to a decision on what duty they owe you. This may only take a few weeks but 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. B&B

cannot be used for families with children or pregnant women unless there are exceptional circumstances and even then for no more than 6 weeks. It is important to bear in mind however that Councils adopt a pretty low standard of what they consider suitable and if you refuse an offer of temporary accommodation you may not be offered anything else until the Council have reached a decision on your circumstances. Therefore always seek advice before refusing an offer.

Many councils in the South East of the country are now routinely placing homeless households in the midlands or north of the country where housing is cheaper. This leaves households hundreds of miles from their families, support, schools and friends. This can be difficult to challenge, unless your children are taking exams, you or your kids have special needs and receive tailored support / medical assistance in your local area or you cannot afford to get to work from the temporary accommodation.

### ***"Who Is Homeless?"***

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 both homeless.

Squatters are by definition 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 for genuine squatters and should always be challenged.

### ***"Reasonable To Remain"***

You are also homeless if it is not "reasonable" for you to remain in your home – for instance 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 (= residence) or an European Economic Area (EEA) National exercising treaty rights. There are some exceptions including people with refugee status or exceptional / discretionary 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 (for instance 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.

The duty to provide interim accommodation pending a full decision on your homelessness application is subject to stricter eligibility rules than the full housing duty. These rules exclude certain categories of EU migrants, even though they may be eligible for housing assistance when the Council completes its enquiries.

### ***Are You "Priority need"?***

If the council think you may be homeless and you have a "priority need" because you meet one of the following conditions, then you and your household should be housed temporarily whilst the council make further investigations into your case:

- A dependent child lives with you/might reasonably be expected to live with you
- You are a pregnant woman
- You are aged 18-20 and at some point you were fostered, looked after or accommodated by social services



- The various factors listed under the last bullet point 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.

## *“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 failure to act) led directly to you becoming homeless from your last settled accommodation. 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.

Some people squat when it is the only way to get out of an intolerable situation quickly, sometimes even leaving secure tenancies. But think carefully before you do this. Secure and assured tenancies are gold-dust these days. Don't ever hand back a council or Housing Association tenancy or abandon it without first getting legal advice. You may have a right to a management transfer, or could pursue a mutual exchange if you need to move. A homeless application could lead to you losing access to social housing forever.

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 a period which will give you a reasonable opportunity to find somewhere else to live and they must assist you with this process. This could be anything between 2 weeks and 6 months depending on your circumstances and whether you are engaging with the assistance you are offered.

## *"Local Connection"*

If you have managed to jump the "priority," "homeless" and "intentionality" hurdles and the Council have decided that a housing duty is owed, the Council may have a discretionary power to refer

you to another Local Council who must then provide the accommodation. The Council can only refer you if they can show that you have no local connection with their area AND that you have a local connection with another Local Council.

Local connection must be the last thing the Council considers, and you should be in temporary accommodation already. If the Council does make a referral they must inform the Council they want to send you to 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 or close relatives in the area or have been living there for at least six months (or 3 out of the last 5 years). 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.

## What Happens If The Council Accept a Full Housing Duty?

Once your application has been considered, the council must give you a decision. If you are found to be unintentionally homeless, eligible and in priority need then, subject to the local connection rules (see above), 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. Some councils use their own stock or housing association properties, more often the accommoda-





tion will be in a property which has been leased from a private landlord for the purpose of housing homeless households. Again, the accommodation could be a long way away from the area that you have been living in. The duty is indefinite until one of the following events occurs:

- You accept or reject a suitable offer (arranged by the council) of an assured shorthold tenancy from a private landlord with a fixed term of at least 12 months
- 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 voluntarily leave the temporary accommodation provided by the council or become intentionally homeless from it
- You cease to be eligible for housing (for instance 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 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.

### **Repeat applications**

If the council brings the duty to you to an end by arranging a private sector tenancy, and you become unintentionally homeless again within 2 years of accepting the property, then you can make a "fast track" repeat application in which you will not have to show you are in priority need again. For example, if you applied as homeless when your son was 17 and you were given a private sector tenancy, if you are later evicted from that or another private tenancy within the next 2 years, you can reapply as homeless and be accepted as being owed the full duty even if your son is no longer a dependent child because he is now 19. If you become homeless because your landlord serves you with a 2 month notice, then you should be treated as homeless from the date of expiry of the notice and should not be required to stay until the eviction.

### **The Council's Housing Waiting List**

Councils are now able to create their own entry criteria for their waiting lists for social housing. Some won't let you on the list unless you can prove you've lived in the area for 3, 5 or even 10 years. Squatters might have particular difficulties proving residence. Others will let you on the list, but downgrade your application unless you have a job or are "contributing to the community". Running a squatted social centre probably won't count, but volunteering for Crisis might do. Once you are on the list, there is a duty on councils to give homeless people 'rea-

sonable preference' when allocating their housing stock - so homeless people (including squatters) should be given some priority regardless of whether or not they have a "priority need". So technically all squatters should be given priority on their council's housing waiting list as all squatters are homeless. In practice this does not happen and you are likely to have to challenge the council to get the priority you are entitled to.

It can help to make a homeless application, if only to get the decision letter which should say that you are "homeless" (but perhaps not entitled to homeless assistance because you have no priority need). You can then use this letter to prove you are homeless when applying to the housing waiting list.

Even if you get onto the list and get some priority, that is still no guarantee of getting rehoused. Much will depend on the housing situation in your local area. Most households requiring 2 bed or larger properties can expect to wait for a num-

ber of years (or even decades). Some areas have a large number of one bed properties, and others have next to none. You will need to ask around and check your council's website to get an idea of waiting times for your type of household.

### **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 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 help. (see Resources p. 106).

### **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 cannot 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 housing. 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 for 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.

### *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. Social Services often threaten to "take your kids away" but poverty and homelessness are not valid reasons to take children into care: they should help the whole family instead. Get advice before you go to make an application.

If you are vulnerable, destitute, disabled or a young person or 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 becoming rare, 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 who can't get a council property or afford to rent privately.

Housing Benefit can help pay the rent for a private property depending on your income. The maximum that Housing Benefit will pay is set area by area and based on the rents in the cheapest 30% of properties in an area. You can find out how much your local authority will pay by going to <http://lha-direct.voa.gov.uk/search.aspx>

In some areas there are schemes to put up or loan guarantee deposits for people on low incomes and in emergencies there are Hostels. Check the Housing Rights Guide (from Shelter) for your rights and contact local advice agencies to find out what schemes are running locally.

#### Footnotes:

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.





## PROPERTY GUARDIANS

In recent years, there has been an increase in the number of security companies offering “property guardian” services, or even specialising in providing these. Property guardians are used to prevent squatters from making use of otherwise-abandoned buildings. However, unlike security guards, who are paid for their work, property guardians are expected to pay the guardian company.

The companies are very keen to tell guardians that they’re not tenants, and therefore they’re charged a “fee”, not “rent”. This can be quite expensive, e.g. in London this can be as high as £750 per month. To be a property guardian, you usually have to submit to a full range of background checks: criminal record, employment, immigration, references etc.

Guardians are forced to sign a contract, saying they’ll abide by all of the guardian company’s rules and regulations, and pay a hefty deposit (usually between £500 - £1000). The rules can be really limiting – e.g. no more than two guests can visit you at a time, you need written permission for a guest to stay with you overnight, under-18s cannot visit you at any time, no pets, no candles, no absences of more than two nights a week yourself...

You may find that the building is unsafe, or unsanitary, that washing and cooking facilities are substandard, and that you don’t have much privacy. It can be hard to get the company to take responsibility for these problems. However, if you are found to be breaking any of their rules, the company may try to use this as an excuse to keep your deposit. There is no deposit protection scheme like the one for private renters. If you lose your job unexpectedly

and they find out, they may use this as an excuse to end their agreement with you. Being a property guardian can be quite insecure: you could find yourself being told that you have to move out with only a week or two’s notice. There is no guarantee that you’ll be offered another place.

Legally, guardians are “protected occupiers” within the meaning of the Protection from Eviction Act 1977. This means two things – a) unless you want to leave, you cannot be evicted except by order of the court; and b) (unless it is for a fixed term) the guardian company cannot go to court to get such a court order, without first serving you a notice which complies with various technical formalities and which gives you at least 4 weeks’ (28 days’) notice.

This basic legal protection overrides anything written in the guardian company’s contract (some of which say only 2-4 weeks’ notice might be given). If they try and remove you without following the above steps you can get an injunction to prevent them, or – if they have already thrown you out – you can get the court to order that you be let back in, and/or claim damages.

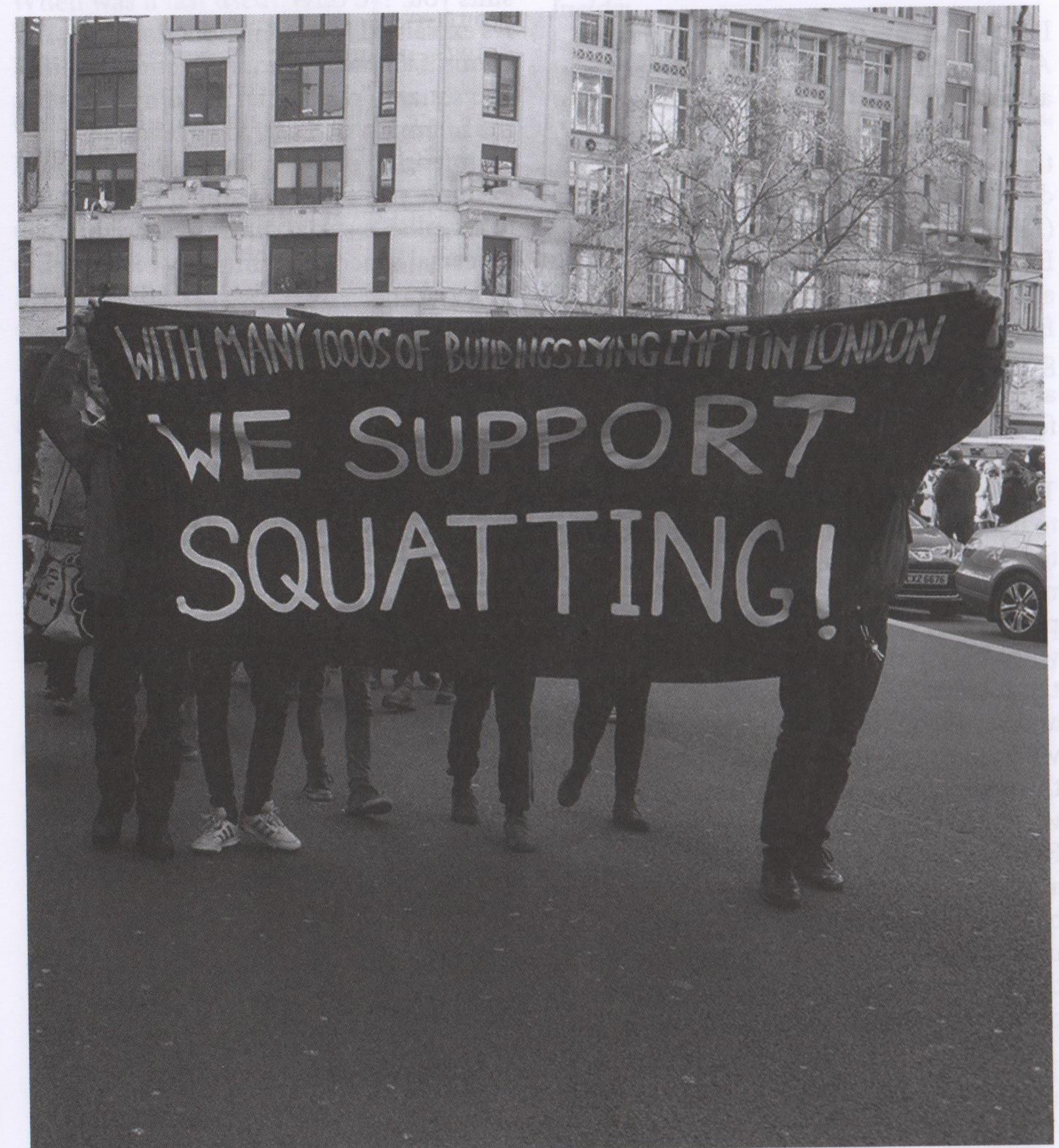
There’s also another twist; even though your guardian master will make you sign a bundle of paperwork confirming you don’t have a tenancy (possibly in blood while reciting the hail Mary) there’s a good chance that you’ve still got a tenancy. This is particularly true if, in practice, you have exclusive possession of at least one room. Having a tenancy gives you more rights and could allow you to sue the guardian company for up to 3 times the value of your deposit if it hasn’t

been protected in an authorised scheme – so it’s something worth exploring. You should seek further advice about this from the ASS or another legal advice centre.

There is more information about the murky world of property guardians at: <https://propertyguardianresearch.wordpress.com/info-for-guardians/>

## WE WOULD NOT RECOMMEND BECOMING A PROPERTY GUARDIAN

If you already are one, but are curious about squatting instead (saving yourself money and gaining a lot of freedom) read on, and contact us for advice about changing your status.





## FIRST STEPS

*Squatting for the first time can seem daunting.*

You can't squat alone, unless you're prepared to stay in occupation all the time, or take the risk of losing the place.

So the first step is to find some people to squat with, and/or some people to help you.

If you're in London, you could visit the ASS office or 56a Info-Shop, where there are noticeboards for squat-mates' adverts. "Practical Squatting Nights" happen four times a month – on the 1st and 3rd Tuesday at London Action Resource Centre (LARC), 62 Fieldgate Street, Whitechapel E1 – and on the 2nd and 4th Tuesday at 56a Info-Shop, 56 Crampton Street, Elephant & Castle SE17 3AE. These are good places to ask questions, get advice, and most importantly meet people to form a new squat crew with.

Think about what kind of place you want to live in/ create, what matters to you (in terms of cleanliness, diet, communality, noise levels, partying etc) and try to find people that you think you'd get on well with. It's a good idea to discuss some of these issues before you move in together, and see if you can reach some agreement with your new squat-mates. Talk about the issue of guests – what if someone wants to stay overnight, or for longer? How do you decide who lives there, and joins your crew? What if someone behaves in a way that other people find unacceptable? How do you make sure that everyone shares responsibility and the work involved in squatting?

Squatting culture is about mutual aid: helping each other. There may well be experienced squatters in your neighbourhood who are willing to help you (see the "Organising" and "Resources" sections). It gets easier with practice! One way of getting experience – perhaps even before you start squatting yourself – is helping other people open a new place.

The next step is to locate (and research) an empty building, or piece of land, that suits you.

As explained in the introduction, you commit an offence under Section 144 if you squat a "residential building" with the intention of living in it. If you have no intention of living in the place – for example you are occupying it as a protest, to establish a social centre, a shared music rehearsal space, a community bike workshop, etc. etc. – then you can still choose to squat in "residential" places.

Read the section about "Proving the place is non-residential" and think about ways you'll be able to convince the police that Section 144 doesn't apply in your case.

Read about "Dealing with the police" so you're all prepared for that, and for – in a worst case scenario – somebody being arrested. Decide what name you would give to the owner if you met them. Also, it's a lot easier to track down squat mates that have been arrested if you already know the full name that they are likely to give to the police. Remember that not everyone uses the name on their passport, but there are risks attached to giving a false name (see page 30 for more information). Especially if you're squatting (but not living) in a "residential" building, you may need to give the police the address of where you are living, so make sure your house-mates are prepared to confirm that you're known there.

## FINDING A PLACE

*Want to start a new place?*

**Find PEOPLE**

**Find a PLACE**

**Check it OUT**

**Get in – move in – Secure it!**

**Cycling around...**

Is it definitely empty?

When was it last used? Who by?

What for?

Residential or non-residential? Can you prove it?

Who owns it? What are their plans?

Has it been squatted before?

**Check it out...**

Outside:

Is that window open?

Can we borrow a long ladder?

Is that drainpipe strong enough to climb up?

Can we get inside without people noticing us?

Is there an alarm system? Turned on?

Is there a security company involved?



Scouting for a new home

How many doors would need to be secured by us?

What about windows?

What's the best time of day to go in?

Would anybody be able to see us once we're inside?

Any obvious damage to the building?

Are there any police or council closure notices

**Inside:**

Is it big enough for our needs? Too big?

What state is the roof in? Any leaks?

Wiring and plumbing intact?

Where's the fuse cupboard? Electricity on/ possible?

Mains water – not just a tank?

How would we secure the doors? What will we need?

Any signs of previous squatters? Any court papers lying around?

Any more clues about the building's ownership or history?

**Online:**

If it's not obvious, get some evidence that the building is non-residential; see the chapter "proving it's not residential". Find out who the owner is. For £3 you can usually find out who owns the building from the Land Registry website: [www.landregistry.gov.uk](http://www.landregistry.gov.uk).

If there is a registered freehold and a registered leasehold title then it's the registered leaseholder rather than the freeholder that will need to bring possession proceedings to evict you. Watch out though; the land registry can sometimes be a bit misleading because leases of less than 7 years don't usually show up on the land registry.

Check the planning register online (type in a search engine "planning permission Lambeth" or "planning permission (name of council the building is in)". The



planning register can tell you if anyone has applied for permission to carry out building work or change the use of the building. If there is an application it won't necessarily be from the owner, but it should give some clues. It will also help understand why it is empty, how long this might be and if the owner might be worth approaching for a deal. If planning permission has been denied in the past the owners might not have any immediate plans.

#### **What to take when you move in...**

Locks, bolts and brackets for securing place

Basic tools which might be useful – screwdrivers, hammer, adjustable spanner, drill and bits, electrical tester, etc

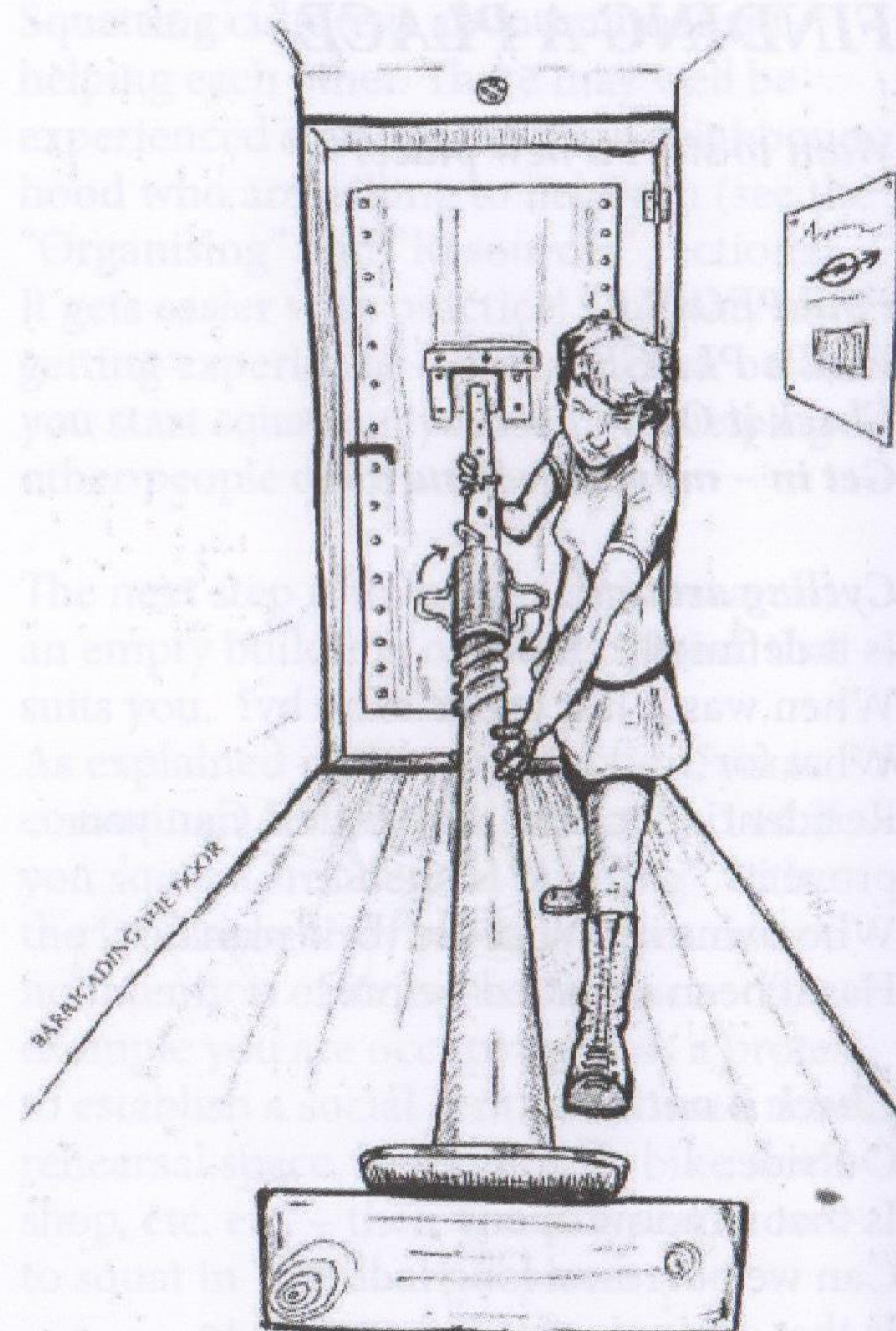
Fabric for covering windows

More materials to make extra barricades

Torch

Legal info – eg this Handbook! - and a “legal warning” (see page 2)

Telephone and contacts



Dustpan and brush, vacuum cleaner, cleaning equipment  
Drinking water, food, kitchen equipment  
Tobacco etc if required

#### **Once you're in....**

Focus on securing the perimeter – every door, window or access point.

Sort out alarms (see chapter “Dealing with alarms”).

Consider making some extra barricades/ setting up an early warning system.

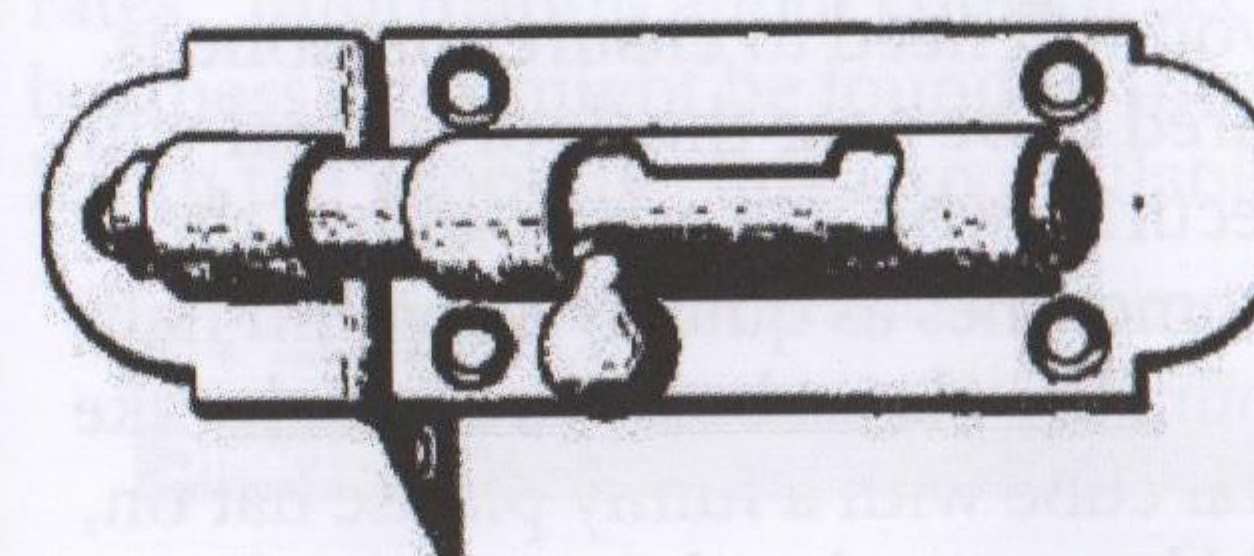
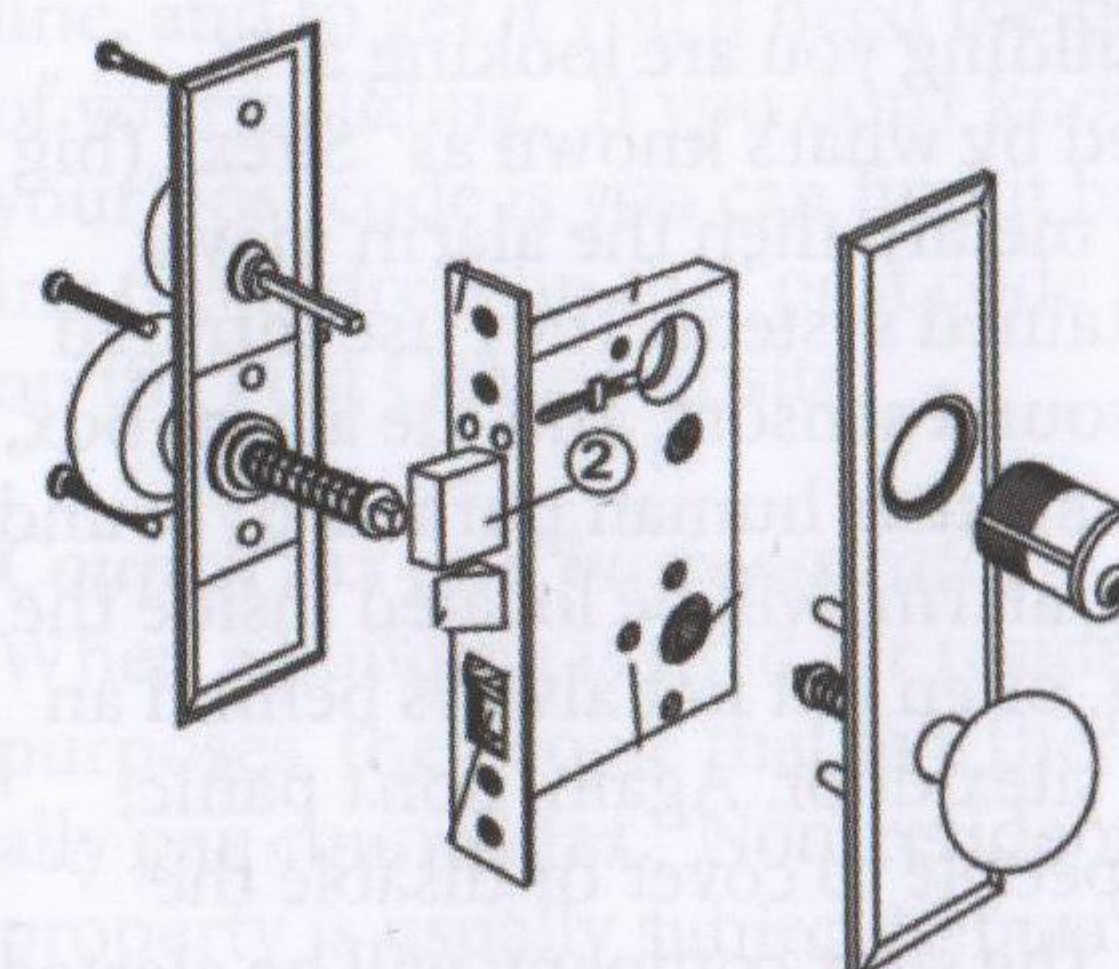
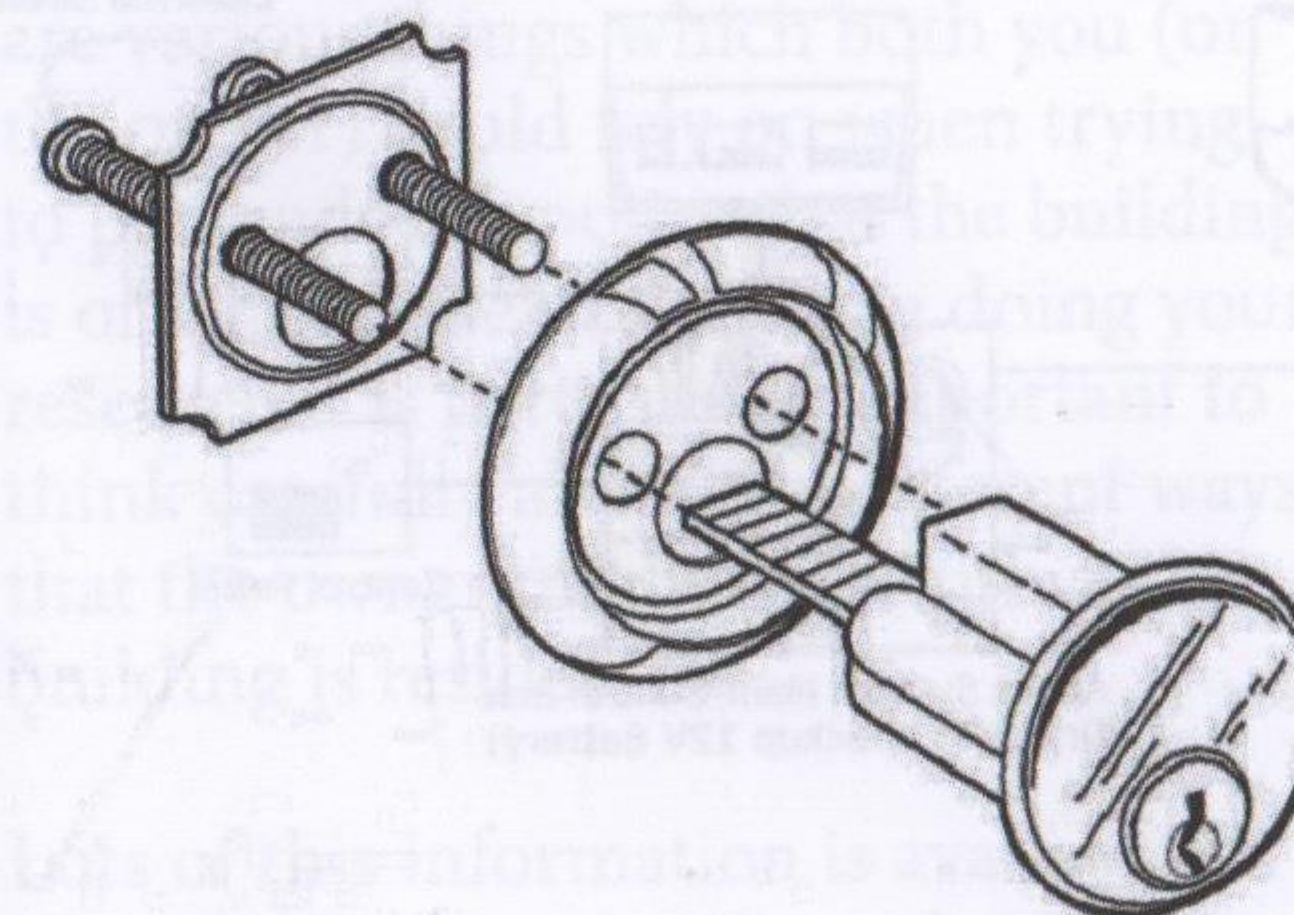
Invite your friends to visit! Have people ready to come out and support you if you have problems.

Communicate with each other – discuss squat-sitting – make sure everyone is confident dealing with the police and other unfriendly visitors!

## **SECURING THE PLACE**

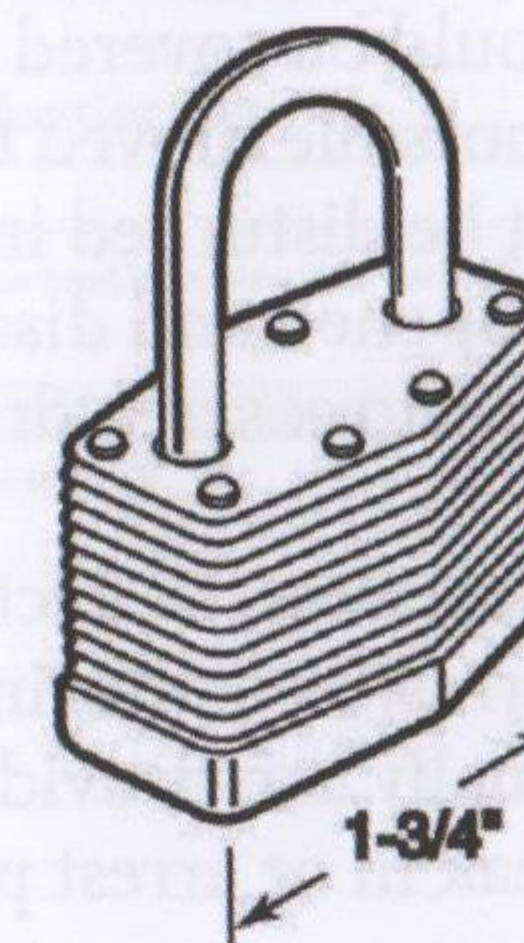
#### **Once you're in...**

Once you're inside, the priority is securing all possible entrances, doors and windows, including skylights and roof access. The quickest and simplest way of doing this may be sliding bolts and barricades of different kinds...



Some type of locks  
(from top):

Yale lock  
Mortice lock  
Sliding bolt  
Padlock



This means that you'll have to answer the door and let each other in and out of the building. A battery-operated remote door bell is therefore a worthwhile investment for your crew.

#### **Changing The Lock**

Once you're settled into your new place, you may decide that it's worth fitting a key-operated lock to one of the doors, so that you can let yourself in and out, at any time of day or night. The best kind of lock will depend on what kind of door you have.

#### **Legal Warnings**

You can download a “legal warning” from the ASS website, or pick one up from the office. This explains Section 6, and also explains why Section 144 doesn't apply to your squat. Make sure you use the relevant version, depending on what type of building you're in (for example, there is a specific legal warning for pubs). ASS can help you write a tailored version for your case if it's unusual in some way.

Some squatters like to attach a copy of the legal warning to the outside of the building, letting people know that they can't use or threaten violence to get in. This makes it harder for the owner, or anybody else, to claim that they didn't know you were there.

Some people prefer to be more stealthy, but keep a copy by the door to show to potential intruders.

You don't need a legal warning to squat, although some police mistakenly think that you do. It can be useful to have a spare copy to give to the police, so they know why they can't use Section 144 as an excuse to get you out, and so they know you're squatters, not burglars. Sometimes they respond better to legal documents than to purely verbal explanation.

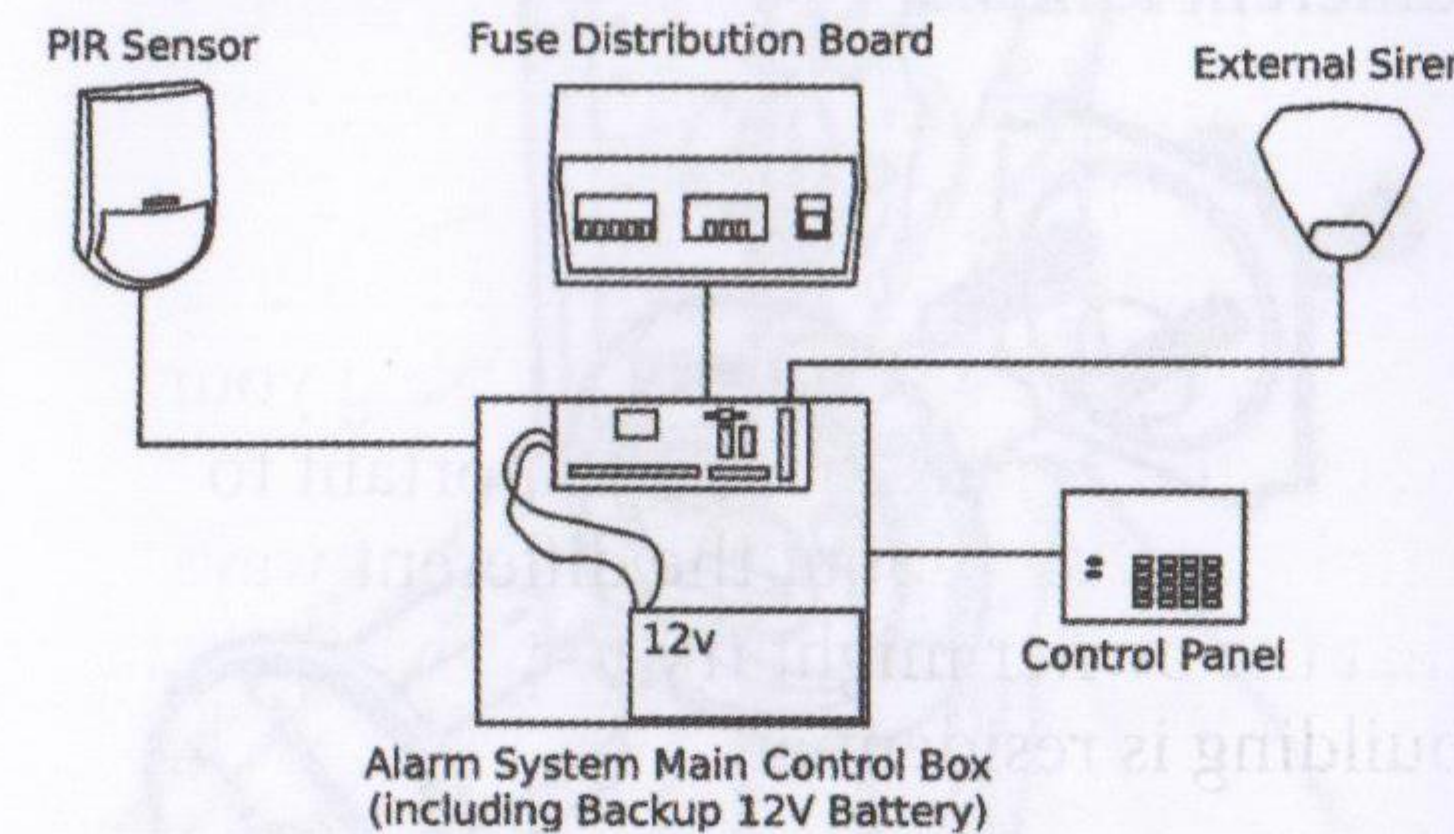


## DEALING WITH ALARMS

Empty buildings are often protected by security alarm systems. This may not be the case if you have chosen a particularly neglected building, but in most cases there is some form of alarm to be aware of. The most obvious sign of an alarm is an external siren box mounted on the outside of the building, often near the front, notifying strangers that the building is indeed protected. There will usually be an L.E.D. light on the box, which may be stationary or blink backwards and forwards. If it is not lit up then that particular system is likely not active, but there may still be another system. The most common alarms are usually triggered by sensors, either infrared motion detectors (PIRs) or triggers attached to doors and windows that activate when they are opened. The alarm may then let off a warning, start a wailing siren, or may not even give any indication but send a message via a sim-card to the security company notifying them of the breach. Whatever the case, the most important thing to remember is DO NOT PANIC.

An alarm is designed to make you panic, and will likely not prevent you from your goal of securing the building. The first goal is to barricade, but afterwards, or if you have enough people at the same time, the aim will be to stop the alarm going off for longer than necessary. Motion sensors can be covered with gaffa tape, or have their batteries removed. As they are often found high up in corners of the room a tall person can often be useful. The alarm itself is probably connected to the mains electricity, and can be shut down by finding the fuse and removing it. This fuse may be on the distribution board or may be an individual fuse in a box on the way to the external box. Either way, the main alarm system box, and the external siren

likely contain a backup battery. It is possible to open and remove the battery from the main control box, and the external siren box will shut down eventually once disconnected from the mains. Be wary that if you disconnect the electricity to the alarm system, the backup battery may engage and trigger the siren.



If the building you are looking at is protected by what's known as "Sitex" (big security metal), then the alarm may be a self-contained system. They use infrared and/or sound sensors, and the alarm box, which may utter human phrases or sound a wailing alarm, will be located inside the building, often but not always behind an internal sitex door. Again, don't panic, and get people to cover or disable the sensors. The sitex company will be alerted and you will need to ensure someone is prepared to be near the door to deal with the security who will arrive within the day, sometimes as quickly as within half an hour. The alarm box, which looks like a metal cube with a funny plastic hat on, should be covered with something and if possible moved to a room that it will not be disturbed in. Alternatively it can be opened and disabled, often with a six-sided torx screwdriver bit.

Be cautious in deciding how to deal with alarms, as damaging equipment intentionally can provide police excuses to break in or arrest people.

## PROVING IT'S NOT RESIDENTIAL

It's a criminal offence to live as a squatter in a residential building. See page 1.

A residential building is a building that was "designed or adapted" as a place to live in before you moved in and there are various things which both you (or the owner) could rely on when trying to persuade the police that the building is or isn't residential. When doing your research it is particularly important to think carefully about the different ways that the owner might try to prove that the building is residential.

Lots of this information is available online, and to get it you'll need the postcode of your building. If you don't know what your post code is you can find it by entering the address on the "post code finder" on the Post Office website.

### Council tax and business rates

When a building is used for residential purposes, the people that live there usually pay council tax. Non-residential property is usually subject to business rates. Information about council tax and business rates might be found in the post left in the property. It is also available on

the internet.

Information about council tax and business rates is contained on separate websites. It's important to check both, because sometimes a building will have some parts of it that are subject to residential council tax and other parts that are subject to non-residential business rates.

If no tax has been paid recently the building may not appear on either database. This doesn't necessarily mean that the building isn't residential! Also, be aware that the police may decide that some commercial uses (such as a care home) are residential. We would argue the opposite, but at the moment there is no case law on this, so it can be argued either way. If in doubt seek advice from ASS.

Council tax can be checked by entering the postcode at: <http://cti.voa.gov.uk/cti/inputs.asp>. You can usually get to this site by searching on the internet for "check my council tax band".

Business rates can be checked at <http://www.2010.voa.gov.uk/rli/en/basic/find>. You can usually find this site by searching the internet for "check my rateable value". If a property appears on this database it means that it is registered for business

The screenshot shows the Directgov website interface for searching Council Tax valuation lists. The page title is "Search the Council Tax valuation list". Below this, there is a section titled "Search for your Council Tax band". It includes a text input field for entering a postcode, a "Search" button, and a link to "Advanced search". The page also features a "Service provided by" section with the Valuation Office Agency logo and contact information. At the bottom, there is a footer with links to "About the Valuation Office Agency", "Valuation Office Agency terms and conditions", "Valuation Office Agency privacy policy", and "© Crown copyright".



rates (i.e. non-domestic / non-residential tax) - unless it says that the property has been removed. Be careful as some parts of the building may still be registered for residential council tax.

The website often provides a description of the rooms which are covered by the business rates which can help to give a picture of what to expect inside. If certain rooms or floors aren't included, then be wary as those bits could be residential.

**Planning permission**

You could also use planning permission to argue that a building isn't residential.

Most local authorities (i.e. councils and London boroughs) have information about planning permission on the internet. To find your local authority enter your postcode or address at <http://local.direct.gov.uk/LDGRRedirect/Start.do?mode=1>. You can get to this website by searching the internet for "find your local authority".

Once you know your Local Authority, search the internet for their online planning register for that Authority. Every website is different, but in most cases you will need to enter the postcode and address of the property; you should then be able to check if there have been any recent planning applications made for the building. If anything comes up, click on the applications starting with the most recent first. There is usually a link or a tab to "documents" or "supporting documents". One of the most useful documents is the planning application form that the landlord or developer submits when they start their application. Note that the computer file for the document is not always called application form. For example, on the Lambeth site it is often just included under "other supporting documents". The

application form is useful because it usually contains a section where the owner states how many residential units, or how much residential floor space the building has at the time of the application. It also states how much residential space the proposed development will include. In the example below - at the time of the planning application the property had no residential floor space.

6. Proposed New Floorspace				
a) Does your application involve new residential floorspace (including new dwellings, extensions, conversions/changes of use, garages, basements or any other buildings ancillary to residential use)?				
N.B. conversion of a single dwelling house into two or more separate dwellings (without extending them) is NOT liable for CIL. If this is the sole purpose of your development proposal, answer 'no' to Question 2b and go straight to the declaration at Question 8.				
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
If yes, please complete the table in section 6c) below, providing the requested information, including the floorspace relating to new dwellings, extensions, conversions, garages or any other buildings ancillary to residential use.				
b) Does your application involve new non-residential floorspace?				
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
If yes, please complete the table in section 6c) below, using the information provided for Question 18 on your planning application form.				
c) Proposed floorspace:				
Development type	(i) Existing gross internal floorspace (square metres)	(ii) Gross internal floorspace to be lost by change of use or demolition (square metres)	(iii) Total gross internal floorspace proposed (including change of use, basements, and ancillary buildings) (square metres)	(iv) Net additional gross internal floorspace following development (square metres) (iv) = (iii) - (ii)
Market Housing (if known)	0	0	0	0
Social Housing, including shared ownership housing (if known)	0	0	0	0
Total residential floorspace	0	0	64.9 m <sup>2</sup>	64.9 m <sup>2</sup>
Total non-residential floorspace	64.9 m <sup>2</sup>	0	0	0

**Planning permission where building hasn't started**

Sometimes landlords will try to argue that a building is residential because they have recently obtained planning permission to turn it into houses or flats, even though work hasn't started yet. Our view is that there needs to be some physical design or adoption of the property into residential accommodation before it can be classed as residential. Planning permission is not enough by itself. If no work has been done to the building, it remains non-residential. However this is something that you may need to argue with the police and owner about, so be ready.

**Electricity accounts**

Electricity accounts are usually designated as domestic (i.e. residential) or non-domestic (i.e. non residential). Therefore having a commercial electricity account set up may be something else that you could use to argue with the police that

the building isn't residential. If you dig around in the mail you might also find an old electricity bill that indicates the building is non-residential.

**Squatting buildings that are mixed use**

Many properties have both residential and commercial parts. Pubs for example often have a flat upstairs for the pub owner to live in. Shops, equally, could have residential bits upstairs. Places like this have been squatted since the law change with varying degrees of success.

If a building is part residential it may help if you can show that you are not using the

residential part. Some people have closed off the access to this part to strengthen their case.

There is a specific legal warning for pubs which you can get from the ASS website. This relates to the fact that in the lead up to criminalising squatting in residential buildings the government stated at p.38 of their consultation document that "the Government will not seek to criminalise squatting in non-residential buildings such as disused factories, warehouses or pubs". However it is far from clear that the residential parts of pubs are exempted from the legislation so be ready to argue that you are not using the residential bit.

Titmore Woods protest camp.





## VISITORS TO YOUR PLACE

*You're inside – you've secured all the doors and windows – you have “possession” of the building – you also have some legal protection thanks to “Section 6” (of the Criminal Law Act 1977). See page 2 for the Legal Warning.*

*As long as you're in occupation, it's a criminal offence for anyone else (even the owner or anyone working for them) to either use or threaten to use violence to get in.*

However, if you all go out at the same time, and leave the building empty, Section 6 no longer applies.

This is why it can be hard to squat by yourself, or in a very small group. Even with a bigger squat crew, it's important to communicate and coordinate “squat-sitting”.

Section 6 only protects you against “violent” entry. It's important to make sure that all windows/ openings/ doors/ gates are secured – if they can be climbed over, opened with the original key or just unlatched somebody could get in without breaking Section 6.

Whoever is at home when the police – or any of these other visitors – arrive will have to deal with them. It's worth making sure that every member of your crew knows what to do, what to say and what not to say...

Once you're inside, in occupation, you may wait for any length of time – from minutes to months – for these people to visit you:

### Police

The police may arrive at any time – either because someone's complained to them or they've noticed your presence themselves. Their response can vary widely – depending on the circumstances, the place, their levels of prejudice etc. – and they will often exhibit a lack of knowledge when it comes to the laws around squatting.

It's important to stay calm, be persuasive and try to deter them from breaking in to the squat or arresting any of you. See pp. 24-31.



### The Fire Brigade

It can be useful to be friendly with your local fire station (who often provide smoke detectors for homeless people) and be ready to discuss any concerns they may have (see p.43 for fire safety issues). The Fire Brigade's main priority is to make sure people are safe. That said, there is still the occasional fire officer that might try to cause problems because you're squatting, as well as worrying about whether the property is safe. The fire brigade have the power to do anything within reason (including forcing entry) which they reasonably believe is necessary to protect people and property in an emergency. They can also issue various enforcement notices, which restrict how a place can be used. See “Prohibition Notice” in the glossary for more information. In the past, ASS helped to resolve problems with the fire brigade via the

Fire Brigades Union – so it's always worth contacting ASS if you run into problems with the fire brigade.

### Security

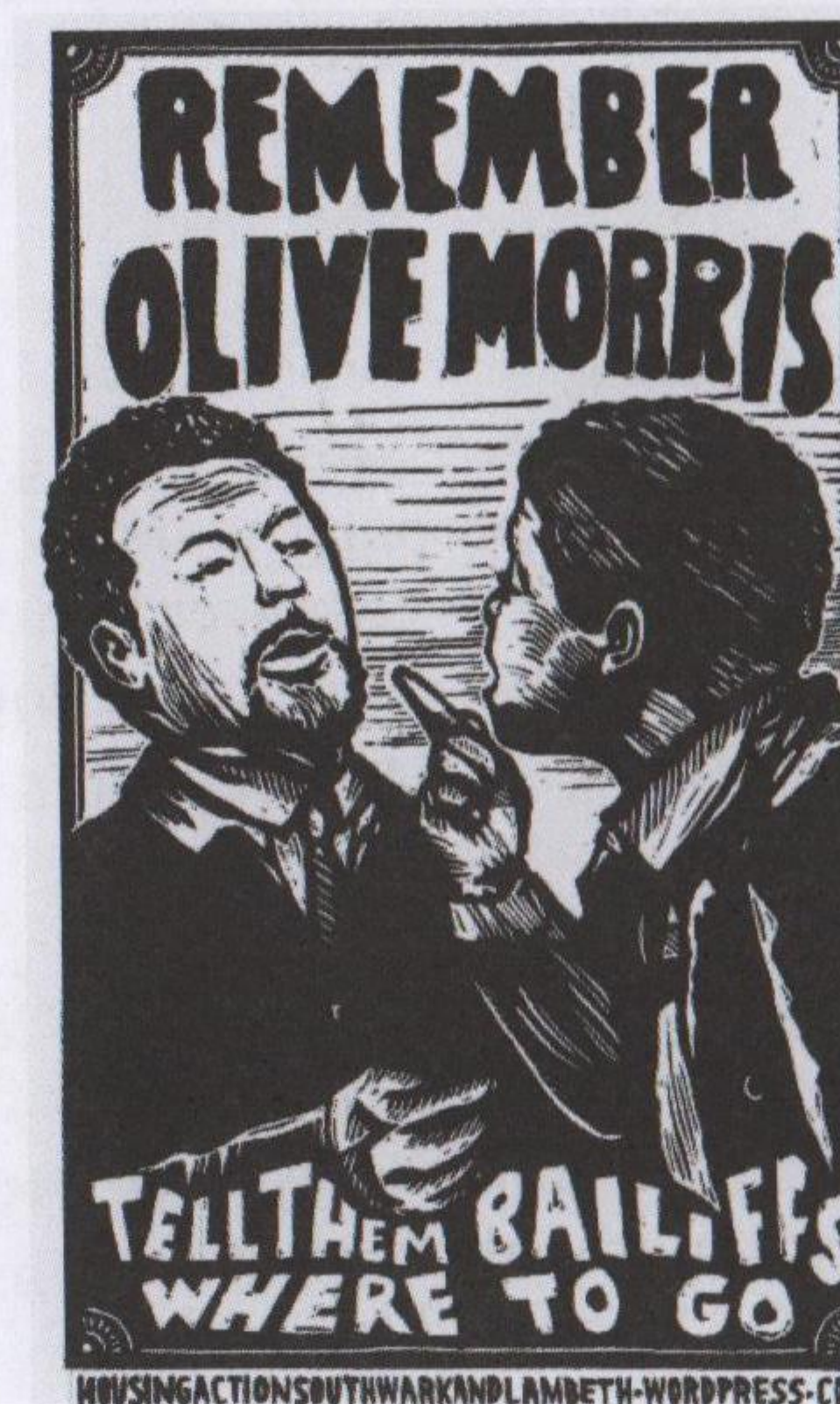
May be responding to remote alarm system – see p. 18.

More about dealing with security on pp. 35-37.



### Bailiffs

May work for a security company as “High Court Enforcement Officers”. May claim to have some kind of civil court authority to evict you from the property (eg a “Writ of Restitution” – see p. 82) May also be looking to recover civil debts from previous occupants of building: see p. 92.



### Owners

Owners include freehold owners, leaseholders and tenants – people who have a legal right to the property themselves. If you've done your research (see pp 15-16) you'll know who these folk are. Take good notes of exactly what they say to you – they may give you a “Licence” or some kind of agreement to let you stay longer. See pp. 38-39.

### Agents

Workers, and anybody else there on behalf of the owners, leaseholders, tenants etc. Could include their violent mates, but also architects, property agents, electricians etc.



### Neighbours

Anyone who notices your presence – including curious passers-by and tourists. Some may be sympathetic to your situation, some may not.

### Others

Could include Council officers (eg planning or enforcement officers), potential buyers, journalists, etc etc.

NB: It is best to keep all of these visitors OUTSIDE the squat. If you allow them to enter, you lose the legal protection that Section 6 provides.

If they threaten or actually use violence in order to get in, while you're inside and opposed to their entry, then they are committing a criminal offence.



## DEALING WITH THE POLICE

*The police may arrive at any time, either because someone's complained to them, or they've noticed your squat themselves.*

*Their response to squatting can vary widely. This will depend on the police force involved, the circumstances, the place that's been squatted, the officers' attitude and levels of prejudice. They will often exhibit a lack of knowledge when it comes to the laws around squatting.*

Often, the police's priority is to deal with the situation as quickly as possible, and get back to the station/ other incidents. They do not want to deal with lengthy, prolonged, "public order" situations in the streets. If the owner is the one who's causing the obvious problem, this could work in your favour.

It's important to stay calm, be persuasive and try to deter them from breaking in to the squat and/ or arresting any of you.

They will probably want to talk to at least one of the occupiers. It's much better to speak to them from a window, or outside (if you can get outside without them getting in).

They may say that they want to come inside the building to look around.

### **DO NOT LET THEM IN!**

It's best not to allow the police to enter the building. If you invite them in, it can be very difficult to make them leave again, or stop them from opening the door for others (destroying your Section 6 protection).

Breaking into someone's home/ space is treated as a big deal, legally. Even the police aren't meant to do it without a good reason, or a "warrant".

### **Police powers of entry**

The police are allowed to enter and search premises if they have a search warrant. Entry under a warrant must take place within three months of the date of issue. The police should identify themselves. They should also produce and give you a copy of the warrant (PACE Code B).

It should be noted that the police can now obtain a single warrant which authorises their entry to and search of premises on more than one occasion (however the second or subsequent entries must be authorised in writing by a police officer of at least the rank of inspector) and more than one set of specified premises, occupied or controlled by a specified person.

The police are often unwilling to break down a door and "force entry", especially when they don't know what they will find inside. Instead, they will try to persuade you to let them in...

Stand your ground – keep the door shut – try to sound calm and confident.

If they're not already breaking the door down it shows that they're not confident themselves.

Legally, they can only force warrant-less entry to premises in specific circumstances (S.17 PACE): eg if they believe a serious offence is being committed inside, or if someone is at risk of death / severe

harm or if somebody they have been pursuing runs inside etc...

If they say they only want to search the premises, ask them for a copy of their "search warrant".

The police probably receive more training in negotiation techniques and interview techniques than about the laws relating to squatting!

### **WHAT EXCUSES MIGHT THEY USE? What offences might they arrest you on suspicion of committing or attempting?**

#### **Section 144**

This is the relatively new criminal offence, created in 2012 to criminalise squatting in

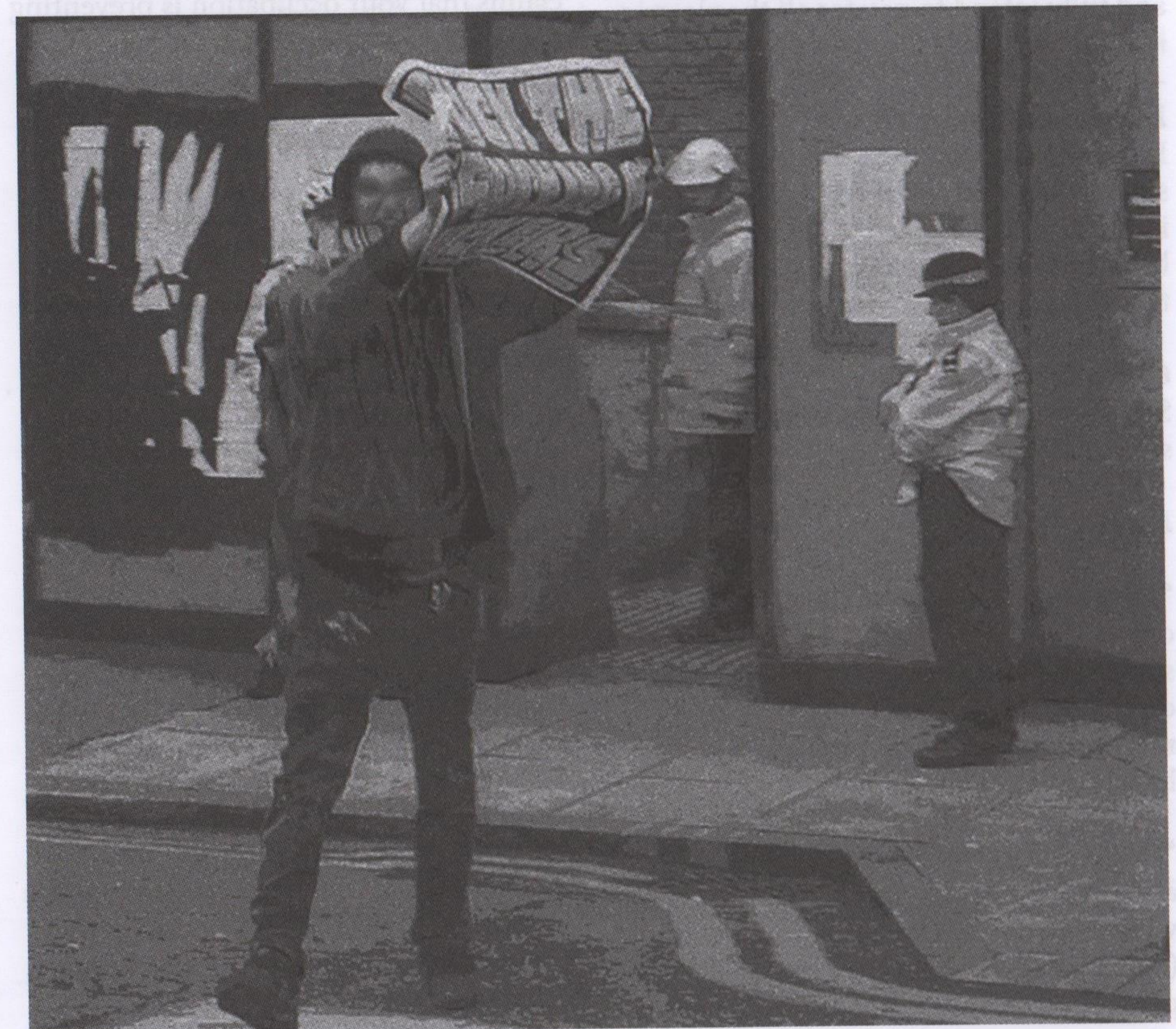
residential building. (See page 2).

Sometimes the police think that the new law covers all cases of squatting, so you may need to educate them about exactly why it doesn't apply to you.

### **Criminal Damage**

The police often use this as an excuse to threaten you. Buildings which have been left empty are often in a bad condition, and may have been damaged by the weather/ other people in the past, so it may be worth pointing this out if the police are trying to blame you for something looking broken.

For a conviction, the state would need to prove that identifiable individuals had caused some actual damage.





### **Theft**

You need to make it clear that you do not intend to steal anything, i.e. permanently deprive anyone of their possessions. For example, if the owner of the building has stored some furniture inside it, you do not intend to keep that furniture or destroy it, you intend to give it back to the owner.

Burglary: applies to theft done by trespassers

Theft: applies to theft done anywhere.

Abstraction – refers to theft of electricity.

“Abstraction of electricity” is treated as a form of theft. You should be able to allay the cops’ suspicions that you’re breaking this law by pointing out that you have set up an account with an energy company, and fully intend to pay for all the electricity you use.

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### **Interim Possession Order**

If an IPO has been properly issued and served, it is a criminal offence to stay in the building after the 24 hour period has expired, or to return to it in the next twelve months.

### **Obstruction of Bailiff**

See the chapter on “Enforcement of Possession Orders”, p. 79.

### **Rarely**

#### **“Displaced Residential Occupier” (DRO)**

only applies if you squat a place which somebody is already living in and you displace them. This law was created in response to a mythical problem, and has hardly ever been used.

#### **“Protected Intending Occupier” (PIO)**

also only applies to residential properties which somebody intends to move into (either as a tenant or as an owner-occupier). This means it’s unlikely to be used

much in future, as squatters now tend to avoid “residential” buildings.

These two categories of people (PIOs and DROs) are exempt from prosecution under Section 6 of the Criminal Law Act, and it could be a criminal offence if you don’t leave the building after they’ve asked you to.

### **Aggravated Trespass**

The police may try to abuse their powers if they think you don’t have much legal knowledge, but are often ignorant of the detail of the offences themselves.

For example – they might try to use the offence of “Aggravated Trespass” in a situation where the owner of the building claims that your occupation is preventing some kind of “work” from taking place there. There is case law which clearly shows that this offence can only be applied if the workers are present/ already working when the trespass first takes place. You may need to point this out, politely but firmly, and offer the officers some time to check this with their back office.

Recent developments in PACE (Section G) also recommend that cops only make arrests when that is a better option than the alternatives.

### **“Anti Social Behaviour”**

#### **closure notices and orders**

A police officer of at least the rank of inspector or a local authority can issue a closure notice on premises if they are satisfied on reasonable grounds that use of the premises has caused or is likely to cause a nuisance to members of the public or disorder. The notice cannot exclude people who habitually live on the premises. The maximum period of the notice is usually 48 hours unless validly extended.

When a closure notice is issued the authority that issued it are required to apply to the magistrates for a closure order. A closure order issued by the court can last for up to three months, and can, depending on the terms of the order, exclude people that live at the property.

It is an offence to breach a closure notice or a closure order.

**Railways offences** – see page 84.

All of these offences are legally complex and hard to prove. Do not assume you’ve broken the law until you have had professional advice on exactly what you are accused of.

Remember, to actually convict you of any of these offences, there must be evidence. In the absence of any direct evidence, the only way the police can prove that you’ve broken the law is by getting you to admit it, either in interview or at any other time while you’re in their clutches.

## **LEGAL ADVICE - ARREST**

Say **“NO COMMENT”** to all questions from police, even during interviews and ‘casual chats’. Police often need more evidence and may try to deceive and pressure you into incriminating yourself.

You have the right to free legal advice at the police station.

Duty solicitors often give bad advice to protestors.

Instead call GBC to get the best solicitor for you:

**Irvine Thanvi Natas (ITN): 020 8522 7707**

**Hodge Jones Allen (HJA): 07659 111 192**

**Blindmans: 020 7833 4433**

**Kellys (Brighton): 01273 674 898**

You have the right to have someone informed of your arrest and an interpreter if English is not your first language. If you appear under 18 an appropriate adult should be called.

If you witness an arrest or want support contact the

**GBC legal hotline: 07946 541 511**

## **LEGAL ADVICE**

### **STOP & SEARCH**

Before a search you must be told the name and station of the searching officer, the reason you are being searched, and what power you are being searched under.

**You do not have to give your name and address or answer questions under any stop and search power.**

You are entitled to a receipt of the search.

GBC / LDMG Legal Observers are independent volunteers who gather evidence on behalf of anyone arrested and act to counter police intimidation and misbehaviour.

[www.ldmg.org.uk](http://www.ldmg.org.uk) / [www.greenandblackcross.org](http://www.greenandblackcross.org) / @GBCLegal

**[gbclegal@riseup.net](mailto:gbclegal@riseup.net)**



## IN THE STREET/ OUTSIDE THE SQUAT

The police have the power to stop you and search you if they have "reasonable suspicion" that you are carrying stolen or prohibited items – these could include offensive weapons, drugs, firearms, fireworks, items used for criminal damage or for theft, or "associated with terrorism".

You don't have to carry or show ID in the UK, and you don't always have to give them your name or other details. If you're "in charge of a vehicle" -including a bicycle!- they can demand your name, address and date of birth.

The police have been known to arrest people for such offences as "going equipped" (ie for theft) and "carrying stolen or prohibited articles". Be prepared to offer your "lawful reason" (for example: "I am returning this to the person I borrowed it from") for having this item with you, before saying "No Comment" to any further questions.

**"Vagrancy Act" of 1824 (!)** - aimed at "rogues and vagabonds" - although it's very old, the police still use it sometimes. In recent years, they used this to charge some people who had been taking discarded food from a supermarket bin area (e.g. skipping), and were criticised heavily in the media for doing so.

There are also "Public Order" offences – such as "violent disorder", "affray", "Section 4/5 of the Public Order Act" - these are vague, catch-all offences which the police use to harass squatters and their supporters.



### Arrest

If you are arrested, you will either be released on "street bail" or taken to a police station.

If you are released on street bail, the police must give you 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 to the police station at a later date. You do not have to give your name or address to be given street bail, but the police may use your refusal to provide these details as a reason not to release you on bail.

You could be given a "Fixed Penalty Notice for Disorder", an "on-the-spot fine" for a range of offences. You have 21 days to either pay the fine or challenge it. Consult a recommended solicitor or us.

### If you're taken to a police station...

Smoking is no longer allowed in most public buildings; this includes most police stations.

### The arrest process:

They will take your possessions from you. These should be kept in a labelled bag while you're in custody, and then returned to you when you're released. They may keep some items as "evidence" of the crime. Including any tools you were

carrying, your clothes...

Even if they don't charge you with possession of certain items – of drugs, knives etc – they may still refuse to return these to you.

They normally let you take a book into the cell with you. They should give you a copy of PACE Codes of Practice and a pen to take notes if you ask for these. If you write on the walls of the cell, they will usually take the pen away and add "Criminal Damage" to your charge sheet!

They may try to access your phone, read your messages, tamper with the SIM, etc. As a precaution, many people stop using their phone after the police have had access to it, and get a new phone/ new number.

The police can use reasonable force to take fingerprints, photographs and DNA samples of anyone arrested for what's called a "recordable offence". They even have mobile fingerprinting machines that can be used in the street.

### What can you do if your friend's been arrested?

Be patient. The process can be a long one. The police might wait for many hours before processing them. Unless it's the weekend, they can only hold them for 24 hours before making a decision: either to "charge" them with specific offence(s) or not to charge them at this time. After this, they will either be given "bail" and released, or kept in custody until appearing in court.

The police may want to interview them – especially likely when there is no real evidence and the police hope that the prisoners incriminate themselves under interrogation. There may be a long wait for solicitors and interpreters to arrive before the interview takes place.

The police don't have to tell you which

police station they're taking your friend too, and sometimes they lie. If you phone the police station, they usually tell you that they can't release any information about the prisoners they have in custody...

However, if you know the name your friend is likely to give to the police, and which lawyers your friend will use, you can contact them to find out what's happening. Anyone who is arrested has the right "to have someone informed" of their arrest. Sometimes the police will allow them to make the phone call, and talk for a minute or two. Sometimes the police will make the call on the arrestee's behalf. Any phone conversation is probably listened to, so be careful what you say. Once you find out which police station they're being held at, you might decide to show solidarity by waiting outside for them (with nice food and drinks and tobacco and fruit and chocolate, and transport home).

If you're being held in police custody, you are allowed to contact a solicitor. Unless you insist on contacting your own favourite law firm, the police will pass you on to the "duty solicitor", whose job is to represent anyone being held in custody who doesn't have their own lawyer.





If the police want to interview you, you're entitled to have a solicitor (or "police station representative" employed by a law firm) with you.

A decent solicitor will understand why you have chosen to do a "No Comment" interview, and will respect your decision. The chances of being convicted if you remain silent from start to finish are quite low, but the chances of suing the police if you are not convicted quite high. You could be awarded compensation of around £3000 for 12 hours of unlawful detention.

Wherever you're from, and whatever your financial circumstances, you don't have to pay for the legal representation you get while you're being held in custody. There is a system called "Legal Aid", which is currently under attack, so check with us to see what the situation is.

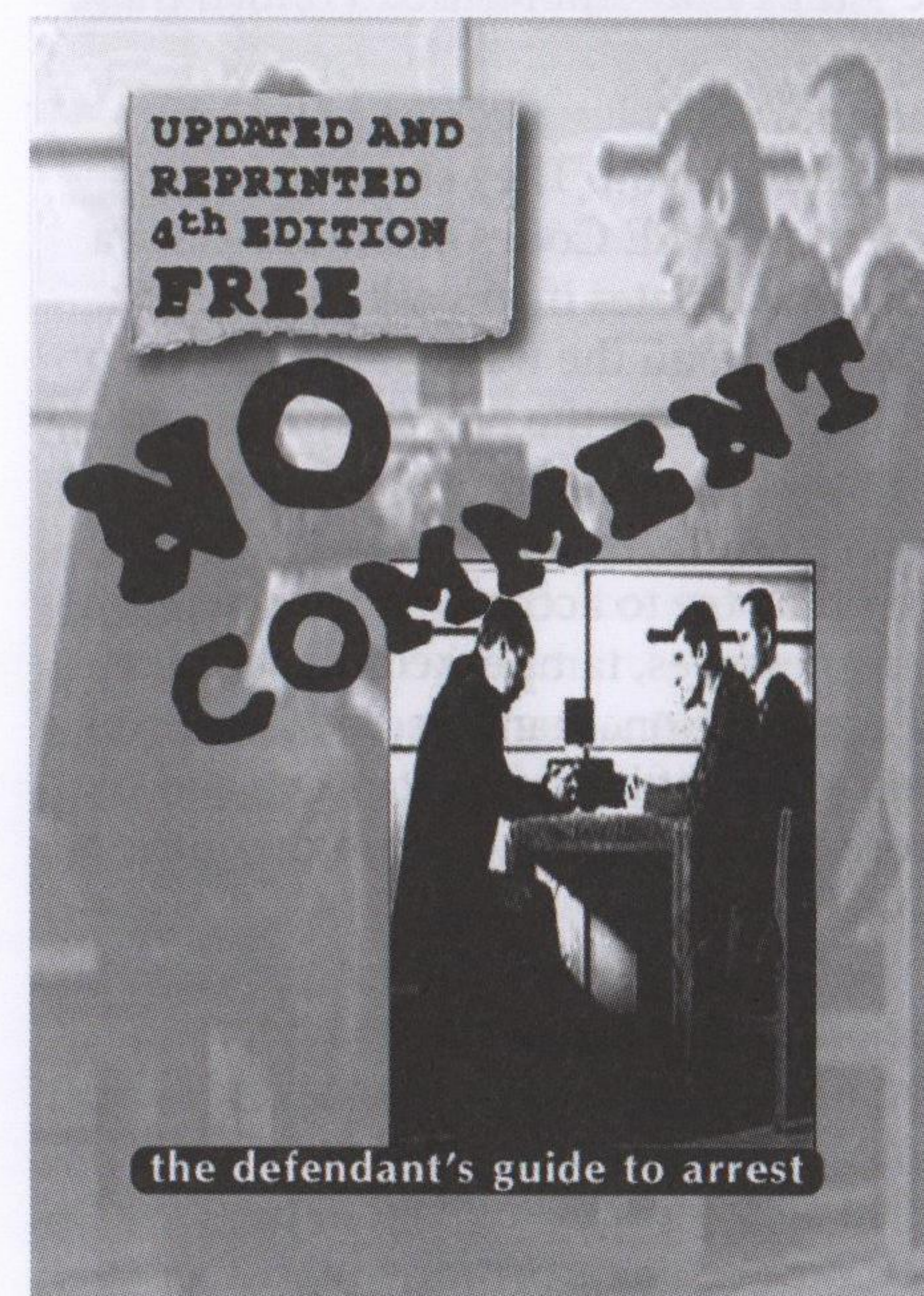
#### **What name to use**

Many squatters are known by a nickname, which may not be the same as the name on their passport/ official documents. It's not an offence to use an alternative name, rather than your official one, when you are talking to the police. However, if you are arrested, and the police take samples of your DNA and/or your fingerprints, they will label these samples with the name you've supplied. If they take your fingerprints again in the future, they will expect the name to match.

Legal advice at the police station is free for everyone, but if you want to apply for legal aid later on (for a lawyer to help defend you against any charges) then you will need to prove your low income, and may need official documents with a different name on (at which point you can explain to the police that you use more than one name).

If you are found to have given a "false" name (and deliberately withheld your "real" name so that you could "evade

justice") you could end up being charged with obstructing the police or "perverting the course of justice".



#### **Interpreters**

If you don't understand English very well, you are entitled to an interpreter, someone who can translate what the police are saying. "I don't understand English. I need an interpreter".

Immigration issues? See the chapter on immigration issues p. 32.

#### **What happens next?**

Most people are charged and/or released within 24 hours. Normally the police will release you from custody on "Police Bail" while they consult the Crown Prosecution Service. The police must give you bail unless there are very strong reasons for holding you. It is now very common for people to be re-bailed to the police station rather than being charged straight away. The police will normally expect you

to provide a "bail address". If you are a squatter, moving around frequently, you may use a more stable address for this, and other correspondence. Be aware that the police may visit the address to verify that you are known there. If you are arrested for a serious offence, they may even try to search the place.

If you are not granted police bail, you must be brought before a court as soon as is practicable, and in any event not later than the first sitting after you have been charged (usually the next morning). The alleged offence will be read to you, and you will be asked if you want to plead guilty or not guilty. You should say that you want initial disclosure from the prosecution, and cannot plead until you have studied it and taken legal advice. Tell the magistrate that you have not had time to discuss the case properly with a lawyer, you want legal aid and you want to be bailed. The case will not be heard that day; it will take place in the future.

If you are not given bail by the magistrates, you could end up on "remand", waiting in prison for the next court date.

Between the arrest and any trial, there will be at least one court date, for the "Plea". This is when you declare that you are either "Guilty" or "Not Guilty".

If you admit guilt, the next stage is "Sentencing".

If you don't admit guilt, there will be a "Trial" to decide whether or not you're guilty. If you are found guilty you will then be sentenced. A trial can take place in a "Magistrates' Court" or in a "Crown Court". Most serious offences are dealt with in the Crown Court. If your charges are serious enough (ie they carry a maximum penalty of more than six months in prison - for example, "Affray") you can request a Crown Court trial. Many people prefer this because a jury made up of nor-

mal people might be more sympathetic than a magistrate.

#### **"On the spot fines"/ "Cautions"/ "Warnings" etc**

The police may decide to deal with this more quickly, and without a trial... Get proper legal advice before agreeing to any of these.

It will take between 3-18 months for the case to get to trial. It's not uncommon for charges to be dropped during this time, or even on the scheduled date of the trial.

Check out "Recommended Solicitors" in the Glossary (page 103).

More advice about getting the best from a solicitor: [http://ldmg.org.uk/files/about\\_solicitors.pdf](http://ldmg.org.uk/files/about_solicitors.pdf)





## IMMIGRATION

**Immigration law is changing all the time so if you need advice about your immigration status then it is important to speak to an immigration solicitor or a specialist advisor.**

There have been recent examples of immigration officers accompanying bailiffs when enforcing possession orders (see the section on “enforcement of possession orders” to see if this risk applies to you). At the moment this is very rare, but it does happen. Immigration officers also often work closely with the police.

If you are concerned about your immigration status and are squatting then it is particularly important that you read the information about the powers of immigration officers on the next page.

### EU/EEA nationals

The UK looks set to leave the EU, but it could be a few years away. For the time being EU law continues to apply to EU/EEA nationals living in the UK.

Below is a very brief overview of the legal situation, but it is no substitute for legal advice from a specialist. Again, if you are concerned about your immigration status you should speak to a specialist advisor.

An EU/EEA national (and certain of their family members) have an initial right to be in the UK for three months, after that they have the right to be in the UK provided that they are exercising one of several EU law rights. These rights include:

- **Working full time or part time.** The work needs to be genuine and effective; this isn't defined but if you're working 16 hours or more per week you're probably okay.

- **Working self-employed.** Again the work needs to be genuine and effective. You might struggle to convince an immigration officer that you are self employed if you aren't registered for tax. It's easy to register for a “self assessment” tax return by completing and submitting form SA1 online. You then need to fill out a tax return once a year. If you're earning less than your “personal allowance”, you don't pay any tax, but the tax return still provides evidence of your self-employment. The personal allowance for an individual is currently £11,000.

- **A student** – though you must have comprehensive health insurance.

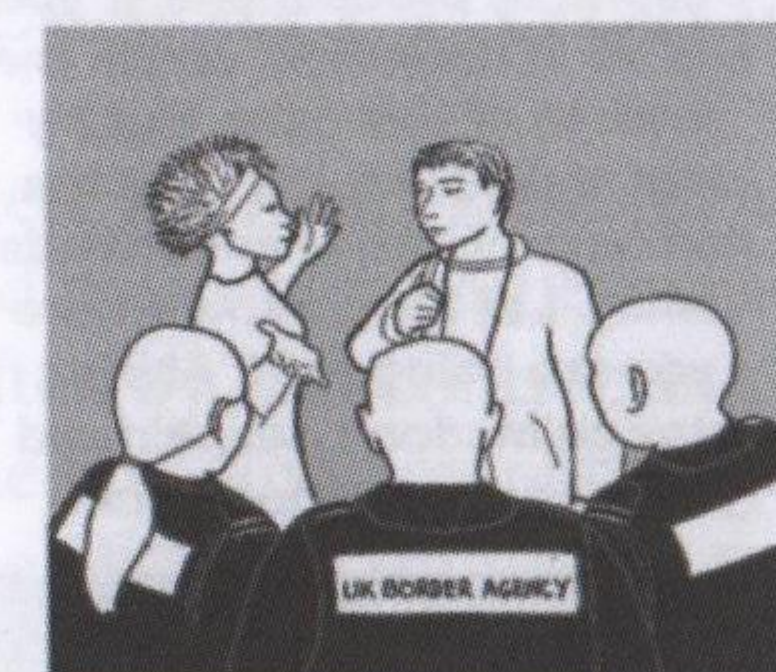
- **As self sufficient**, though again you need to have comprehensive health insurance.

- **As a job seeker.** In practice this means registered with the job centre and claiming job seekers allowance / universal credit. You need to have been in the UK or Ireland for at least 3 months before you can claim. If you haven't worked before claiming you only have a right to claim benefit and reside as a job seeker for up to 91 days. If you have been working for less than a year, then depending on the circumstances, your claim will be limited to either 91 days or 6 months.

- **Certain family members** of EU nationals exercising one or more of the above

- A person who has been exercising one or more of the above rights continuously for 5 years acquires a permanent right of residence. You don't lose this right unless you leave the UK for more than 2 years. If you leave the UK for over two years for work related matters, military service or education this may not break your permanent residence.

## What to do if you spot an immigration raid



Tell the person, they do not have to answer questions and can walk away.



If an arrest or raid goes ahead, alert others to what is happening. Call out for support.



Remind officers of the law, as set out in Chapter 31 of the Operational Enforcement Manual.



With the permission of the arrestee, film the actions of immigration officers.



Pass on useful numbers to the person (see below)



Be creative!

### “Rough sleeping” and “abuse of rights”

On 4 May 2016 the Home Office produced new guidance which states that “rough sleeping is considered to be an abuse of free movement rights, therefore EEA nationals or their family members encountered sleeping rough may be subject to administrative removal”. The Home Office just made this up – and the guidance is probably unlawful. However, until the guidance is challenged in court, it will continue to be applied by immigration officers.

The guidance states that “rough sleeping” includes people sleeping in doorways, stairwells, parks or derelict buildings. However the guidance also states that it does not include people involved in organised protest, squatters or travellers. “Squatter” in this context presumably means someone who has secured their building and is protected by section 6 – but whatever your living situation, if you are an EU national and an immigration officer turns up at your home, be ready to

argue that you are a protester, a squatter or a traveller.

### Administrative removal

The main way that immigration officers try to remove EU nationals is by arguing that they are not exercising EU rights. If you can show that you are exercising rights, it should be difficult for them to kick you out. They have to show that you represent a genuine, present and sufficiently serious threat to the fundamental interests of society (if you have a permanent right of residence, they need to show “imperative” grounds). In other words, you need to have done something that could involve a prison sentence of over two years. Getting arrested once because you were trying to crack a squat isn't going to do it. Currently the police are issuing EU nationals that get arrested with “minded to remove” notices. Usually this is just a bluff if people are actually exercising treaty rights, but if in doubt, get advice from an immigration advisor.



**These are your rights!**  
Contacts for detainees

**Detention Action (free)**  
0800 587 2096

**BID**  
Bail For Immigration Detainees  
Tel: 02072 473 590

**No one is illegal!**  
UKBA (UK Border Agency)  
is frequently revising its procedures  
with immigrants. To see new versions of  
this card, or if you would like to report  
any changes:  
<http://www.lawas.org.uk/> or  
[precariousworkersbrigade.tumblr.com/](http://precariousworkersbrigade.tumblr.com/)  
or [www.noborders.org.uk](http://www.noborders.org.uk)

Despite all precautions, if you  
end up in detention, check the  
reverse of this card. But try  
and make sure you have the  
numbers of family and friends  
handy. Let them know where  
you are being held. Always  
stay calm, don't despair and  
ask for help. Good Luck!

**If you see UKBA Officers**

**Keep calm and act confidently!**



**Don't panic!**  
It's **NOT** legal  
for immigration officers (UKBA)  
or the police to stop you  
because of the colour of  
your skin or the language  
that you speak!

Unfortunately,  
they do have the right to  
question you if they have a  
reasonable suspicion  
you have broken  
immigration laws

**If you are stopped,  
exercise your rights!**  
(stay calm, be firm)

According to revisions made by UKBA on Chapter 31 of its Operational Enforcement Manual,  
Immigration Officers have to follow this procedure :

1. Identify themselves and show a warrant card
2. Give a valid reason to stop and ask you questions
3. Tell you that you are **NOT** obliged to reply to any of these questions
4. Tell you that you are **NOT** under arrest and that you are **FREE** to go if you want.

You have the right to **NOT** reply to their questions  
You have the right to **NOT** show them documents  
You have the right to **NOT** let them search you

Remember that it's **NOT** in your interest to reply to questions about your identity or migration  
status; this would allow them to gather evidence when they actually have nothing against you

In any case, if you feel confident enough to speak to them in English,  
the following box provides some sentences to use during an immigration control on the street .

I don't give my consent to speak with an  
immigration officer. Thank you

I don't have to reply to your  
questions

I know my rights!

You just stop me because of my race

This is racist!

This is not legal!

I want to make a complaint!

I don't want to answer any questions  
without a lawyer present

**YOUR  
LANGUAGE**

**PHONETIC  
ENGLISH**  
(as it sounds in  
your language)

## DEALING WITH SECURITY GUARDS

There are many kinds of security guards,  
and many companies which employ them  
(often by sub-contracting).

The building's owner might have used  
one of these companies to 'secure' their  
building. This could mean: boarding it up,  
often with metal 'Sitex' panels and doors;  
installing alarm systems; putting a guard  
and/or guard dog inside the property;  
employing a guard to sit outside the prop-  
erty, or drive by and check on it regularly;  
put up big notices telling the world how  
super-secure the place is....

The people who work for these companies  
are often poorly-paid. They don't always  
work as hard as their employers would  
like. Sometimes they go out and leave the  
building empty when they're not sup-  
posed to. If you get inside a building, and  
find it empty, your first task is to secure  
all possible entrances. If a security guard  
then arrives outside, the important thing  
to remember is that you have "possession"  
of the building.

**DON'T LET THEM IN!** They should call  
their company and let them know that  
the building has been squatted – not try  
to break in, or evict you by themselves!  
Most of the time, they understand this.  
Sometimes you might need to explain  
Section 6 to them.

--  
The other kind of security guards you  
might meet are people hired by the  
owners as a reaction to your occupa-  
tion. There are lots of security companies  
which advertise specialist anti-trespasser  
services. Their tactics vary widely.  
Sometimes they will turn up outside the  
squat and try to intimidate you and your  
friends, or harass you in some way. Again,  
**DON'T LET THEM IN!** You may need to  
remind them about Section 6.

These people are more likely to come with  
a plan, and equipped – for example- bring  
a ladder and try to climb over a wall.  
Check your perimeter (the border be-  
tween what you're occupying, and the rest  
of the world) and make it as secure as  
possible. Try to keep a look-out if you're  
worried about what they might be doing  
outside your building.

However another tactic they sometimes  
try is to stand outside your entrance and  
stop people getting past.

Security guards aren't allowed to stop  
anyone from walking along the street  
or pavement. It is a criminal offence to  
obstruct the "public highway", which in-  
cludes roads, pavements and some other  
public rights of way.

They are also not allowed to do anything  
that stops people from leaving the squat,  
even for a short time. This would include  
locking a gate with a chain or padlock.  
Preventing anyone from leaving is a  
criminal offence called "false imprison-  
ment".

(It also illegal for them to stop you  
removing a vehicle as this would be theft  
or may be an offence of "restricting the  
movement of a vehicle" under S.54(1)(b)  
of the Protection of Freedoms Act 2012).

### Sieges

When there is private land between the  
door of the building and the public high-  
way, security guards will sometimes try to  
stand here and block you from  
getting past.

The Protection From Eviction Act 1977  
usually makes this a criminal offence  
if you have a tenancy or a contractual  
licence (i.e. if you pay rent).



The only people who can do this kind of thing are (a) the owner of the building and (b) security guards with a valid Security Industry Authority (SIA) licence and photographic ID - which must be displayed on their person.

If anyone else tries to restrict access, this would count as "front line security guarding work" and they would probably be committing a criminal offence of "engaging in licensable conduct without a licence" under Section 3(1) of the Private Security Industry Act 2001.

Security guards must wear their SIA licence ID. They aren't meant to hide it or wear it in a way that stops you from seeing it. If they do, they are committing a criminal offence under Section 9(4) of the Private Security Industry Act 2001.

If the security guards are committing these kinds of offences, it may be worth pointing this out when dealing with them and the police.

If you are opening the door to let someone out, be very careful! Do not let one of the security guards grab the door and hold it open. If they were to use/threaten any force to try to get in, they would be committing an offence under Section 6, but it can be difficult to prove, or get the police to enforce after the event.

### **WHAT IS SECTION 6?**

Under Section 6 of the Criminal Law Act 1977 it is illegal for the Landlord and his cronies to use or threaten violence for the purpose of getting into your squat. This is the law which is referred to in the standard Legal Warning. In general, Section 6 covers the building and land attached to the building (see p. 2).

Violence includes damaging things (e.g. breaking in) and pushing people. The law

also covers threatening to push people, hurt people, or damage stuff etc. Be careful because security guards will often try to force their way in even though they are not allowed to.

### **What can you do?**

If they do any of the things described above (including pushing/threatening people, damaging stuff or not letting people leave) then record this, as it may be useful for arguing with the police and putting pressure on the landlord. Contact the Advisory Service for Squatters for help with this.

Rally your friends! Try to get other squatters and supporters down to outnumber and outflank the security.

Be creative. Use windows, ladders, ropes, roofs and fencing to beat the siege and get people and things in and out. Be aware that if you push a security guard they might accuse you of assault.

If security guards don't wear their ID, challenge them. If someone claims to be the owner, ask for proof of this (NB: they are not obliged to prove anything to you, but it could be useful to insist that they supply proof to the police before the police take any action).

### **Creating your own counter-siege**

If there is space on the private land outside the building, and you have enough people, you can always try to create a siege-within-a-siege; this was successfully trialled at the recent occupation of a building owned the property guardian company Camelot.

If the security are preventing access to the door, you can stand in front of them and subject them to the same rules; i.e. they can leave if they wish (otherwise you can be arrested for false imprisonment), but

new security guards can't return past your line. You can try arguing that they can't push past your line in the direction of the squat, as they will be breaching Section 6.

Tell the police that it's a civil matter and that you're simply applying the same principles as the security guards. Be aware that this probably needs to happen on some part of the property and not

on a public highway or you may be liable to arrest for obstructing the public highway.

In essence it becomes a waiting game: at some point the security guards will need to eat, sleep and importantly, go to the toilet, when they do, don't let other security guards replace them. The idea is to gradually retake control of the space outside the door.



### **A NOTE ON FILMING...**

It can be useful to record any conversations you have with the cops/ owners/ others. If you're filming, recording sounds or taking photographs, it's best to focus on these people, and their vehicles, not your fellow squatters. Sometimes having photos can help us identify them, and be useful later.

However, think about your own security. Keep any photos, audio-recording or footage somewhere safe; make copies; learn about encryption.

You may want to consider what you want from recording. In some circumstances, sticking a camera in someone's face will make them back down; in others, it will wind them up. Sometimes, being discreet will mean you have useful evidence (e.g., of a licence, or threat of violence).

Live-streaming is usually a bad idea, as once that footage is out on the internet, it can be accessed by our enemies and used against us. Many squatted social centres have "no filming or photography" policies, to protect the occupiers from state information-gathering and the media. If you want to create your own independent media, be ethical! For example, ask people for their consent before filming them, blank out any identifiable faces from pictures before posting them online, etc.



## DEALING WITH OWNERS

If you are being threatened by somebody.... try not to panic. Do:

1. make sure all possible entrances are secured – consider adding extra barricades
2. call your friends, other squatters and supporters and ask them to come down – there is strength in numbers
3. note down what they're saying and doing, and as much information about them as you can – any identifying details, physical descriptions (and/or photos/footage), details of their vehicles could be useful later

Try and find out who the person is!

Are they the actual owners, or leaseholders, or somebody else who's there on their behalf, i.e. an "agent" of the owner? Or are they there for some other reason, e.g. a delivery person? Find out their company's name and their job title if you can: Security guard? Architect? Estate agent? Electrician? Builder? Surveyor? Ask for their card, or some way of contacting them.

There have been cases of angry individuals turning up outside squats and claiming to be the owner when they're not. If you have any doubt or uncertainty, it would not be unreasonable for you – or the cops – to ask them for some proof of their identity and their connection to the premises. Don't just believe what they tell you.

If you've done your research (see pp. 15-16), you may already know the names of the companies and individuals involved in the building, and who is legally entitled to claim possession of it (and therefore take court action against you). If someone has the legal authority to evict you they are also able to give you permission (a "licence") to stay, even for a short while, and this might alter your legal status.

### *If the owners turn up...*

Again, it's best to talk to them outside, or from a window. **DO NOT LET THEM IN!** By letting them in you lose your Section 6 protection, and they might try to pull you out. Make sure all possible entrances are secured.

If you give the owner your full legal name, it could end up on the court papers; this could have implications for you (see p. 73).

They may well be surprised or shocked to find you there, and may be annoyed/angry about your occupation.

You may need to explain what Section 6 means – i.e. that they can't just break in, they either have to talk to you and make some kind of deal, or follow the legal process and get a court order.

If it's possible to de-escalate the situation, try to have a calm conversation with them. Explain that you need somewhere to stay, that you're looking after their building and the things they've left inside it. You're not there to steal the copper pipes, or the lead from the roof, or just trash the place.



Try to find out why they have left the place empty, and what their plans are. If they don't have planning permission yet, or the money they need, they may not have any immediate plans for the building. They may well decide that leaving you in occupation might actually be a sensible idea. And far cheaper than the other security options available to them.

You may be able to negotiate an arrangement to use the space on a temporary basis. There are many examples of groups who have successfully done this. Contact us for advice about drawing up a legal agreement which lays out the rights and responsibilities of both sides, and how much notice would be considered reasonable for you to move out.

Even if they won't sign a written agreement with you, they may well make verbal promises, for example, that they will give you some notice before trying to evict you. Note down carefully what is said (or consider recording the conversation, so you remember exactly what has been said).

### *More likely*

They might threaten to call the police. Often owners think that you'll just leave – don't. It's very normal that the police will come, so don't panic. Just get your story straight (like proof that the place is non-residential) and hold tight. Have someone ready to chat to explain the situation to the police. See pp. 29-31 for more information.

If the owner is being extremely intimidating, aggressive, threatening or even physically violent towards you, and/or trying to break in, they may well be committing a criminal offence themselves. There is a possibility of the police arresting them for this kind of behaviour, or at least verbally warning them not to continue with it.

Often, the police's priority is to deal with this kind of situation as quickly as possible, and get back to the station/ other incidents. They do not necessarily want to deal with lengthy, prolonged, "public order" situations in the streets. If the owner is the one who's causing the obvious problem, this could work in your favour.

Sometimes, the first communication from the owners will be the arrival of court papers. See pages 69-71 for more information about this.

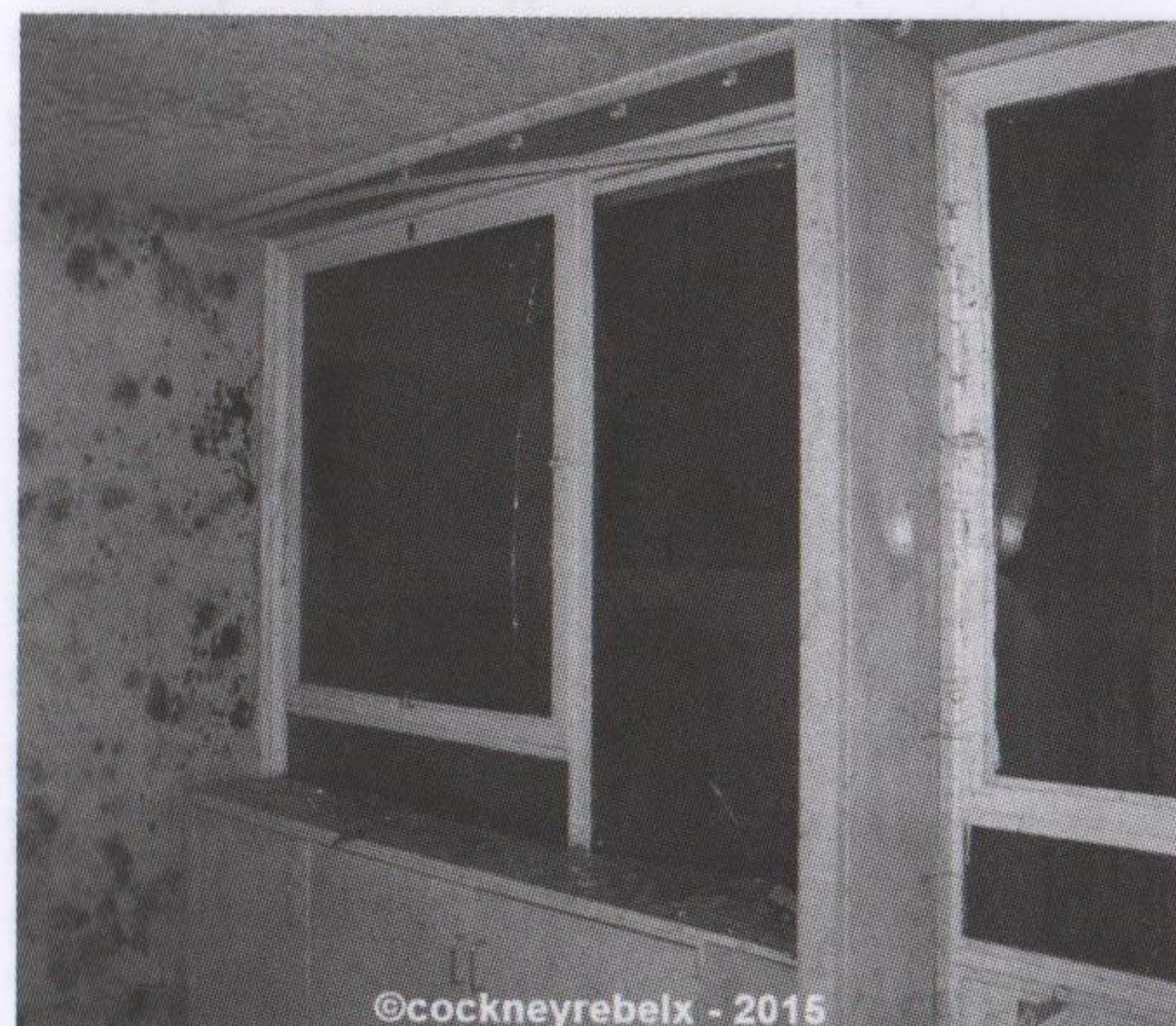
If your experiences usually involve being evicted quite quickly from each place you squat, then it might feel a bit unsettling not to hear anything from the owners for many months. One way of ending this uncertainty could be to make first contact with the owners yourselves. An obvious risk is that this may prompt them to act, and they apply for a possession order, and/or employ private security guards to harass you. Think very carefully about whether or not approaching them is a good idea, and the best ways to do so. Contact us for advice if you need it.



## FIXING A PLACE

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 a place becomes a comfortable place to live. Squatters often think that places 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 that's in far better condition. It's 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 pp. 15-16). 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 shower, for example. Other squatters can often help out with advice and sometimes tools and materials. Most repairs are achievable by people without much building experience - they just take a bit longer to do.

Before you decide to stay in the place



Broken windows behind "Sitex"

(and after you secured all entrances) you should have a good look at the condition of the building. Check if there is any serious structural damage and if 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, unless you have an accessible source nearby. Gas is less essential and more difficult to repair, so you can leave it for later.

### 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. Roof damage can cause big 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.

- Windows. Windows are often broken in empty buildings - allowing you to get in easily along with our feathered friends the pigeons. Pigeon shit is poisonous. It

can be cleaned up easily, but don't breathe in any dust from it. Buy a good mask - at least FFP3. Broken windows can be replaced quite easily with either glass, perspex or boards and may be an important factor in securing the building.

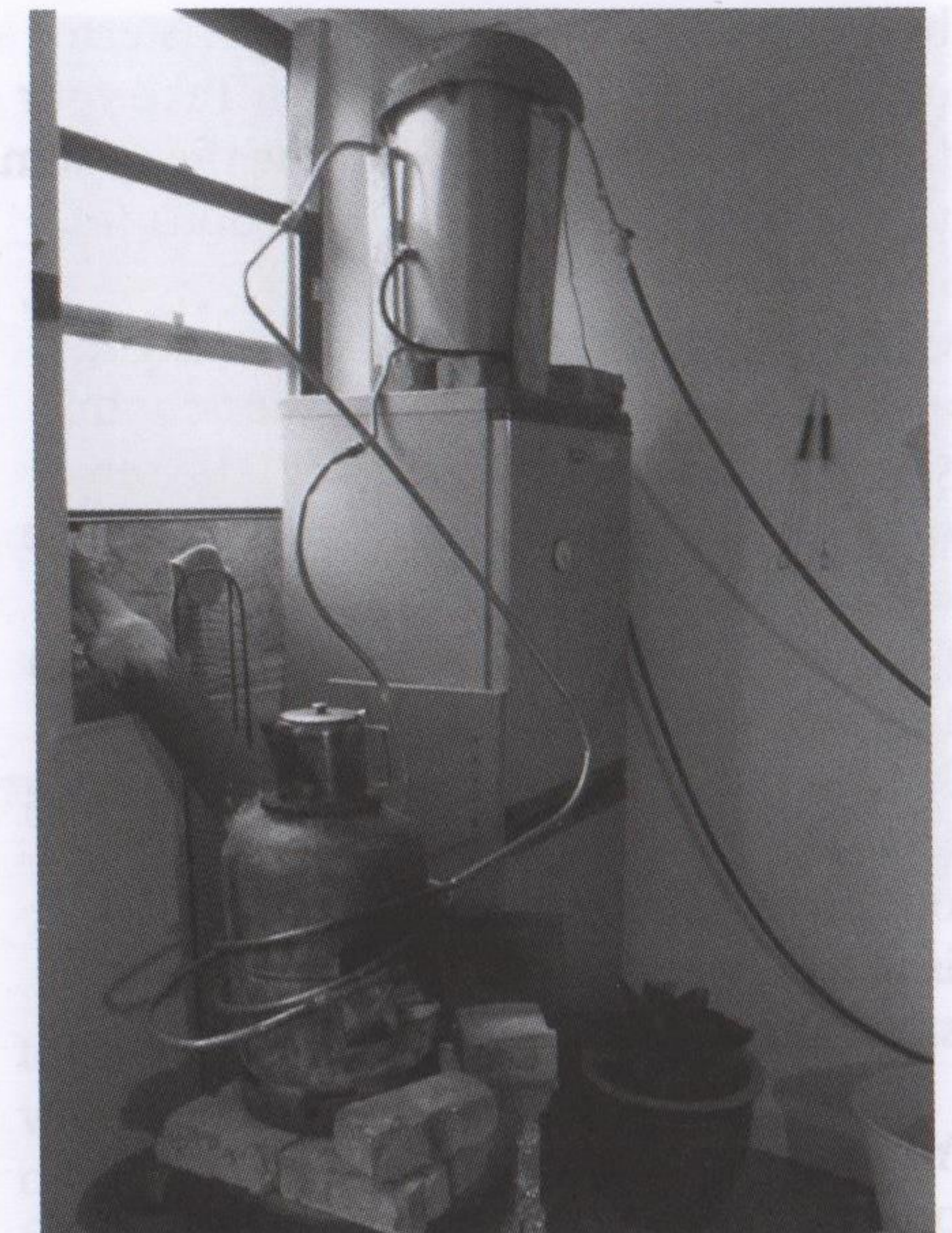
- Can the building be secured easily? See the chapter "Securing the Place".

- 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 you might want to find somewhere else to live. But there are ways of dealing with it. Vinegar is probably the easiest to come by and will be effective against most species of mould. Borax and bleach are two other useful weapons. Go for the cause of mould - moisture - and fix or divert leaks, as well as the symptoms.

- Rubbish. It almost always looks worse than it 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, in which case get a sharps box from a needle exchange programme if there is one in your area, or ask a tattooist. Wear strong gloves when cleaning up and don't put your hands into piles of rubbish, drawers etc. without checking first. Be aware that fly-tipping (dumping rubbish) is a criminal offence.

### Water

If you're getting hassle from water companies, the law is on your side. Where the water is connected already, Schedule 4A of the Water Industry Act 1991 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



Be creative! A wood burner made from a gas bottle is used to heat up water - hot shower in a squat without electricity!

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.

You may at some point receive a bill. If this goes unpaid, you will get a series of letters and, eventually, visits from debt recovery bailiffs, which can cause some problems (see page 92).

Many new or recently converted properties have water meters. If you have one and use a lot of water, bills can be more expensive than paying a fixed rate. Commercial rates are also higher than domestic.

If the water isn't flowing into the building, this is probably because it has been turned off at a stopcock. Commercial buildings often have complicated water systems with several stopcocks inside the building, as well as outside. Follow the pipes back and make sure to check the



basement and around the water cistern on the top floor or on the roof. Take your time trying to understand how the system works and don't give up if you don't find it quickly.

Once you find the stopcock, turning it anti-clockwise will open it (check both ways to see if it's open already). If you opened all the stopcocks inside and there is still no water, look for the main water pipe coming into the building (usually in the basement).

If you can see which side it is coming in from, go and look outside; in the yard, on the pavement or on the street there is usually another stopcock covered by a small metal or plastic plate.

You may 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 or even with your hand. Recently installed versions often have a round plastic lid and come with their own plastic key or can be turned on/off with pliers or a spanner. The valve may be covered with earth and debris which you may need to scrape out. There are several types of water keys, if you don't have the right one ask other squatters around.

If this doesn't work, because the water has been permanently disconnected in the street, you will have to open a new account with the local water supply company and pay thousands of pounds for reconnection. The water company might refuse to connect you if they suspect you are squatting.

Before you turn the water on, check that all the piping is still there and then have a good look round for any leaks once the water is on.

Water is often split between the fresh water that comes directly from the street as drinking water and the water that goes

up to a tank to create pressure for heating etc. If there is a tank it is worth checking for pigeons etc.

Consider constructing the water facilities you need where it's easy to get to adequate drainage.

When you have water pressure you can easily get the water where you want it, but getting rid of it often depends on things like gravity, which most squatters haven't yet managed to transcend.

It may be necessary to cap the pipes that go nowhere. Caps are quite cheap depending on the diameter of pipe and the material.

If pipes have been removed for whatever reason, you may need to install your own piping. There are a variety of options from doing an entire professional grade install to bodging together what you can get together as well as you can. The first is unlikely a reasonable choice. It's often better to use push-fit or compression fittings as they are easier to take apart to use them again in the next place. It's good to pay attention to which parts go into (and in which order they go into) any kind of fitting. For the same reason; plastic pipes are advantageous. Hose piping has the bonus of its flexibility. When connecting hose pipe to other pipes a useful trick is to dip the end in boiling water to make it more malleable or even to use some kind of lubricant. Jubilee clips are essential with either method.

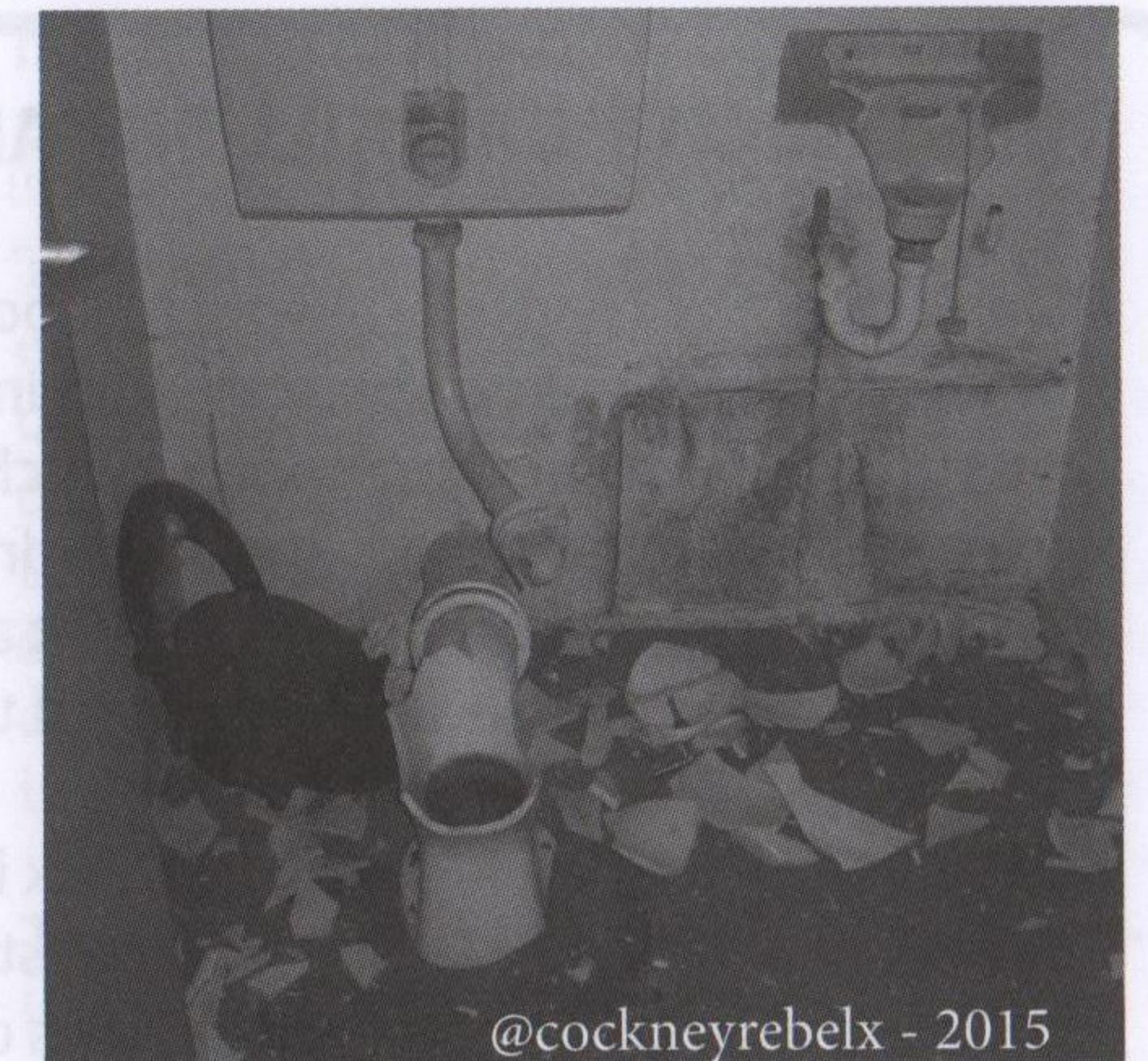
A very useful material for bodge plumbing is inner tubing from bicycle tyres: leaks can be subdued with them if you split them lengthways, and wrap and knot them tightly enough. They can even be used as replacements for waste water pipes from sinks with some Jubilee clips. They do look at you kinda funny if you ask for puncture repair kits at the plumbers merchants though!

### **Waste water issues**

Waste water generally leaves from sinks, baths, Jacuzzis, urinals etc. through 40mm waste pipe and as soon as you can't see it its going through a U-bend. U-bends serve two functions, firstly to catch all the material that could block the pipe further down (food bits, pubes, other hair and wtf?) and secondly to prevent drain odours from coming up. If they get clogged and are accessible they are easy to unscrew by hand to extract the minging detritus – so it's worth leaving enough space to unscrew them if you're installing your own facilities. Waste water will continue through these plastic pipes until it reaches the soil pipe, which in turn leads to the sewer. If you have a yard or garden there may be a rectangular metal cover under which you can observe the various liquid expulsions from your household and the effects of caustic soda tackling blockages. It's a great place to play with drain rods if there is a serious blockage. If you've got a blockage and can't get your hands on drain rods, you can try inserting a hose in the direction of the building and turning on fully.

Toilets vary to the extent that they have a larger diameter wastepipe and the U-bend is normally built into the ceramic toilet unit. So when this gets blocked, its time for a plunger or hands on action. This also means if you are intending to use a room that was previously a toilet for any other purpose its essential to cover the waste pipe to protect yourself from the smell, rats and shit-goblins. Sometimes you're gonna have to be up for getting proper saturated wet in awkward inner cupboard or behind toilet situations. It can be pretty frustrating at points, but very satisfying when you get things working; a good way to understand it is as 'leaky lego'.

Pipes (both in and out), various fittings,



Even toilets can be replaced!

toilets, sinks, bathtubs, taps and even water heaters are often available in skips on the streets, so keep your eyes peeled for any good tat and try experimenting. During the "summer" that this is being written, harnessing hydro-electricity though the drain pipes or failing storm drains seems more realistic than solar power showers, but both are viable options to explore.

### **Fire safety**

It's worth thinking about fire safety, especially if you're relying on candles and/or extension cables, or occupying a building in bad condition, with restricted access to the original fire exits. Make sure you all know how to get out of the building quickly in an emergency situation – preferably at least two different routes – and that you have some basic equipment for fighting very small fires (eg a fire blanket a bucket of sand, a small extinguisher etc). If the Fire Brigade turn up (see p.22), it may be helpful to reassure them that you do have some kind of fire safety plan. Traditionally, members of the Fire Brigades Union (FBU) have refused to cooperate with the police vs protests/ occupations/ squatters, so it could be worth chatting to some of their union reps.



## ELECTRICITY CAN KILL SO TAKE GREAT CARE

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 gloves 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.

With a detector pen it is easy to check if there is electricity in a circuit, cable, socket etc. For safety reasons, before starting work or looking for an electrical problem using a detector pen, always check if the detector pen actually works, by testing something you know has electricity in it - i.e. a socket with a kettle or lamp plugged in that can be turned on to see that it works immediately.

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 easily kill you. If the company head is on and fused, then any red or brown cables running to the meter will be live. Remember, to connect up a meter, the red/brown live cables are inserted on the outside of the two black or blue 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 is less likely to kill you, a damp floor or soil is more likely to kill you, contact with metal will possibly be instantly fatal. Fatality is also more likely if both hands are in contact with an electrical conducting material. 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, plastic or rubber to move them clear. A broom handle or similar is ideal. Never touch them with your bare hands - you will get shocked too.

If someone receives a big shock and has large burns or is showing signs of distress call for an ambulance immediately.



## ELECTRICITY

After securing the building, you will want to know if the electricity is on. If the building has been empty for any length of time the supply might be disconnected in some way. If the lights/sockets are not on, first try to locate the service head, meter and the main consumer unit. It might be located near the front door, in the basement, outside the building in a separate cupboard/room, etc. Commercial buildings often have complicated electricity set-ups which can involve multiple meters and switchboards. If cables are visible try to follow them to the distribution board and then to service head. More on the practical side in a bit though - first get legit...

### Setting up an account

There are two ways to try to set up an account.

The most comprehensive way is to apply for a new account from the same supplier by phone. To do this, first you will need to find out who your supplier is. Look for an old electricity bill to identify the current supplier. If you can't find one, then it is possible to find online or over the phone through your regional MPAS (Meter Point Administration Service). You will need correct postcode and address and

may also need a meter reading and serial number.

They will then tell you the most recent electricity supply company and their contact number to arrange a new account. 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 in your area.

This can be difficult if there's an outstanding debt to the existing supplier though. Once you know who your supplier is, call them, say you've just moved in and want to set up an account. Don't tell them that you're squatting. The electricity company might get suspicious if you try to register an account as an individual in a big commercial building and often a business account is required. If it applies, it might be worth telling them that you're a sole trader doing the place up or maybe you're a group of artists (guardians) organizing together through an unincorporated association.

Unfortunately, if you've never had an account before in the UK, or the address has a bad credit rating, they sometimes might ask for a copy of a tenancy agreement or similar evidence first.

### Regional MPAS contacts

Region & Distributor	Telephone number
Eastern England EDF Energy	0845 601 5467
East and West Midlands Central Networks	0845 603 0618
London EDF Energy	0845 600 0102
North Wales, Merseyside, Cheshire Sp Power Systems and North Shropshire	0845 270 9101
North East England and CE Electric UK	0845 601 3268
North West United Utilities	0870 751 0093
North Scotland SSE Power Distribution	0345 026 2554
South Scotland SP Power Systems	0845 270 9101
South East England (Kent & EDF Energy parts of Sussex and Surrey)	0845 601 5467
Southern England SSE Power Distribution	0345 026 2554
South Wales Western Power Distribution	0845 601 5972
South West England Western Power Distribution	0845 601 5972



Contact ASS for advice if you're having difficulties providing utility companies with this kind of evidence.

Another way to apply for an account is to do it online. This is a lot quicker and easier, but doesn't guarantee that you will get the contract. You can use any supplier (except the existing one), but some of them would ask for more details than the others. To find it go to the suppliers website and look for the option to switch your supplier.

Type in all the details and make sure you choose to pay on receipt of the bill (most companies will offer better rates if you set up a direct debit but they would ask for your card details). After you enter all the details and choose the way of payment you will be shown a summary. Make sure to print or save this page as the confirmation email might not contain your details and you won't be able to access it later.

Confirm and submit your details and print the confirmation email as well. The electricity company will then review your application and might contact you for more details or send you a new contract. If they find the application suspicious they might not get back to you at all. In this case you should try another way to get an account after a week or two, but, at least in the meantime, it should protect you from being accused of abstraction of

electricity (see page 25).

If the electricity distribution company or gas suppliers discover 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 warrant from a magistrates' court. But it is not usually wise to do this as it may push them into disconnecting the supply in the street or come back with cops.

Don't panic if they do work out you're squatting - all is not yet lost. 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 the person you're speaking to is being obstructive, it's possible that by calling back later, you can speak to someone more helpful. Be persistent.

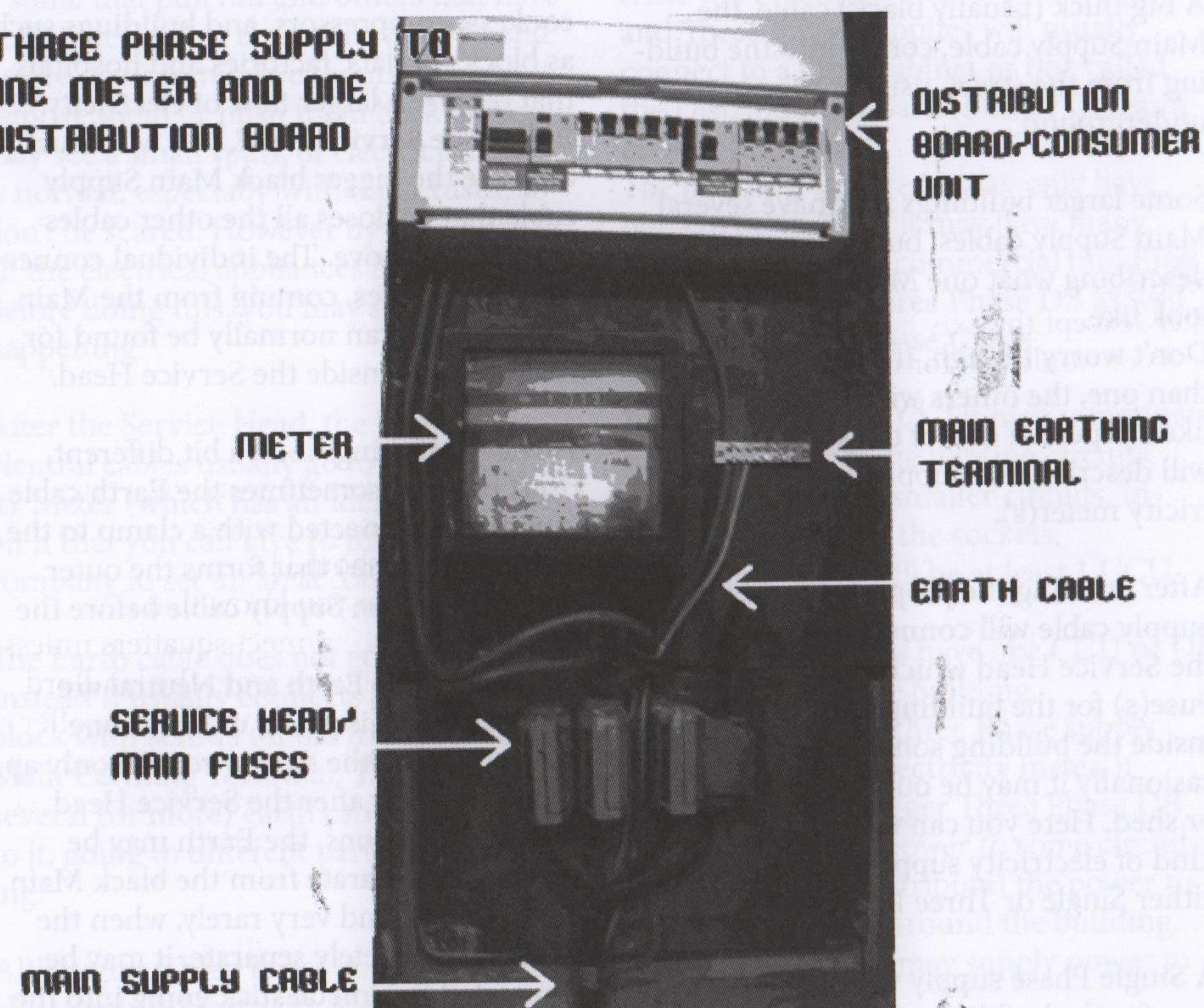
Some squatters ignore all of the above, connect the supply themselves and hope for the best! It is an offence to steal gas and electricity and if you do this you are laying yourself open to a charge of theft (even if there is already a meter installed and you are just using the services). If the police come and arrest everyone in the building you could lose your home.

## ELECTRICS PRACTICAL

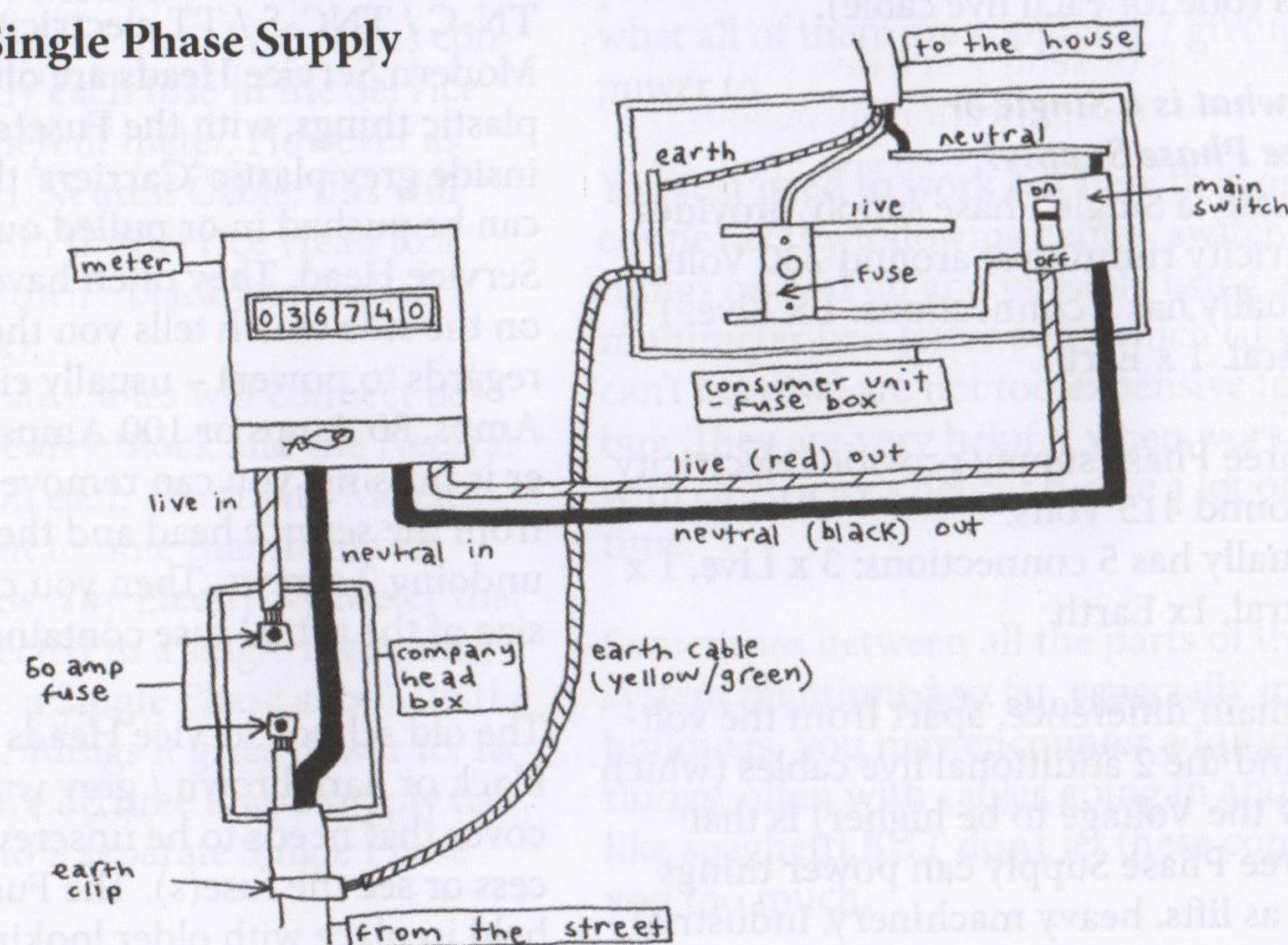
*In previous editions of the Handbook the electricity focus was on the kind of electricity supply found in the majority of houses (single phase).*

*However, this manual also covers 3 Phase because this is what is most often used in commercial, industrial and larger premises.*

## THREE PHASE SUPPLY TO ONE METER AND ONE DISTRIBUTION BOARD



## Single Phase Supply





A big thick (usually black) cable, the Main Supply cable, comes into the building from the street, usually running underground.

Some larger buildings may have several Main Supply cables, but here we are just describing what one Main Supply will look like.

Don't worry though, if there are more than one, the others will basically look like a repeat of one of the scenarios we will describe, but supplying another electricity meter(s).

After entering the property the Main Supply cable will connect to a box called the Service Head which holds the Main Fuse(s) for the building. This may be inside the building somewhere, or occasionally it may be outside in a cupboard or shed. Here you can work out what kind of electricity supply the building has, either Single or Three Phase.

A Single Phase supply will have one Main fuse for the building;

A Three Phase supply will have 3 Main fuses (one for each live cable).

### ***But what is a Single or Three Phase Supply?***

Basically a Single Phase supply provides electricity running at around 230 Volts. It usually has 3 connections: 1 x Live, 1 x Neutral, 1 x Earth.

A Three Phase supply provides electricity at around 415 Volts.

It usually has 5 connections: 3 x Live, 1 x Neutral, 1 x Earth

The main difference, apart from the voltage and the 2 additional live cables (which allow the Voltage to be higher) is that a Three Phase Supply can power things such as lifts, heavy machinery, industrial

cookers, compressors, and buildings such as blocks of flats, factories and hospitals that require a larger flow of electricity. Before the Service Head, you will usually only see the bigger black Main Supply cable, that encloses all the other cables mentioned above. The individual connections and cables, coming from the Main Supply cable can normally be found for the first time inside the Service Head.

However, if things look a bit different, don't panic... sometimes the Earth cable is actually connected with a clamp to the metal (steel wire) that forms the outer part of the Main Supply cable before the service head.

Sometimes the Earth and Neutral are combined at this point, either as one cable, or using the steel wire, and only appear separately after the Service Head. In other situations, the Earth may be completely separate from the black Main Supply cable, and very rarely, when the Earth is completely separate, it may be connected to a metal stick going into the ground (an Earth Rod). To learn more about these differences you can research TN-C / TNC-S / TT electricity supplies. Modern Service Heads are often Grey plastic things, with the Fuse(s) contained inside grey plastic 'Carriers' that simply can be pushed in or pulled out of the Service Head. They often have a sticker on the side which tells you their size (with regards to power) – usually either 63 Amps, 80 Amps or 100 Amps. If the sticker is missing, you can remove the carriers from the service head and then open it by undoing 2 screws. Then you can check the size of the actual fuse contained inside.

The old school Service Heads are often black or dark brown / grey with a front cover that needs to be unscrewed to access or see the fuse(s). The Fuses are also held in place with older looking carriers

– some that pull out and others that have bolts that need to be unscrewed by hand before you can remove them. When you remove them or push them back in, you may see a small spark of electricity. This is normal, especially with older fuses, so don't be scared. However by turning off all the electrical appliances in the building before doing this, you may stop this from happening.

After the Service Head, the Live and Neutral cables usually go to the Electricity Meter (which has an identification no. on it that you can give to the electricity company to set up an account).

The Earth cable does not go to the meter. Instead it usually connects to a little metal block with screws on the front, called the Main Earthing Terminal. This usually has several (or more) earth cables connected to it, going to different parts of the building.

Although a Three Phase supply will usually supply 1 Electricity Meter, sometimes a Three Phase supply can supply 3 different Electricity Meters:

in this case each of the 3 Live cables connect separately each fuse in the Service Head to a different meter. However as there is only 1 Neutral Cable, this will usually go from the Service Head to a small dark brown / black box (called a Henley Block).

Then 3 separate cables will connect between this Henley Block and the Neutral connection on each Electricity Meter. It is important to note that from this point onwards, any Electricity Meter that is only connected to a single Live cable, can only give a Single Phase supply to the circuits or buildings it gives power to. In this case above a Three Phase supply has been split into 3 separate Single Phase systems.

After the Electricity Meter, both Single and Three Phase supplies will usually connect to a large cabinet or box called the Distribution Board (DB) or Consumer Unit (CCU).

The building you are in may only have one DB or CCU, or it may have many. For example, some commercial buildings have at least one Three Phase DB as well as several Single Phase CCUs.

In bigger buildings CCUs may sometimes be used to supply the lighting circuits, and possibly other smaller circuits, including circuits for the sockets. Sometimes there will be at least 1 CCU just for lighting.

And some buildings have one CCU or DB for each floor of the building.

Where you have a Three Phase supply coming from the electricity meter, it may go first to a bigger Three Phase DB which will supply power to some circuits, but also supply (distribute) the power to other CCUs / DBs around the building. Sometimes a CCU may supply power to another CCU.

It really varies, but if you understand one, you should eventually understand what all of them are supplying / giving power to.

You just need to work out how they are connected by following cables, switching things on and off and possibly using a multimeter or a tester pen, which (if you can't borrow) are not too expensive to buy. They are very helpful when working with electricity safely and save a lot of time.

Sometimes between all the parts of the system mentioned so far, especially in big buildings, you may encounter additional things, often with cables going in and out like spaghetti. BUT don't let these confuse you too much.





A headtorch and tools are always useful when playing with leccy!

Normally these are either:  
switches (called isolators / switch disconnectors etc.);  
protective devices (RCD / RCCB);  
junction boxes (such as Henley Blocks).

**Switches:** basically used to cut off (isolate) the supply to a specific device / CCU / DB etc.

Some switches simply switch up & down; or twist on and off (these twisty ones often have a yellow block with a red circular switch).

Others, especially older looking ones may be larger metal boxes, with a handle that you pull down or up. Some of these display 'Off' or 'On' depending in the position of the switch. They can be opened by unscrewing the front cover, or sometimes they unlock when turned off.

Inside they also sometimes have another fuse in a carrier (or 3 if a Three Phase supply). These fuses can also be removed. Often people may have already removed these in the past, though if you are lucky sometimes you will find them lying around on the floor near the box. These fuses may also be blown (broken due to overloading / age). Either way you may need to replace them if you cannot seem to get power from a CCU / DB / Device connected to this box.

**Protective devices:** these cut off the power automatically when something is wrong – the most common ones are called Residual Current (protective) Devices (RCD or RCCB). You also find these inside DBs & CCUs (See below).

**Junction boxes:** these come in all shapes and sizes, but the most common for the main supply cables coming from the meter, are the Henley Blocks. They basically have one cable going in bringing the current (either the Live or Neutral) to the box, with other cables leaving the Henley

Block that then send the power to different places in the building. Some Henley Blocks are 'Double Pole', which means they can handle both Live and Neutral cables inside one Block.

For Three Phase there may be 3 separate Henley Blocks one for each Phase, or all the cables may go into a larger metal box which has separate connections for each Phase inside.

As for the spaghetti, sometimes it is simply clipped to the wall or hanging down. Other times, especially in big buildings, it may be hidden behind panels, or run inside steel or plastic containment called trunking. You can normally unscrew the covers to steel trunking, and peel open the covers on plastic trunking – this will allow you to more easily follow where cables go.

So where now...after your electricity meter(s) and any connected spaghetti, you should eventually come to the...

### **Consumer Unit (CCU) / Distribution Board (DB)**

This is where all your circuits are connected and get their power from (Sockets / Lights / appliances etc.)

Both DBs and CCUs almost always contain a Main Switch (to cut the power from all the circuits supplied by that DB/CCU). Then there will be some type of Circuit Breaker or Fuse for each circuit.

In more modern installations there may also be one or more protective devices that look similar to Circuit Breakers.

Single Phase CCUs/DBs usually have all their Circuit Breakers arranged horizontally from left to right (or right to left) with the Main Switch at one end.



Three Phase DBs usually have all their Circuit Breakers arranged in 2 columns running vertically, from top to bottom. The main switch is usually found separately either above or below these columns. Three Phase DBs are normally bigger than single phase CCUs/DBs.

Also just so you know, and don't get too confused:

Three Phase DBs can also supply Single Phase circuits using a Single Phase Circuit Breaker connected to one of the phases (see info on circuit breakers).

However Single Phase CCUs / DBs can ONLY supply Single Phase circuits.

Okay? So remember those cables we were following...?

Well the Live Cable (or 3 Live cables for Three Phase) & Neutral Cable coming from the Electricity Meter, as well as the Earth Cable coming from the Main Earthing Terminal, will enter the DB/CCU through a hole somewhere on the side/top/bottom or back.

Be aware and don't panic: sometimes these cables may not be visible separately at this point, and may be once again contained within a thicker black looking cable running between metal trunking, or a metal junction box and the CCU / DB. Once you remove the cover of the CCU / DB you may be able to spot them again more easily.

#### **Whats inside?**

STOP...If you need to open the CCU or DB (single or three phase) make sure the Main Switch is turned off first!!!

Now you can continue...

Most CCUs / DBs have a cover that unscrews from the front.

Some have a door that you open first to access the screws.

Normally with modern CCUs / DBs after unscrewing it, the cover should pull straight off, sliding past the circuit breakers, leaving them in place (ie. still fixed inside the CCU / DB box).

However older ones that have old style circuit breakers or wired fuses for the circuits may need these removing first before you are able to remove the cover. (see below for info on what these all look like).

So now you've got the cover off safely, back to those cables again...

Inside a single phase CCU / DB, the Live and Neutral Cables connect to one side of the Main Switch. The Earth Cable connects directly to a metal 'earth' bar with screws in, also located somewhere inside the DB/CCU.

The other side of the Main Switch has a Neutral Cable connecting it to a similar bar (the Neutral Bar) usually next to, or opposite the Earth bar. It will also have what looks like a strip of copper connected to it (called the Bus bar).

The Bus bar is where all the Circuit Breakers will be screwed – or sometimes clipped – onto.

This Bus bar is usually hidden behind a plastic protective cover that slides or clips off – you should NOT try to remove this bus bar cover if you don't need to, and definitely not before you have checked again that the power (Main Switch) is turned off.

For Three Phase DBs / CCUs the connections are slightly different:

Usually the incoming Neutral cable does not connect to the Main Switch, but instead is connected directly to the Neutral Bar.

The 3 Live Cables will be connected to one side of the Main Switch (it has 3 connection points). However, from the other side of the Main Switch you should see 3 separate Bus Bars (instead of 1).

The Earth cable should connect directly to the Earth Bar (the same as in a Single Phase CCU / DB).

Okay, so now that you have found how the main power supply cables connect with what is basically the brain of the electrical system in a building (the CCU / DB) you can start to see how and where all the Circuits that are supplied with power by this specific DB / CCU are connected.

The Live cable for each circuit (or 3 Live cables for Three Phase circuits) is connected directly to an MCB / Circuit Breaker inside the DB / CCU.

Three Phase MCBs actually have 3 connection points, one for each Live cable (each phase).

The Neutral cable for the circuit is connected to the Neutral Bar inside the DB / CCU.

The Earth Cable for the circuit is connected to the Earth Bar inside the DB / CCU. All the connections are normally screwed connections.

Occasionally you may see 2 live cables connected to one MCB / Circuit Breaker. This is usually okay IF that circuit is supplying power to sockets, as it is probably what we call a 'Ring Circuit' (see further on to find out what this is).

However you should be aware that sometimes people run several different circuits from a single MCB / Circuit Breaker... for various reasons this is not always the best thing to do...especially if you don't really understand what your doing...

After this point the cables for each circuit should leave the DB / CCU. Sometimes

different circuits will be bunched together running through one hole, and other times they will go out through separate holes.

However, from this point, the Live, Neutral and Earth cables for a circuit do not always remain separate. They may be held together within a single insulated cable (such as Twin & Earth cable or Armoured Cable – see cable types below) containing the individual Live / Neutral / Earth conductors inside;

But if they do continue separately (as insulated single cables - Live / Neutral / Earth – more common in commercial premises) they should be contained inside steel or plastic pipes (called Conduit) or trunking (long rectangular tubes made of metal or plastic).

#### **Circuit Breakers / Fuses / Protective devices**

We have mentioned these a few times... but in case you are not sure exactly what we were talking about...

All Circuit Breakers and Fuses are designed to allow or handle a maximum strength of power / current flowing through them at any one time.

This is measured / rated in Amps (A). Once this is exceeded they are designed to cut out / switch off or break, stopping the electricity flowing into the circuit. Single and Three Phase Circuit Breakers work in the same way, except that Three Phase Breakers connect the power to and cut off 3 Live cables (ie. 3 phases) whilst Single Phase Breakers connect and disconnect a single Live cable.

Three Phase Circuit Breakers are normally 3 x width of Single Phase Breakers, and often look like 3 Single Phase Breakers stuck together side by side.

Every circuit (single or three phase) should normally have one of these all for itself.



Modern (Miniature) Circuit Breakers (MCBs) come in 6A, 10A, 16A, 20A, 32A, 40A, 63A sizes.

(Three Phase MCBs have the same sizes repeated 3 times ie. 3(x)6A connections, 3(x)10A connections etc.)

They have switches on the front that either cut off the live current, or allow it to flow through the Circuit Breaker into the circuit. They can be switched on or off manually by anyone who can access them, but they will also switch off automatically, cutting the electricity to the circuit, if the current (electricity) going through the MCB, is more than the MCB is designed to handle ie. 9A of current going through an MCB rated at 6A.

These MCBs are normally screwed to the Live Bus Bar, inside the CCU / DB. However, some companies have clip in systems, where the MCBs clip in to pre-made slots.

Most older Circuit Breakers, usually Wired Fuses, do not have switches – although some have been adapted with round push switches added to the front of them.

Normally they can be pulled out or

pushed back in, in a similar way to the Main Fuse carriers. When the current exceeds the amount these circuit breakers are designed to handle, they either pop outwards, or the wire inside may simply burn, stopping them working. If one pops out, it can simply be pushed back in, once the power being used has been reduced - by unplugging, or turning off appliances. If the wire inside has broken / burned out, it will not work and needs to be rewired with the correct thickness of fuse wire. Using the wrong size of fuse wire, or replacing it with something else is very dangerous and can lead to fires or the circuit not being disconnected in time if someone is electrocuted. If in doubt, take the broken one to an electrical wholesaler shop, who can usually advise you.

#### **Protective Devices – RCDs / RCCBs / RCBOs**

There are several types of protective breakers.

RCDs / RCCBs also known as Residual Current Devices are found in modern CCUs / DBs and are usually double the width of a single phase MCB.

**Power, Current, Breaker and Cable Table**

Maximum power consumption (per hour) for single device: Watts (W)	Strength of current needed to supply this power: Amps (A)	Minimum size of cable needed: mm2	Size of Circuit Breaker needed: Amps (A)
3.5kW = 3500W	15.3	1.5	16
4kW = 4000W	17.4	1.5	20
4.5kW = 4500W	19.6	2.5	20
5kW = 5000W	21.8	2.5	32
5.5kW = 5500W	23.9	2.5	32
6kW = 6000W	26.1	4	32
6.5kW = 6500W	28.3	4	32
7kW = 7000W	30.5	4	32
7.5kW = 7500W	32.6	4	40
8kW = 8000W	34.8	4	40
8.5kW = 8500W	37	6	40
9kW = 9000W	39.2	6	40
9.5kW = 9500W	41.3	6	45
10kW = 10000W	43.5	6	45
10.5kW = 10500W	45.7	6	50
11kW = 11000W	47	10	50
11.5kW = 11500W	50	10	50
12Kw = 12000W	52.2	10	63
12.5kW = 12500W	54.4	10	63
13kW = 13000W	56.6	10	63

They do not have their own circuits, but normally protect all the circuits that come after them in a CCU.

They basically monitor the balance between the Live and the Neutral current that flows through them, going to and returning from the circuits they protect. They immediately cut the power to all the circuits they protect if at any point the balance between Live and Neutral changes because of a fault. This could be because a circuit is broken and starts to send electricity somewhere else – maybe someone is being electrocuted / water has got into something electrical / or something has cut through a cable and one of the cables is touching something metal. Some electrical appliances such as computers and fridges, especially as they get older, cause RCDs to trip as well, due to problems with these appliances leaking tiny amounts of electricity. They can be switched back on simply by flipping the switch on the front, restoring power to all protected circuits. They also have a small test button on the front that can be pressed to check they are working. If you are unable to switch them back on, because the switch keeps tripping, it means you will need to locate / isolate the problem before you can turn the RCD back on.

Quick way to isolate a problem that is repeatedly tripping an RCD – turn all MCBs off.

Turn ON RCD / RCCB.

Then turn on each MCB one by one.

If the RCD trips when you turn on an MCB, leave that MCB off, turn on RCD again, and continue to turn on the rest of the MCBs until all of them except the ones that are tripping the RCD, remain on. Once you know which circuit has a problem causing the RCD to trip, you can then begin to work out where and what is causing it.

If the RCD only trips occasionally, try to write down what was being used / switched on each time it trips. It may then become clearer that a specific electrical appliance or device, or combination of devices always causes the RCD to trip.

#### **Wiring Colours: Live, Neutral and Earth cables – how to tell the difference.**

You may find both modern and older electrical cables still being used in a lot of buildings.

If cables are connected / used correctly, the colour of the insulation of each individual cable indicates what the cable is – though in squatted buildings where people have been messing with the electrics this is not always the case so be careful..

#### **For Single Phase wiring:**

Live cables are now brown, but used to be red.

Neutral cables are now blue, but used to be black.

Earth cables have always been yellow & green.

#### **For Three Phase wiring:**

The 3 Live cables / Phases are now Brown (L1), Black (L2), Grey (L3) but used to be Red (L1), Yellow (L2), Blue (L3). Sometimes however they are all Brown (L1,L2,L3)

Neutral cables are now blue, but used to be black.

Earth cables have always been yellow & green.

Sometimes, especially in switches, one 'colour' of cable may be used as a different type of cable. If wired properly and safely, this cable should normally have an extra piece of insulation – or sometimes insulation tape – wrapped around it near the end where it connects to the switch or device. For example, in light-



ing circuits, sometimes the cable running from the switch to the Light fitting may be blue (the colour for Neutral), but will have a piece of brown sleeve at each end to indicate it is being used as a Live NOT neutral cable.

### **DIFFERENT TYPES OF CABLES AND WHAT THEY LOOK LIKE...**

#### **Twin and Earth cable**

This is normally grey PVC (insulation) on the outside, and looks kind of flat. Inside it has 1 live cable, 1 Neutral cable (both with colour insulation) and 1 Earth cable. The Earth cable has no insulation round it – it is just bare copper.

When the Earth cable comes out of the grey insulation, (eg. to connect to a ccu or a socket) it should be covered in some yellow and green insulation, or at least wrapped in yellow and green tape. Sometimes Twin and Earth cable (especially in commercial and rented premises) is white on the outside – this is specially treated to give off less smoke and poisonous fumes if there is a fire.

#### **3 Core and Earth cable**

This looks like Twin and Earth cable except that it has 4 cables inside. It is most commonly used for lights controlled by 2 or more switches, for lights with sensors and for bathroom extractor fans. The Earth cable is bare copper (the same as Twin and Earth). The other three cables should usually have colour sleeving added to them to identify if they are Live (brown or black) or Neutral (blue).

#### **Steel Wire Armoured Cable / Armoured Cable / SWA Cable**

This is black on the outside and very hard to bend.

Inside the black insulation you will see strands of metal (steel) wrapped around another layer of insulation (sometimes

black or grey or white). Inside this inner insulation you will then find the coloured conductors for Live, Neutral and sometimes Earth.

It could have anything from 2 – 5 conductors inside.

Sometimes the steel wire strands are used as the Earth (instead of a normal cable). This is normally true if the armoured cable you are looking at only has 2 conductors (for single phase) or 4 conductors (if its Three phase).

If the steel armour is used as the earth, at the end of the cable it should have a metal strap (a clamp) around it connected to a normal Earth cable – or – a big metal kind of nut (called a gland) joining it to a box of some sort, also with some kind of earth cable connected with a screw or nut. Outside the box, this gland should normally be covered in a black rubber tube that you can slide down to see the gland.

#### **Flex cable**

This is the cable you usually see used for extension leads, and the leads for appliances such as fridges, cookers etc. It is normally black or white, and occasionally grey or yellow.

Flex cable is often quite soft and easy to cut through accidentally.

Inside you normally find either 3 cables (1 Live, 1 Neutral, 1 Earth) or 2 cables (1 Live, 1 Neutral). If there is no earth cable, it means the flex you are looking at is meant for equipment that does not



need and earth connection. It should not be used for things like fridges, extension leads etc. If you are not sure, ask someone, or always use the 3 cable (3 core) type of flex.

#### **Cable Thickness**

Cables come in various different thicknesses. The thicker (ie. fatter) the individual conductors (cables), the more Amps (ie. the strength of the electricity current) they can handle safely.

A cable that is too thin for the amount of Amps passing through it will heat up, and eventually melt or catch fire.

The maximum amount of Amps a conductor can handle safely is called the Current Carrying Capacity.

Cable thickness is measured in mm<sup>2</sup> (Millimeters Squared). This unit of measurement is separate for each of the individual conductors (Live, Neutral, Earth). It does not represent the entire thickness of a piece of cable that contains more than one conductor inside, such as Armoured cable or Twin and Earth cable. Most newer cable has the conductor size either printed or embossed on the cable insulation. For cable that contains more than one conductor inside, it will state all the conductor sizes:

The conductors in Armoured Cable and Flex Cable are normally all the same size. You should see the number of conductors, then x, the the thickness of the conductors.

For example a 3 core (ie. a cable with 3 conductors) that are 2.5mm each would be written: 3 x 2.5mm

In Twin and Earth Cable, the Live and Neutral are normally slightly thicker than the Earth. For example in 2.5mm Twin and Earth cable the Earth is 1.5mm.

This will be written something like: 2 x 2.5mm + 1 x 1.5mm

If you are not sure of the conductor size you are looking at, try and find a piece of an individual conductor that you do know the size of, then you can compare it side by side with the one you are not sure of.

When looking at Armoured Cable and Twin and Earth Cable, you may need to look at the individual conductors to work out the size, as the thickness of the main outer cable insulation can be deceptive / confusing.

#### **Sockets**

The main type of sockets you will see are the standard double (sometimes single) sockets, that most domestic household appliances, phone chargers, laptops etc. plug into.

Each one of these sockets is designed to handle a maximum strength of power. One socket outlet – either a double or single socket – is made to safely supply 13 Amps of current (electricity) in total at any time. If you exceed this by a large amount (say 16 Amps or more instead of 13) you will start to damage the socket, and may eventually break or melt it, possibly starting a fire.

Instead of plugging lots of things into one double or single socket outlet using extension leads, you should try to use different sockets around the building. High powered electrical appliances like fridges / washing machines and ESPECIALLY heaters should definitely be plugged into different sockets where possible. However mobile phone and laptop chargers, lamps, radios can all be powered off one double or single socket outlet using extension leads, as they do not use a lot of power.

If in doubt, you can easily work out how much Amps a device needs by doing a simple calculation, which will be explained later.



Some sockets also have a Test and Reset button on the front. This is basically a normal socket with a protective device (RCD) inside. If it is not giving power, try pressing the Reset button. The RCD works just like the RCDs you find in DBs / CCUs. If there is a problem with any of the devices or cables that are plugged into this socket, it will 'trip' cutting off the power to everything plugged in at that socket.

Also in commercial buildings you may also find what are called 'Commando' sockets. These are designed to give more power than the standard sockets, and come in different sizes and colours. The plugs for these are long and round with round pins.

You can use these if you have, or can find / buy the right cables that fit them. Extension leads can also be adapted to be used with these, IF you know how to do this safely, ie. using the right size cable. Blue Commando sockets are Single Phase and have 3 round holes – the smallest ones are 16A and the larger ones 32A. Red Commando sockets are Three Phase and have 5 round holes for 5 pin plugs. Sometimes you may find Yellow Commando sockets and plugs. These supply a lower voltage (110 Volts) and are designed for safe use on construction sites. Unless what you want to plug in or power is 110 Volt equipment (very unlikely) then don't try and use these.

#### **Fused Connection Unit (FCU)**

These work a bit like a socket, except there are no holes to push a plug into. Instead the cable from an appliance will be permanently connected inside the FCU, normally with a Flexible cable (Flex).

Alarm systems / boilers / water heaters / shop shutters are all usually connected to FCUs. If any of these appliances is not

working, it is good to check the FCU first. All FCUs have a fuse inside (the same type of fuses as plugs have inside – see later on for more info) and the FCU works a bit like a Main Fuse or circuit breaker, but only protects the appliance that is connected to it. The fuse inside will blow if the strength of electricity (Amps) exceeds the rating of the fuse.

Some FCUs also have an on / off switch, and most have a red light to indicate if they are working when switched on. When switched off, (or when the fuse is removed) the electricity circuit is broken, and no electricity will go to the connected appliance. There will still be power inside the FCU, so be careful if opening it. The fuse is held in a small compartment, and is very easy to change, by opening the compartment with a screwdriver, and pulling out the fuse.

#### **HOW TO WORK OUT HOW MUCH POWER A DEVICE USES?**

There are a couple of sources of information – and you only need to find one of them - that will allow you to work out either how much power a piece of equipment uses, or how many items you can plug into one socket etc. without overloading it.

The information you need is at least 2 of the 3 below:

##### **Power**

The maximum amount of power a device / appliance etc. uses per hour??

This is measured in either Watts (W) or Killawatts (kW)

and just so you know: 1000 Watts = 1 Killawatt

To work things out, you need to use Watts not Killawatts. So if you have the measurement in Killawatts then multiply (x) it by 1000.

Most appliances / devices have a sticker somewhere on them, maybe on the back, inside the door etc. that has the Power shown in W or kW.

##### **Voltage**

The Voltage of the electricity supply measured in Volts (V)

GUESS WHAT –

you don't need to find this, as if you've been reading closely you already know that:

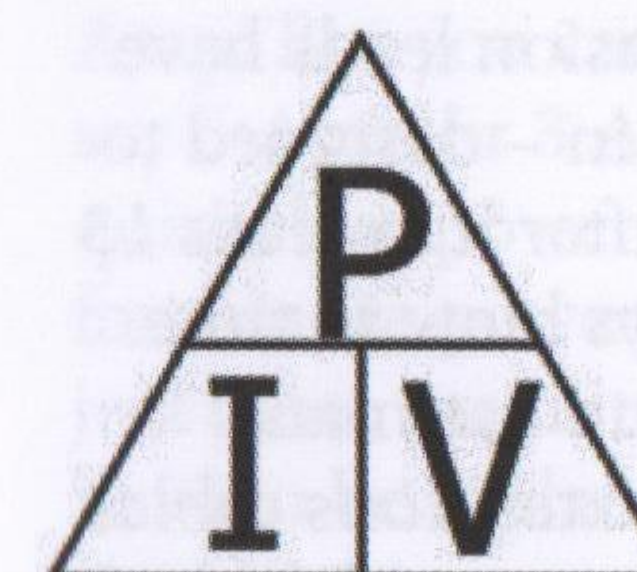
Single phase supplies are around 230 V

Three Phase Supplies are around 400 V

##### **Amps**

The maximum 'strength' of the electricity that a device or appliance needs to work – This is measured in Amps (A).

You can use this simple triangle to help you remember how to do the calculations:



P = Power, measured Watts (W)

I = Current, measured in Amps (A)

V = Voltage, measured in Volts (V)

If you need to work out the maximum amount of Amps a device will need, you divide the Power (Watts) by the Voltage (V).

If you need to work out the maximum amount of Power a device uses, you multiply (x) the Voltage by the Amps (A).

If you need to work out the voltage, you haven't been reading this guide properly.

#### **Running and Connecting cables...**

Yes this is also important...

Connecting cables together should be done in a way that is safe for other people.

It is best to use specially designed junction boxes – some have screw terminals and some use newer cable clamps. Something that a lot of people do: using connector blocks wrapped up in tape; is not a very safe option.

Anything that is metal and has a circuit running through it should have an earth cable connected to it. Most metal junction boxes, sockets, switches etc. have a place to connect all the earth cables together. There is also a symbol to indicate an earth terminal:



When conductors are connected (usually by a screwed terminal) to anything; a light, socket, junction box etc. none of the copper conductor should show outside of the terminal. However the insulation should not go so far into the terminal that it gets caught by the screw when it is tightened. Always check connections by pulling on them after they're connected. If they come loose then reconnect them more securely.

If you are running new circuits / cables, try to keep the cables out of the way from areas where they may get bashed, stepped on, pulled, squashed or trapped in doors. Do not run cables (except extension leads) on the floor.

If the insulation around a cable gets split,



someone could get an electric shock should they touch the cable there. Any cable like this should be replaced. Temporarily you could use electrical insulation tape to wrap it up, but you should then replace the cable as soon as possible, and let other people know where damage is.

Cable ties are good for tying up cables out of the way, to the ceiling, beams etc. Keep the cable ties loose, as a tight knot around a cable could cause it to overheat. You can always put screws into walls, which you can hang cable ties from.

You can also get various sizes of cable clips for different cables that you can nail or screw straight into things, to keep cable in place.

Cable can also be run inside trunking or conduit, and you can get mini trunking that has a sticky strip on the back to help you stick it straight to the wall.

Also don't twist cable too much, or keep it rolled up while in use, as this can also damage it or cause it to heat up. Damage to a cable can affect (reduce) how much power the cable can carry safely.

### **Extension Leads aka Squat Spaghetti**

Yes, extension leads are an easy option for getting electricity from one place to another. They are also an easy way to start a fire..



Not all extension leads are the same.

Some have thicker cables than others, some come on a roll, some just in a tangled pile.

Firstly, an extension lead is basically what it says; an extension of what it is connected to: a socket. As we mentioned before, a normal socket is designed to handle 13 Amps of current (electricity) safely. This means that an extension lead plugged into that socket should carry no more than 13 Amps. That means that even if you have 10 extension leads plugged in to each other, they should still be using no more than 13 Amps of power IN TOTAL.

There are extension leads designed to be used with commando sockets, that have thicker cable to carry more current, but again their capacity is still limited by the size of the commando socket they are connected to.

Also although most extension leads have plugs with 13 Amp fuses in – designed to blow, cutting the power after it exceeds 13 Amps - they do not always blow in time. This is very dangerous, and has many times in the past caused extensions cables to overheat and catch fire, or sockets to melt.

Extension leads on rolls can heat up as the cable is pressed tightly together. It is always advisable to unroll extension cables all the way, especially if you are running them at their maximum capacity, say by plugging in a heater.

### **Plugs**

Not everyone knows how to wire up a plug safely. Also in Ingle, Scotland & Wales we have plugs that are different from those across the world. So we thought it would be good to explain how these are connected and what they look like.

The three cables should be slightly different lengths: the Earth the longest, then the Neutral; the Live cable should be the shortest. This is so that if the whole cable gets pulled by something, the Earth cable (ie. the 'safety' cable) will usually be the last one to disconnect.

As with all connections none of the exposed copper of the cable should show outside the screw terminal which the cable connects to.

Also the outer insulation of the cable should go inside the plug – there is normally a cable clamp with 2 little screws that you push it under when entering the plug. This can then be screwed down a bit, to prevent the cable from easily pulling out.

All normal 3 (rectangular) pin plugs need a fuse inside to work. The standard (and maximum) fuse size for these plugs is 13 Amp. But you can use smaller rated fuses, say 6 Amp or 3 Amp where a device requires less power. A smaller fuse in a plug for a more powerful device, will usually just blow, meaning no power, and will have to be replaced.

Do NOT be tempted to use something else instead, if you don't have a fuse – this is very dangerous and could cause a fire.

### **HOW TO WIRE UP YOUR OWN CIRCUITS AND APPLIANCES**

Safety is priority!!!

It is important to use the right size (thickness) of cable, and the right size Circuit Breaker / Fuse.

Most things you will want to connect will need a single phase supply – things such as lighting circuits / Sockets / Showers / Cookers (sometimes industrial cookers need a Three Phase supply).

### **Lighting**

Use 1.5mm cable / conductors. (The Earth cable can be 1mm)

Use Twin & Earth cable (or Single Core cables only if they are inside conduit or trunking). Armoured Cable can also be used, but you will need a special gland to secure it. Flex cable can be used between the light fitting and either a junction box / ceiling rose or transformer that is near to the light fitting (within a meter or so).

### **Use a 6A or 10A Circuit Breaker**

There are lots of different ways to wire up lighting circuits that have switches to turn the lights on and off.

Some lighting circuits use Junction boxes, other use Ceiling Roses. Some use newer specially designed clip together and push fit connections.

You can look on the internet and have a look at all the possibilities, what you may have already and what you may want to do instead.

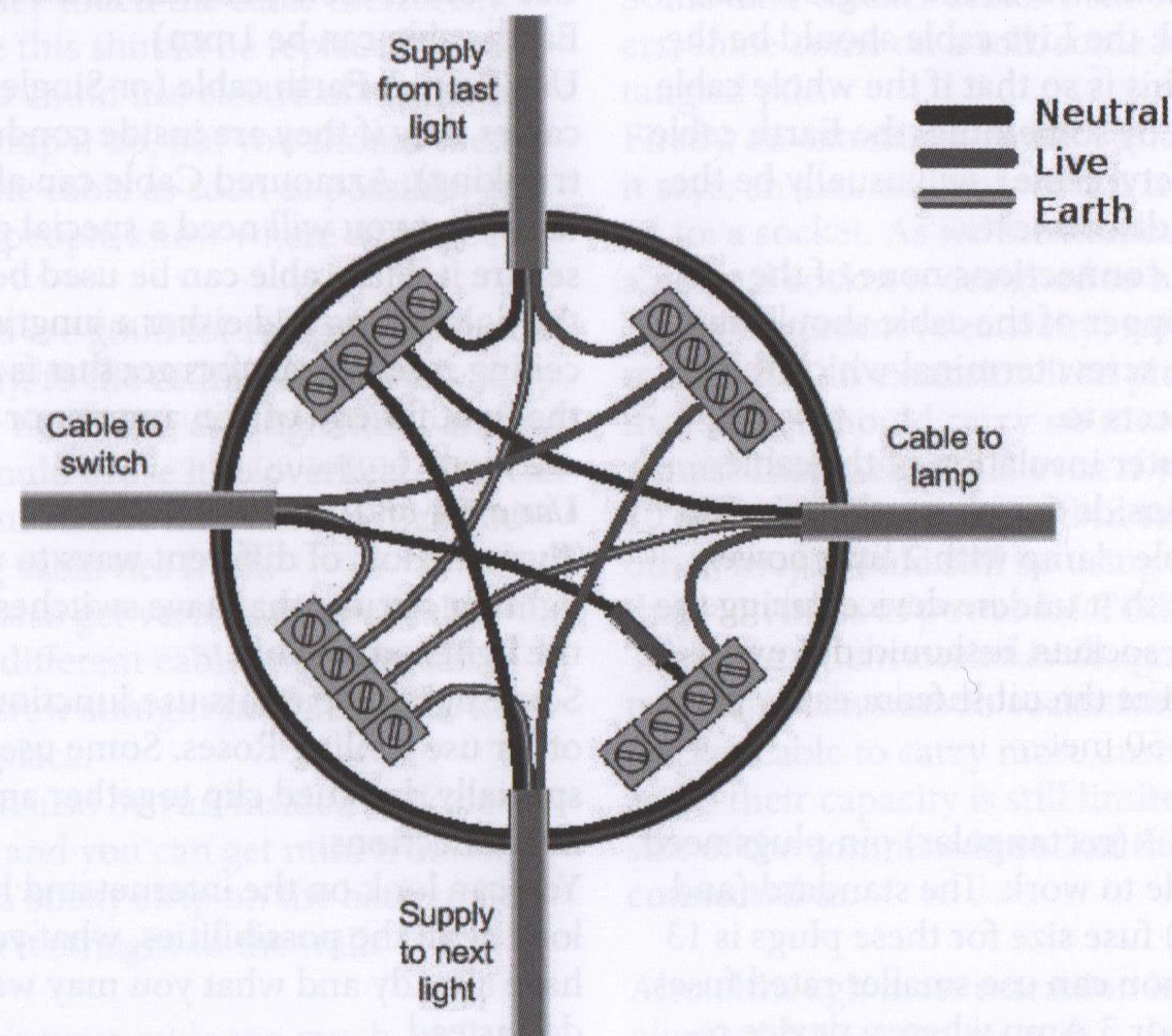
As a bit of guidance, for circuits with light switches you will always have a Live cable that goes to the switch.

You will usually have an Earth cable going to the switch as well, but if the switch and box in the wall (that the light switch is screwed into) are plastic, the Earth conductor will probably not be connected to it (it only needs connecting if the box or switch are metal).

The Neutral conductor does not usually go to a light switch. BUT sometimes if Twin & Earth cable is used, you may see a blue cable coming from the switch. This is where what would normally be the Neutral conductor has been used as a live cable instead, taking power back to the light once the switch has been turned on. If this is the case it should have a bit of brown insulation wrapped around it to indicate this (but some dodgy electricians forget about this).



## Lighting junction box



Some spotlights are what is known as 'Extra Low Voltage'. This is because a device called a transformer is used to change a normal 230 Volt single phase electricity supply to a much lower voltage (50 Volts or less).

Often these transformers stop working, meaning that lights connected to them will not turn on. You can easily replace the transformers by disconnecting them from the circuit and getting a new one from an electrical wholesaler.

They are usually (but not always) hidden in the ceiling near to the light fitting and can usually be pulled out by the cable that connects to the light fitting, through the hole where the spotlight enters the ceiling.

Extra Low Voltage lights do not usually have Earth conductors (they only have Live and Neutral). This is because the

power is not strong enough to give you a serious electric shock. But you should still turn the power off before working on them or changing them, as everything is not always as it looks, and things could have been wired up incorrectly in the past.

Fluorescent tubes (strip lights) - need a lot of extra power when they are first switched on. These lights have a 'starter' that helps give this extra boost of power. It is roughly the size of a cork from a wine bottle, and will be pushed in on one side of the light fitting. Sometimes these starters may need changing if a fluorescent tube keeps continuously flicking on and off when switched on.

Also fluorescent tubes contain poisonous stuff, such as mercury, and should NOT be broken or smashed over people's

heads, as this will release a dust that can be breathed in.

## Sockets

There are 2 different types of circuits for sockets: Radial and Ring circuits.

Radial circuits have a single set of conductors (Live, Neutral, Earth) running from the CCU to the first socket in the circuit. Another piece of cable / set of conductors connects from that socket to the next socket. You can connect as many sockets as you like BUT be aware that if you add up the total maximum power or amps used by all the devices plugged into all the sockets, it should not exceed 20 Amps. The circuit should also not be more than 50 meters long.

Use a 20A Circuit Breaker.

Use 2.5mm cable / conductors. (The Earth cable can be 1.5mm)

Use Twin & Earth cable (or Single Core cables only if they are inside conduit or trunking). Armoured Cable can also be used, but you will need a special gland to secure it.

Ring Circuits can handle more power. They have 2 cables that form a loop (or 'ring') that lets the electricity flow in both directions around it to the sockets.

There should be 2 Live, 2 Neutral and 2 Earth conductors going out from the CCU / DB to the sockets. One set of conductors (Live, Neutral, Earth) goes to the socket at one end of the ring, and the other set of conductors goes to the socket at the other end of the ring. The sockets are then connected to each other in the same way as sockets in a radial circuit. Again you can connect as many sockets as you like BUT when added up the total maximum power or amps used by all the devices plugged into all the sockets, should not exceed 32 Amps.

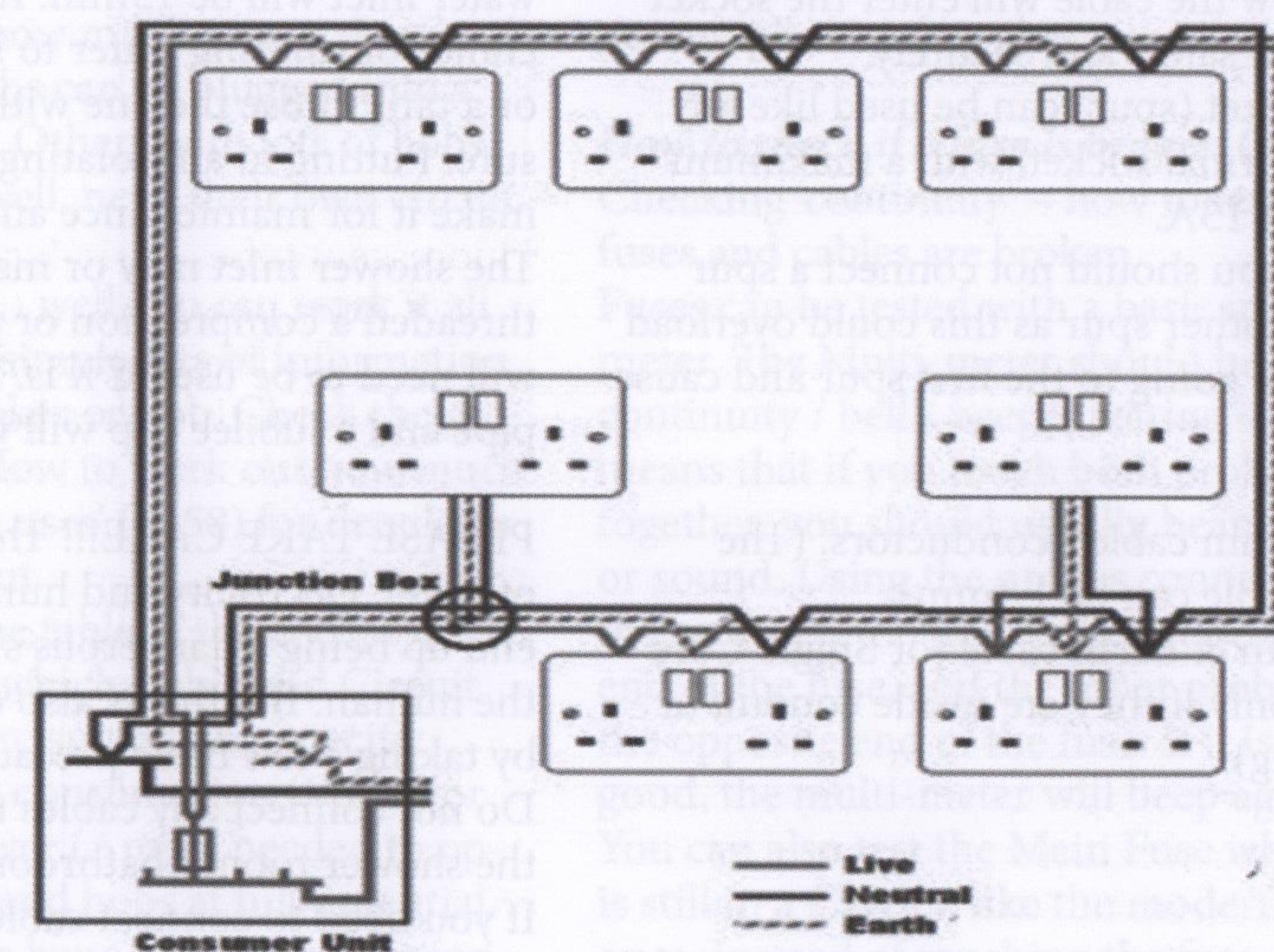
Use a single 32A Circuit Breaker

- both Live conductors should be connected to the same Circuit Breaker.

Use 2.5mm cable/conductors. (The Earth cable can be 1.5mm)

Use Twin & Earth cable (or Single Core cables only if they are inside conduit or trunking). Armoured Cable can also be used, but you will need a special gland to secure it.

## A ring circuit





DON'T put sockets in bathrooms, next to sinks, taps, or the main Gas supply, or above cookers. Also it is not advisable to put them on the floor or so low that water could go on them if someone mops the floor, or if there is a flood from a burst water pipe.

The professional regulations for Electricians say they should be at a height of 450mm from the floor.

### **Spurs (sockets)...**

An easy way to add an extra socket in a building where you already have sockets that work is to add a spur to an existing socket or junction box (but NOT to an existing spur).

To do this you simply connect an extra cable to the Live, Neutral and Earth terminals, either inside a socket or a junction box. You then either use an existing hole; conduit or trunking connectors; or alternatively make a small hole in the side of the box; or a channel in the wall for the cable to leave the junction box or back box for the socket. Then safely run this cable to the location of the new socket and connect it, once again carefully planning how the cable will enter the socket back box safely and securely.

This socket (spur) can be used like any other normal socket, with a maximum rating of 13A.

Again, you should not connect a spur from another spur as this could overload the cable going to the first spur and cause a fire.

Use 2.5mm cable / conductors. (The Earth cable can be 1.5mm)

Use Twin & Earth cable (or Single Core cables only if they are inside conduit or trunking).

### **Electric Showers**

These usually need a lot of power to work properly.

A lot of power means a strong current (a lot of Amps).

A lot of Amps means thicker cable is needed.

So what to do... well you can work it all out with a few simple bits of information about your shower or water heater. Check the section entitled 'How to work out how much power a device uses' (p.58) for details on working this out.

Then look at the table p. 54 where you can check which Cable and Circuit Breaker sizes are suitable for specific levels of power consumption (Watts) or strength of power needed to operate the shower (Amps).

### **Showers and Water Heaters**

Fitting a shower or an electric water heater is not a complex job. It is generally best to get the plumbing side of things done first so that you can test your work without any electrics nearby. If there are electrics nearby isolate at the consumer unit before carrying out any work. The water inlet will be 15mm. If you have a choice of running water to it from mains or a tank chose the one with higher pressure. Putting in an isolating valve will make it for maintenance and removal. The shower inlet may or may not be threaded a compression or push fit fitting will need to be used if it is. If not hose pipe and a Jubilee clip will work.

PLEASE TAKE CARE!!! The combination of water, electricity and humans can easily end up being a dangerous situation for the human. But this is also easy to avoid by taking a few basic precautions. Do not connect any cables together inside the shower room / bathroom area. If you need to connect cables, because

one is not long enough, do this outside of the bath / shower room area, and use a junction box (if possible a waterproof one IP44 or more) to safely enclose the connections.

If the shower unit is installed inside the area where the shower will spray water, ensure the shower unit is sealed with silicon all around it, so that no water can get inside. You can get silicone from most DIY shops. Run the cable out of the back of the shower cabinet / cubicle where possible.

Run the cable as high as possible, along the ceiling or wall, to reduce possible contact with people. But don't run it through the doorway where it can get squashed by the door, exposing the live copper conductor inside. Instead drill a hole, or cut a bit out of the door frame for the cable to run through.

As the load for a shower is quite high it should be run from its own MCB in the consumer unit. It should also have its own isolation switch (pull cord if in the bathroom – to minimise risk of shock).

### **Electric Cookers**

These vary in how much power they need. Some hobs can be plugged into a normal socket. Others with lots of hobs, or an oven as well, need their own circuit.

So what to do... well you can work it all out with a few simple bits of information about your cooker or hob. Check the section entitled 'How to work out how much power a device uses' (p. 58) for details on working this out.

Then look at the table at the end where you can check which Cable and Circuit Breaker sizes are suitable for specific levels of power consumption (Watts) or strength of power (Amps) needed to operate the oven and hobs at full potential. Some buildings have cooker connection

points, that are designed to handle the extra power cookers need. Often you will need to unscrew the front of these to connect a cable between the Live, Neutral and Earth terminals labelled 'Load' or 'Output', and then connect the other end to the terminals on the back of the cooker.

If unsure, you should still check the table we have provided (p. 54), to ensure you use the correct size cable, and to confirm that the cable and circuit breaker already supplying the cooker circuit / cooker connection point is thick enough / strong enough, as older ones may use thinner cable or a circuit breaker with a rating (Amps) that is too low.

Sometimes you will find a single socket with a cooker point or red cooker switch next to it. This socket is however only made to supply a maximum 13A – it's normally used to plug in the cable for the spark on Gas hobs.

### **Checking if there is electricity in a circuit**

With a detector pen it is easy to check if there is electricity in a circuit. See the paragraph on safety above.

### **How to check if a fuse is broken (blown)**

Checking 'continuity' – how to test if fuses and cables are broken.

Fuses can be tested with a basic multi-meter. The Multi-meter should be set to continuity / bell / beeper setting – this means that if you touch both probes together, you should usually hear a beep or sound. Using the probes connected to the multi-meter, touch one probe on one end of the fuse, and the other probe on the opposite end of the fuse. If it is still good, the multi-meter will beep again. You can also test the Main Fuse whilst it is still in a Carrier, like the modern grey ones. Instead of touching the fuse, you



place the probes, one on each of the two metal prongs that stick out of the carrier. To test a cable, you follow the same procedure, placing a probe on each end of the cable. If the cable is not broken inside, the multi-meter will beep.

### **Outdoor electricity**

Briefly, electricity outside of buildings / covered spaces needs some consideration. Both rain, damp and wind can affect circuits and electrical devices. If you want to install something outside safely, here are a few tips:

Light fittings / electrical devices / sockets and even junction boxes for outdoor use should be specially protected against the weather. Somewhere on them there will be an IP rating that tells you if they are. For general outdoor weather conditions you can usually safely use anything that has an IP rating of IP44 or higher.

However, where the cable enters any device outside, the connection must also be weatherproof. This can be done by using a compression gland that can be screwed into a junction box / socket etc. and then tightened around the incoming / outgoing cable. Any electrical wholesaler should be able to help explain exactly what you need to do or use.

Where possible it is best to use Armoured Cable outside, except for connecting very short lengths of cable (roughly less than a meter) for example between a light and a junction box or sensor. You could use a strong type of Flex cable (but never use flex for sockets).

### **Amps (A):**

In very very basic terms: the higher the Amps, the stronger the electricity. Electricity has the potential to become very strong and that is why we have

Fuses, to stop it from breaking everything if it becomes too strong. Fuses are designed to withstand a maximum amount of Amps after which they break, stopping the electricity flowing beyond that point in the system. Different fuses can support different strengths of electricity flowing through them. 100 A fuses are designed to break, or cut the power if more than 100 Amps goes through them. 6 A fuses are designed to break when the power going through them increases past 6 Amps. But they are all slightly flexible, and may let a couple more Amps through before they break or cut the electricity flow.

### **Carrier:**

Holder for a Main Fuse.

### **Conductor:**

An individual, single cable, made of single length or twisted strands of copper. It may, or may not have insulation around it. Most circuits need at least 3 conductors (Live, Neutral, Earth).

### **Current Carrying Capacity:**

The maximum amount of current (strength of electricity), measured in Amps that an individual conductor can handle safely.

### **Voltage (V):**

Voltage in single phase electricity supplies roughly stays the same, around 230 Volts. In Three Phase, it is around 415 Volts. However sometimes in very long (roughly 50 meters upwards) circuits and cables, especially in thinner cables the voltage may reduce slightly, for example causing lights to dim or not work. This is known as Voltage Drop.

**Insulation:** The material (usually PVC) that is wrapped around copper electrical conductors (the inside of cables).

**Trip:** when a circuit breaker or protective device switches off automatically.

**Trunking:** long rectangular tubes made of metal or plastic, used for running cables along inside, to protect them.

### **Pole (Single, Double, 3 pole..):**

A pole refers to a single pathway for electricity, usually in a switch.

For example, a single pole switch will disconnect just one conductor / pathway, usually the Live. A double pole switch will normally disconnect both the Live and the Neutral pathways / conductors.

### **Voltage Drop**

When the normal voltage level drops towards the end of a very long cable or circuit.

**Consumer Unit** CCU / Distribution Board / 'Fuse Box'

**Service Head** (previously referred to by some people as the Company Head)

Any appliance or device that has a maximum power consumption rating of 3000W (3kW) or less can usually be wired to a 3 pin plug, and plugged into a normal socket.

This is a very general guide.

We have assumed that most of the cable you will be using will be 'clipped direct' ie. attached on the surface of walls & ceilings, using either Twin & Earth cable, or Armoured cable.

Depending on the type of cable and how it is installed, the current carrying capacity can vary from that shown above. Things like covering cables with loft insulation or carpet, tying lots of cables together, and running cables next to heat sources like radiators or heaters, may reduce the amount of current the cable can

handle safely. In this case, you may need to use a larger cable.

This is NOT a professional guide for permanent electrical installations – for that you should refer to the On Site Guide.

### **Useful resources**

The Electrician's Guide to the IET Wiring Regulations. By John Whitfield and Andrew Hay-Ellis. Is a book that is well recognized by both practising electricians and students. That doesn't need you to know all the theory.

electriciansforums.co.uk is a forum thousands of sparks use and welcome questions from DIYers.

### **Gas**

Working on gas unless you are competent is not legal. And could be fatal. If you are not using gas make sure it is switched off at the point it enters the building this is usually a handle shaped tap. If the gas all looks intact and there are no uncapped pipes you can check for leaks in the pipe-work using a mixture of soap and water

### **Alternatives to Mains Gas and Electricity**

If you're finding it difficult to get gas and electricity supplied, these alternatives might be worth considering.

### **Cooking And Heating**

Bottled gas can be used for cooking and heating. Some cookers can be converted, but it's probably better and cheaper to buy a cooker that is designed to run on bottled gas.

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 plus £20 for the deposit - although if you already have an



empty bottle you may not have to pay the deposit. The advantage is that once you're converted, you are independent and can move your equipment from home to home without having to worry about getting connected by a gas supplier.

Basic solar hot water systems using recycled materials can be installed cheaply, but will only work well in the summer. Information on how to do this is available online or in some bookshops.

### Generators

These are expensive to buy or hire and can't run things that constantly 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 successfully in squats where the electricity has been cut off.

Don't use generators indoors, in your basement or close to where people are sleeping. They produce carbon monoxide and other toxic gases which may kill you.

### Batteries

For lighting, stereos and other gear that uses relatively little electricity, it is possible to use large capacity 12 volt batteries. Friends with mains electricity can recharge them for you or you can charge them using a generator or solar or wind power.

Solar and wind systems are fairly easy to set-up even if you don't have specialist skills. The main problem is the cost of buying the equipment.

Detailed information about how to set up and build alternative power sources is too complex to be described here but more information is available at [www.cat.org.uk](http://www.cat.org.uk) and elsewhere on the internet as well as in books such as "Do It Yourself 12 Volt Solar Power" by Michel Daniek (ISBN 978-1856230391).



## DEFENDING YOUR HOME IN COURT

If you manage to avoid or beat the threats of criminal charges, criminal violence or being evicted while nobody is in, you can almost definitely expect to get court papers from someone trying to use the civil law to get you out.

The first you will know of this is when the court papers turn up. Occasionally the claimants (the people taking you to court) will be really cocky and fail to serve the papers, so the first you know is the order, or even the bailiffs, but this is rare. When you get papers, get a copy to ASS if you can, as soon as possible. Don't leave it until the last minute.

You should get more than one set of papers, they should be attached to the front door and delivered through the letterbox (if there is one) or attached to a stake by the entrance if there is no letterbox.

The first thing to check is whether the papers are an application for an ordinary possession order or include an application for an Interim Possession Order (IPO). This will normally speed up your eviction, and includes the possibility of being arrested for not leaving, rather than waiting for the bailiffs to come and evict.

A normal claim form for a possession order in the county court (CPR55sl)

Title Number : TGL182875

This title is dealt with by Land Registry, Telford Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 13 APR 2016 at 12:39:19 and so does not take account of any application made after that time even if pending in the Land Registry when this extract was issued.

#### REGISTER EXTRACT

Title Number	: TGL182875
Address of Property	: 3 Dalandander Ave, Resiston (B3FU)
Price Stated	: £2,510,000
Registered Owner(s)	: Phil Feerich and Rob Inue (Co. Regn. No. 0012345) of 1b Aster Rd, Lower Kindaliff, Noheartshire, SH1 1TE
Lender(s)	: None

Title number TGL182875

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 13 APR 2016 at 12:39:19. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.

#### A: Property Register

This register describes the land and estate comprised in the title.

##### RESISTON

- (09.03.2000) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 3 Dalandander Ave, London (B3FU).

#### B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

##### Title absolute

- (14.11.2014) PROPRIETOR: Phil Feerich and Rob Inue (Co. Regn. No. 0012345) of 1b Aster Rd, Lower Kindaliff, Noheartshire, SH1 1TE.
- (14.11.2014) The price stated to have been paid on 30 October 2014 was £2,510,000.

End of register

Example of a title register extracted from the Land Registry.





# Application for an interim possession order

In the Resiston County Court	
Claim no.	C10NG781
Fee Account no.	

Claimant's full name and address	Phil Feerich and Rob Inue, 1b Aster Rd, Lower Kindaliff, Noheartshire, SH1 1TE
Address for service (if different from above) Ref / Tel No.	3 Dalandander Ave, Resiston, London, IB 3FU.
Defendant's name (if known including title e.g. Mr, Mrs or Miss) and address	Barry Kader, Anne Greemob, Lee Galwright and Persons unknown



The claimant is claiming possession of

3 Dalandander Ave, Resiston, 1B3 FU. Which has been left to rot while we speculate.

on the grounds that the claimant has an immediate right to possession and that the person(s) in occupation of the premises is (are) in occupation without consent.

Application issued on 23rd November 2017

The court will consider whether an interim possession order should be made on

at 10.30 am/pm

at The Resiston County Court, 1312 Alpiggs Lane.

## Service

For this notice to be valid it must be served before 15.30am/pm on Friday the 24 day of November 2017. It must be affixed to the main door or another conspicuous part of the premises and, if practicable, inserted through the letterbox in a sealed transparent envelope addressed to 'the occupiers'. In addition it may be attached to stakes in the ground in conspicuous parts of the adjoining land if this is appropriate.

N138 Application for possession including application for interim possession order (01/14)

© Crown copyright 2014

An application notice for an interim possession order (CPR55 sIII)

## WHAT KIND OF ORDER HAVE THEY APPLIED FOR?

IF IT IS AN ORDINARY POSSESSION CLAIM YOU WILL GET:

1. A CLAIM FORM (Form N5 -see small print at the bottom) which will either have the date and time of the hearing on it or (more often) that information will be on a separate NOTICE OF HEARING (Form N24).

2. A summary called PARTICULARS OF CLAIM.

3. Some evidence that the claimant has a right to possession of your place, usually an extract from the Land Registry or a lease. These will usually be in the form of attachments (called "exhibits" to a WITNESS STATEMENT. There doesn't have to be a witness statement, but there nearly always is.

4. A blank defence form to complete (N11). ASS can help to draft a defence in the proper form, whether you have been supplied with a blank one or not. Some claimants like to destroy whole forests to give everyone copies of irrelevant photos of the place, or print-outs from the internet.

## Timing

You should get at least 2 clear working days' notice of the hearing if the property is non-residential and 5 if it is residential. So, for non-residential, if you get it on a Friday the hearing shouldn't be until the following Wednesday at the earliest. Because it's a criminal offence to squat in a residential building, we don't usually try and argue that a place is residential, but if its part residential part commercial, and you're not living in the residential bit, it might be worth a try if you've only been

given 2 days' notice.

IF IT IS AN APPLICATION FOR AN INTERIM POSSESSION ORDER YOU WILL GET:

1. A claim form (Form N5 -same as above), maybe with the date and time of hearing on it or maybe on a separate notice.

2. An application form for an IPO (Form N130).

3. A statement in support of the application consisting of boxes to be filled in (also part of Form N130) and proof of ownership or lease should be attached.

4. A blank form for you to fill in as your defence. This is called Form N133. You must be given one of these (say the rules)

## Timing

You should have had at least 2 clear working days' notice of the hearing (not counting weekends or bank holidays), and the papers should have been served on you within 24 hours of the court issuing the application. The front page of the application should have been completed by the court to say when it was issued, when it has to be served by and when the hearing will be.





## GOING TO COURT... OR NOT

The first question is whether or not to go to court. If you've got no real defence (see the section on Defences, on pages 75-77) – there's a chance you might get a better result if none of you go. This is because if nobody for the defence attends, the judge might be more careful to check whether the claimant has provided proper evidence that they served you with the papers correctly – but ultimately, it's all pretty random. Court is a lottery. Seemingly strong defences are often dismissed, while people often win adjournments without much of a defence at all. In squatting cases it usually just comes down to the judge, what they had for breakfast, and how much the lawyers working for the other side manage to annoy them.

If you do decide to go to court, the court should be the County Court local to where you live (rather than where the owner is based) but with recent and planned closures that may still not be very close. Sometimes claimants start in the High Court. This can either be the High Court in London or one of District Registries around the country (not as many as County Courts). They have to show that there are good reasons for going to the High Court, and there are rules about it in CPR 55.3(3), but the real reason is that they want to make it easier to get the High Court Enforcement Officers straight away. See below about enforcement and bailiffs.

### **Bringing your defence to court**

If you had time and a good defence it might be worth filing it at court before the hearing date. This means taking it to court and either handing it in to the office, or more likely these days posting it into a box. There is more chance that the judge will actually read it if it is available

beforehand. You should then send a copy to the claimant or their solicitors (address at the bottom of the first page of the claim form) but the chances are it will be too late. If you don't file your defence at the court in advance, there is no need to send a copy to the claimant's solicitors. You should anyway have 3 copies, the original for the judge, one copy for you and one for the other side (See Defences on pages 75-77). You will need as well legal precedents, print-out of the Civil Procedure Rules, and a notebook. Get there in time, at least 20 minutes before the time of the hearing.

### **Before your hearing**

There will be a bag and metal search going into the court, so make sure you don't have any stupid stuff on you. The court will have a number of rooms and you will have to check the lists on a board inside the court building to find yours. Look for the claimant's name, as you will probably be "Persons Unknown" or for the claim number, but you will probably be in the same court room as lots of other "Persons Unknown". Write down the name of the judge, which can be important later if you do well, and ASS always likes to know anyway for the "form book". Find the usher (someone with a clipboard and shouting out court cases). (S)he will tick you off the list. Hand the judge's copy of your defence over to the usher outside the court room, though (s)he may tell you just to give it to the judge inside the court.

You might want to talk to the other side to try to negotiate more time or at least find out how quickly they want to enforce the order (e.g. if they are enforcing in the High Court or County court- See the section on enforcement). You might be able to agree to the claimant asking the judge for the possession order to take effect on a date in the future in exchange for you not

opposing the granting of the order.

When you speak to the other side they might want to see your defence. If you've got a defence and don't give it to them this will probably annoy the judge. However if they see your defence they might be able to make some phone calls and fix their paper work / come up with a story to counter it. Your case may be called late and the owner might have a fairly long time to sort out their case. For this reason some squatters only talk to the other side and hand the defence over once their case has been called and are literally walking into the court room.

When your case is called you go up the front of the court room. Check that the judge has your defence, or hand it over if you hadn't given it to the usher.

### **Giving a name in court**

In order to participate in a court case and raise a defence the judge will usually ask you for your name. Giving a false name for the purpose of fraud would probably be a criminal offence. However, the UK is different from many countries in that there is no central register of names and there is no requirement that people own ID. Therefore many people are known by different names and sometimes a person's name is different from the name on some of their official documents (for example because their friends / family have known them by that name for a reasonable period of time). You do not need to show ID at court.

**Reasons why you might not want to give your name** – particularly if you're using the name on your passport

If you give a name to court, your defence fails and you are ordered to pay court costs or damages for trespass, that name

may be placed onto the "Register of County Court Judgements and Fines". A county court judgement is not a criminal record. The police can't get involved and you cannot be detained or sent to prison. It just means you owe someone money. It isn't relevant for most jobs. However anyone can check this register including future landlords and credit rating agencies, and it might cause problems for a very small number of jobs like being a lawyer or an accountant.

If the claimant wins the case and court costs or a money judgement for trespass is awarded by the judge, the owner could try to get the money from the named person e.g. using court bailiffs. In practice this is extremely rare because it is extremely difficult for owners to track squatters down once they have been evicted, particularly if all they've got is a name and the address of the squat that just got evicted. Most owners also know that squatters are skint.

### **Reasons for giving your name if it's the name on your passport**

If you have a particularly strong defence, you might be able to get lawyers to help you with your case. This would be free if you can get Legal Aid. This is less relevant than it used to be because you can't get legal aid for squatting cases unless you have an arguable defence that you're not a trespasser, or if you can bring a human rights case.

If you want to appeal your case and have a low income or are on certain benefits (are on job seekers allowance, income support or employment and support allowance) you can apply for a fee remission so you do not have to pay the court fees. This won't be possible if you gave a name which doesn't match your official documents.



### **Arguing in court**

The claimant will get to speak first and the judge will quite likely listen to them and turn to you as if you clearly couldn't have any response. Sometimes the judge will have picked up on something, maybe from your defence or maybe not, which the claimant has done wrong, and have a go at them without you having to say anything.

Be prepared to argue firmly but politely (is our advice), first making sure that the judge has read your defence and then going through the arguments. See if s(he) picks up on anything, try to use this to push. If the claimant has done things really badly, you want the claim "dismissed" (probably easier for an IPO application), and if things are a bit wrong you might want to have the claim "adjourned" (put off to another day) for them to get things right. An adjournment is more likely the first time round, and squatters usually call that a WIN, even if lawyers don't!

Make notes of what is said, particularly by the judge, and feed back to ASS or a local squatting group, if there is one. If the judge makes a decision other than just making the order you should make a record of what it is. The court should send you any order made but might not. If you're not sure you've got the judge's decision down perfectly (and it can be very confusing) ask the other side what they've written down, and make sure you both have the same. Lawyers are obliged to do this and be helpful to you about it. If the judge adjourns the case, the order will probably include "directions". That means a list of things each side must do (e.g. file documents at court and serve them on the other side by certain deadlines). Get advice from ASS about what to do next and how to do it. You are probably playing for time, so play for as much as you can.

If none of your arguments work you can ask for extra time because of hardship, special circumstances. For example because you have children, or for medical conditions. Usually the court won't give you more than 14 days, & even this is rare.

### **Appealing the decision**

You're now probably angry and want to appeal the judge's decision. This is a lot of work, and will cost money unless you are on benefits or low / zero income and so can get an exemption. Ask the judge for permission to appeal. It doesn't actually matter what they say (it will be "no"), what counts is that you asked. Make sure your notes are clear and get advice.

To appeal you must file an Appellant's Notice at court on form N161. You need to set out your grounds for appeal (which must be on a point of law) and should state that you want enforcement of the order to be stayed pending the outcome of your appeal. The application must be directed to the next judge in the hierarchy. If the order was made in the County Court this may or may not be in the same building as the judge who made the order, so seek advice.

You can't apply to set aside an IPO (i.e. cancel it because you missed the hearing) unless you've moved out, but you can still appeal on a point of law without needing to move out. Owners sometimes argue that you can't, but this is wrong. Again you should state in the appellant's notice that you want the court to stay the IPO pending the outcome of your appeal (e.g. suspend the IPO).

### **WHAT NEXT IF YOU'VE LOST (Normal Possession Orders)?**

If the owner gets a possession order, s(he) will need to enforce their order using bailiffs. See page 79 for more info about Enforcement of Possession Orders.

### **WHAT NEXT IF YOU'VE LOST (IPOs)?**

If an IPO has been granted by the court, the claimant has 48 hours to serve the order on you, with fresh copies of all the original paperwork (application, claim etc.) and if this is done right you have 24 hours from then to get out. It is then a criminal offence for anyone to be in the building as a trespasser until the full possession hearing which will usually be in a few weeks time. If you don't get out you could be arrested and charged with a criminal offence.

Service is sometimes done wrong, lacking the original paperwork, or failing to complete the section of the order saying when it was served. If they don't get it right, THE IPO ISN'T ENFORCEABLE. The claim continues as an ordinary claim and the owner needs to wait for the next hearing.

The problem is that, having 48 hours, they sometimes have time to make a mistake but then reverse it in time, and some particularly nasty courts seem happy to re-issue the IPO if something went wrong. Police often don't want to get involved and don't understand IPOs so it's worth being prepared with an argument, and maybe a special legal warning from ASS explaining the situation, but unless you're really confident, have a back-up plan.

The judge will have set the date for hearing the full claim, whether or not the IPO was granted. This might be a bit of a formality if you've already had to leave, but you never know what the judge might pick up on.

If a full order has been made, this has to be enforced by bailiffs (Enforcement Officers), assuming you don't simply follow the order and leave. More information about Enforcement of Possession Orders on page 79.

### **DEFENCES (ORDINARY POSSESSION ORDERS)**

We can only summarise here the possible defences in court, which is why it is important to talk to ASS, or experienced local squatters. Your defence should be a combination of telling your story and referring to the court rules, and to any previous court decisions (known as authorities). Court is a lottery.

#### ***The claimant doesn't own the land or it's leased to someone else***

The basic thing to check is whether the claimant has proved they own the land, either as a freehold owner or by having a lease / tenancy. Them having ownership or some right to the place is not enough. They must have the most immediate right to possession, so if they own it but have





given someone else a lease (which is also known as a tenancy) that has not been legally ended it is the tenant / lessee who has the "immediate right to possession"; they are the only people with the right to evict you. The fact that the lessee / tenant is no longer there does not necessarily mean their rights have been ended, though it might in some cases. In certain circumstances a person that has a licence (permission to be on the land) might also be able to bring possession proceedings, but it is extremely rare for this to happen.

Check through what they are saying and what evidence they have and see if there's anything wrong with it. If you've done your research well, and spoken with neighbours etc., and looked through all the mail which was there when you moved in or is delivered later, you might know something that disproves their right to the place.

The extract from the Land Registry the claimant produces can be very important. Look at Register C which is at the end of the register of title to see if a lease is recorded there which might not have been ended legally. Note however that there may still be a valid lease even if nothing appears on the land registry because leases of less than 7 years don't usually appear on the register. So it's important to find out who last occupied the place before you came along. Find out all you can from mail, the neighbours and/or online.

If the claimant doesn't produce either a lease given to them by the freehold owner or an extract from the Land Registry, that is a strong point for your defence. They haven't proved they have any more right to the place than you do!

**You've been given permission to be there**  
If you can prove you have been given a licence to occupy the place which hasn't

been ended, that should stop a possession order. A licence can be legally ended simply by giving you "reasonable notice". There are no actual rules about what is "reasonable", but a week's notice for every complete year you have been in occupation is usually thought to be enough by judges.

#### **Public law defences where your landlord is a state body**

If the claimant is a council, some other government body, or a body exercising government powers, you might have a defence in what's called "public law". This means that they are acting outside their powers or have broken some rules about what they can or can't do.

If the Claimant is a council, it's worth arguing that you are travellers and that the council has not undertaken the necessary enquiries into your situation. The definition of travellers is set out in the section "living in vehicles"; you don't need to be living in a vehicle to be a traveller.

Public law defences are rare, complicated, and the sort of thing ASS might be able to spot if there is one. It may involve starting a different court case and lawyers will be needed. So think about this when deciding what name to give to court.

If you write a defence you will have to give a name and sign the statement of truth.

#### **DEFENCES (IPOs)**

We can only summarise here the possible defences in court, which is why it is important to talk to ASS, or experienced local squatters.

All the same arguments as above apply to IPO applications, but there are also some special ones, more hoops for the claimant to go through and be careful not

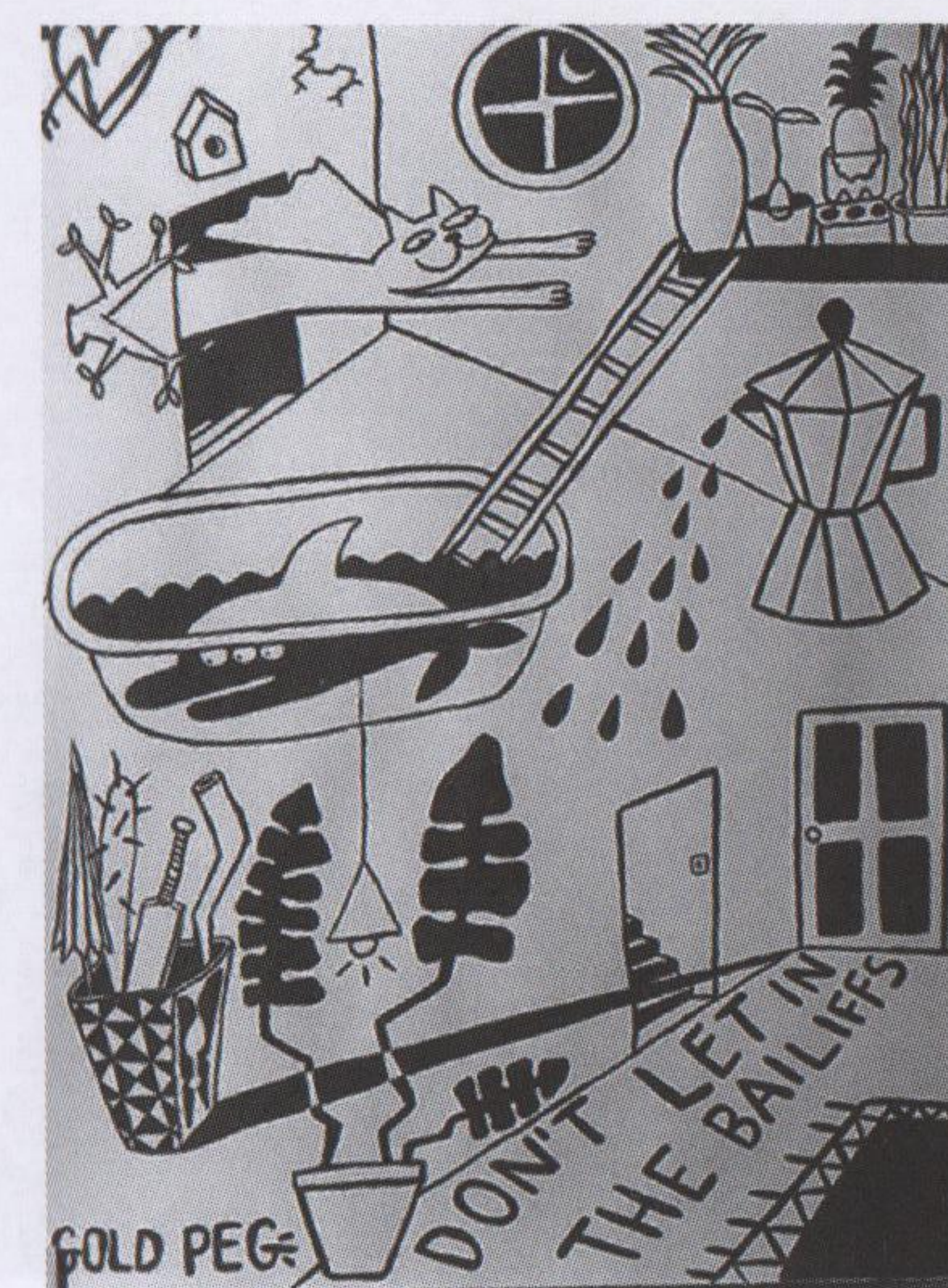
to cock up. The technical defences to an IPO are mainly through the claimant not having followed the rules, and it can be useful to have a copy of the court procedure rules to refer to – they are known as the Civil Procedure Rules, Part 55, rules 20-28 (CPR 55.20-28) and can be found online: Just type "CPR rules" into a search engine.

#### **If you ever had permission**

The claimant still has to show that they have a right to the place and you don't. If you have ever had a licence, that should stop an IPO, even if it has been ended (unlike in an ordinary claim). You will need good notes about all your dealings with the owner to prove that, of course.

#### **If ownership has changed since you moved in**

The landlord also needs to have had an immediate right to possession throughout your occupation of the building. So if you were already inside when they bought the property, or if the property was leased to someone else and that lease expired while you were squatting there, then you would have a defence.



#### **The IPO was made 28 days after you moved in**

An IPO can only be applied for within 28 days of the claimant knowing that the place has been occupied, and it also counts if they should have known, so if you have been there for a long time, or have contacted the owners, or there is some other way they knew or should have known, more than 28 days before the IPO application was issued by the court, it should be dismissed.

#### **The owner didn't serve the papers properly**

If they didn't serve the papers properly, or on time, this should be pointed out. It is a stronger argument than "bad service" in an ordinary claim, but is still often not enough. Because an IPO can result in criminal charges (if you don't move out), we always argue that the rules have to be followed very strictly: the level of proof should be the criminal standard of proof, and evidence should be exact/ complete.

Most of your arguments will go into the box marked 6 in the defence form, or rather it won't because there is no room. You can either start there and continue on the back or another piece of paper, or else just write "see attached" and have your whole argument on a separate sheet. Don't forget to fill in the rest of the form, saying who you are, when you moved in (especially if more than 28 days before the application was issued) and how the claimant knew or should have known.

Be warned that if you win a IPO hearing on a technical defence, some judges may try to hear the full claim. However, we would argue that judges should not do this, because CPR R 55.25(5) provides that if the court does not make an IPO, it should set a new date to hear the full claim.



## ADVERSE POSSESSION

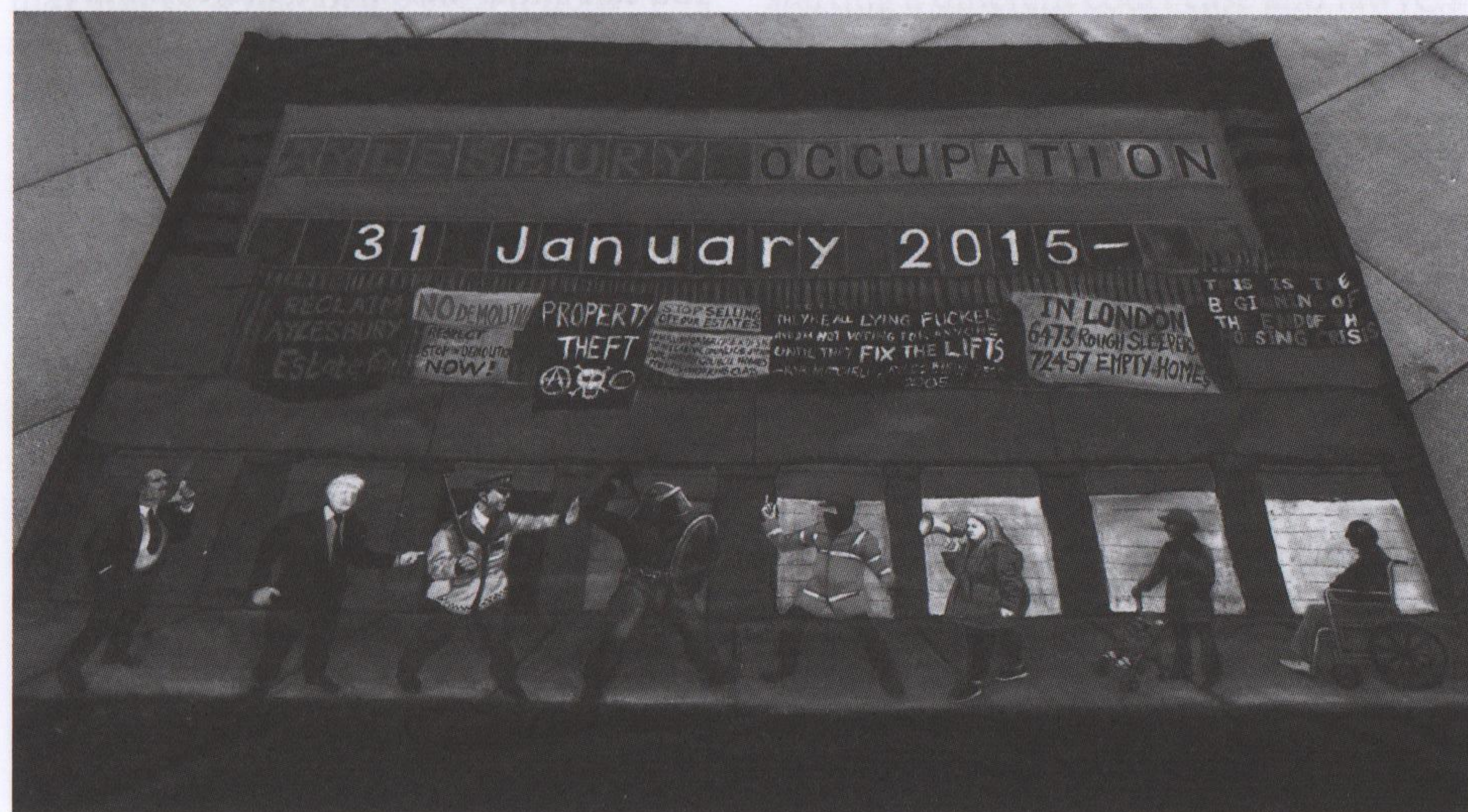
Adverse possession just means squatting, but the phrase is only really used to refer to claiming ownership of the property after 12 years of squatting. It used to be that having such a right could be argued in court in response to a possession claim, but as with most things the rules have been tightened up. There is now a difference between places which are registered at the Land Registry (as most are) and places which are not. If it is NOT registered, nothing has changed and you still have a defence, though you will need very good evidence of 12 years' continuous occupation, though not necessarily by the same people, but every day of the 12 years must be covered by first-hand evidence

If property or land has been continuously occupied without permission since at least October 1991 you still have the same defence, whether it is registered or not. This is because of special transition rules which apply to occupations that started on or before this date.

In both those cases, though, it makes much more sense to apply to the Land registry yourself to be registered as the owner, rather than waiting for someone to take you to court and using it as a defence. ASS can help you with this. The Land Registry charges a fee for this.

If the place IS registered, the rule now is that you can apply to the land registry any time after 10 years. The Land Registry then contacts the "paper" owner and gives them 2 years to evict you. If they don't you can apply again at the end of 2 years and you will become the owner.

Obviously this is not worth doing as you would be just setting up your own eviction UNLESS you are really sure the owner is completely untraceable. A person who has fled abroad wanted by the cops for something serious would fit this bill, but a person who has died or an organisation or company which has folded won't. In those cases, someone else or the state will have taken over ownership.



## ENFORCEMENT OF POSSESSION ORDERS

### Interim Possession Orders (IPOs)

An IPO does not give the owner or bailiffs a power to break in. However once an IPO is made by a court and properly served (see p. 75), it's a crime for anyone to trespass in the building, from 24 hours after service until the full possession hearing. This means that the police can legally break in to arrest people during this period. Also anybody who was in occupation when the IPO was served would still be committing a crime if they re-squatted within a year of service, but this doesn't seem to have ever been used, and evidence would be pretty hard to come up with. So the simple answer is: in most cases the IPO is dead once the court makes a full Possession Order.

### Ordinary Possession Orders

A Possession Order doesn't mean the owner can just break in. Once they have their possession order, they need to apply for a County Court Warrant or a High Court Writ. In most squatting cases, even if the Possession Order was made in the County Court, the owner can choose between using County Court Enforcement Officers to enforce, or transferring the proceedings to the High Court, obtaining a Writ, and using High Court Enforcement Officers. The latter is now very common.

Once they've got their Warrant / Writ the owner then needs to arrange for bailiffs, also known as County Court or High Court Enforcement Officers, to carry out the eviction. The writ / warrant gives the Enforcement Officers the power to use reasonable force to gain entry and remove any occupants.

If the owner or anyone else other than

an Enforcement Officer tries to break in, Section 6 of the Criminal Law Act still applies and the culprit will probably be committing a criminal offence. The police have certain powers to break in, such as if there is an IPO (see page 81, and also "dealing with the police" on pages 24-31) but can't legally break in just because there is a normal Possession Order.

Squatters should demand that anyone claiming to be a Court Enforcement Officer produces his/her identification and a valid 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 Court Enforcement Officer.

### County Court Enforcement Officers / bailiffs

County Court enforcement officers are bureaucratic and usually turn up expecting you to have already moved out. They often have a reasonably long waiting list (in London this is usually between about four to eight weeks but can be quicker in rural areas). They can be contacted by phoning the Court, and will usually tell you when you are due to be evicted. They also generally follow guidance which says that they should provide written notice of your eviction date. Be aware however that the Claimant can apply to enforce their order in the High Court at any time after the Possession Order, even if you already received a notice of eviction from the County Court.

### High Court Enforcement Officers / bailiffs

The High Court Enforcement Officers are a complex web of different companies and are increasingly difficult to pin down. They often earn more if the eviction is successful, so can be more heavy handed. High Court Enforcement Officers usually



do not send an eviction notice. It often takes them between two and three weeks to carry out an eviction - but they can turn up any time after the Possession Order is made. ASS knows of at least one case where High Court Enforcement Officers carried out an eviction the same day as the possession hearing, although this is extremely rare.

### **Criminal offences**

Be aware that "obstructing a bailiff" is sometimes considered a criminal offence. However, this only applies when High Court Enforcement Officers (HCEOs) are enforcing a Writ of Possession, or when County Court Enforcement Officers (CCEOs) are enforcing a Possession Order made solely against Trespassers (Sec-

tion 10(A1) and 10(1), Criminal Law Act, 1977). Which means that in cases when the Possession Order is not made solely against Trespassers, it is not an offence to obstruct CCEOs.

In practice, it is unlikely that this will be used against you unless you have actively resisted the bailiffs, or continued standing behind barricades after being clearly warned to leave the premises.

### **If you are evicted**

If you are evicted using an inappropriate writ of restitution without notice make notes of everything and contact SLN/ASS immediately so this kind of thing can be challenged.

## **ENFORCEMENT OF POSSESSION ORDERS - when places have been squatted before**

There seem to be various myths around about how long a property must be left empty before someone can squat or re-squat it. There is no simple calculation of time, and it depends to some extent on how the place became empty.

Finding out what happened to the previous squatters can tell you if and when to re-squat a place. If you leave a squat yourself, always leave paperwork behind so that anyone thinking of re-squatting it will know what happened. It might also be helpful to give a copy of the papers to ASS so we can keep a record and know what happens where.

If you know that the owner went to court over an earlier occupation of the property by squatters, then it is possible that you might get a surprise bailiff eviction. This is explained in a bit more detail below, but in summary, if you think you're at risk, then you may be able to apply to court ahead of time for an order preventing the owner from using the old Possession Order to evict you without warning. Contact the Advisory Service for Squatters as soon as possible and they will usually be able to help you with this.

Here are some reasons why a place might be empty - and what it means for people thinking of re-squatting.

### **If the last group of squatters left without bailiffs**

Sometimes people just leave when they get notice of the court possession hearing. This means the owner might have obtained a Possession Order, and be sitting on it until they need it. Possession Orders are often against "Persons Unknown", not

for specific people, so they can use the original Order even if there are different "Persons Unknown" in the property. However, if the last group of occupiers have left and the owner (or whoever applied for the order) has re-secured the building and got possession back, the order is "satisfied". It doesn't matter whether the occupiers just left, or bailiffs came round and removed them. In other words, a Possession Order is meant to end when the claimant has regained possession. If the place is squatted again the owner should have to get a new Possession Order.

The trouble is, it doesn't always work like this. Sometimes the last owner didn't re-secure the building. Also many owners and bailiff companies don't play by the rules; when a building is secured other than via the enforcement of a Warrant / Writ, this fact usually isn't recorded on the court's computer system, which means that owners can sometimes abuse the system and reuse an old Possession Order even after they have regained possession. High Court Enforcement Officers, who are often in on this, usually don't provide notice of eviction; this means that if the owner chooses to enforce the old Order in the High Court you could be evicted without warning and without a court hearing.

### **If the last squatters left due to an Interim Possession Order**

After the IPO the owner usually goes to court for a second time for the full Possession Order hearing. At this hearing the court will usually grant an (ordinary) Possession Order. Most squatters leave when the IPO is served, which means that the owner will usually have a live Possession Order which they can use against the next group of people who squat the building.





## IMPORTANT NOTE

In addition to the above there is a risk that you could be committing a criminal offence if you squat a place that is subject to an IPO (see p. 25).

### *If the last group of squatters were evicted by bailiffs following court proceedings*

Once a writ or a warrant has been used to carry out a successful eviction using Court Enforcement Officers the writ or warrant and the possession order become satisfied. However, if the place gets re-squatted, there is a risk that the owner might try to reactivate the old possession order to evict you. If the last group of squatters were evicted by High Court bailiffs, you could potentially be evicted without notice.

If you think you are at risk, then in most cases you can apply to court ahead of time for an order preventing the owner from using the old possession order to evict you without warning. Contact the Advisory Service for Squatters as soon as possible and they will usually be able to help you with this.

### *In a bit more detail*

Once a possession order has become satisfied via the enforcement of a writ / warrant using bailiffs, the only way for the owner to use the old possession order again to carry out another eviction is to apply for something called a writ or a warrant of restitution. If the owner used a county court warrant the first time around, then they can only apply for a warrant of restitution and they are stuck with County Court Enforcement Officers. If the owner used a High Court writ last time then they will need to get a writ of restitution and will be using High Court Enforcement officers who probably won't give you notice of the eviction.

To apply for a Writ or a Warrant of Restitution the owner needs to ask a judge for permission and is supposed to demonstrate that there is a clear link between the two groups of squatters. The problem is that you are not informed about this, so the owner can pretty much say what they want and they almost always get their permission. If it's a Writ of Restitution (High Court) the first you will probably know about it is when the High Court Enforcement Officers turn up to evict you. This is because High Court Enforcement Officers do not usually give notice of eviction. If it's a County Court warrant of restitution then it is more likely that you will get notice of eviction.

### *Applying to set aside a Writ or Warrant*

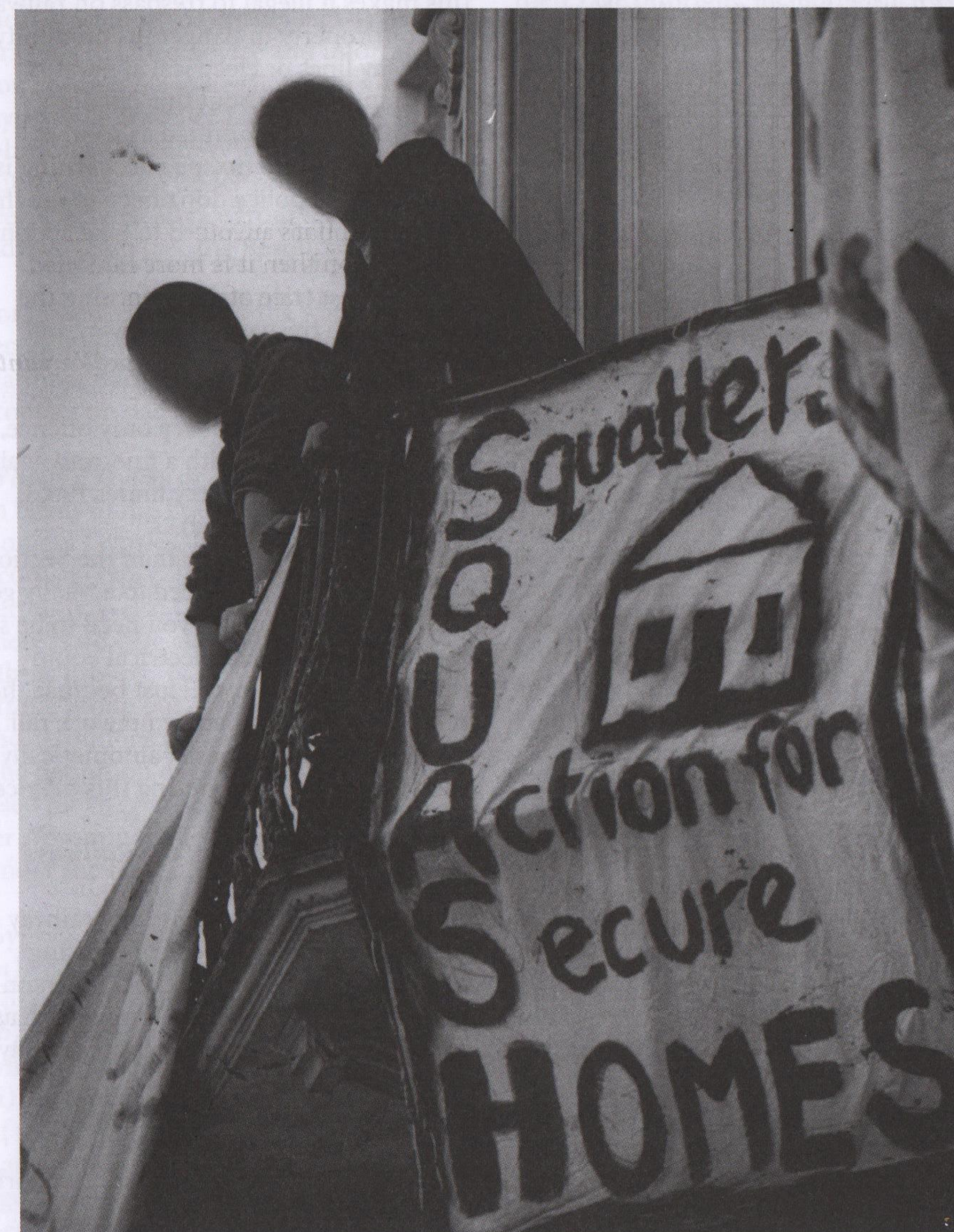
If you haven't had a court hearing yet and get a tip off that the bailiffs are coming (e.g. if you get notice of eviction or manage to resist a surprise eviction) then you may be able to apply to court to set aside the writ / warrant and stop the eviction. You need to do this on form N244. Applications to set aside a writ need to be made at the High Court. Applications to set aside a warrant need to be made to the county court that issued the warrant. It's free to make the application if you're on benefits or on low income, which is currently set at £1085 or less for a single person with no children. Otherwise the court fee is £50. If you want to claim the fee waiver to avoid the £50, you'll need to give your name (see p. 73 for information about the implications). Contact the Advisory Service for Squatters as soon as possible for help in making this application.

### *How to stop High Court Enforcement Officers before they try an eviction*

If you haven't had a court hearing yet and think you might be under threat from an old possession order that was used

against someone else, you don't just have to sit and wait to be evicted. You could apply to court ahead of time for an order to prevent the owner evicting you without advance notice. The order can also prevent the owner, or applying for any new

writ without a hearing. You would need to make the application on the general court form N244 (see previous page for more details). If you think you may be under threat, contact the ASS who can usually help you with this.



Protest occupation against the planned Criminal Justice & Public Order Bill in 1994.



## RAILWAY PROPERTY

There's a huge number of empty railway arches and other non-residential buildings that are attached to the railways; most of it is owned by Network Rail – a public company that manages most of the UK's rail infrastructure. A railway arch can be made pretty cosy, and many squatters have managed to squat Network Rail properties without much difficulty. However, there are a few special criminal offences which you need to know about.

### **Section 16 Railway Regulation Act 1840**

For this offence to apply you need to trespass on a railway or any premises connected with the railway. An employee of a railway company then needs to tell you that you're trespassing and they need to ask you to leave. It's then an offence punishable with a fine if you don't go.

- Unless a railway employee asks you to leave, you're not committing an offence. The police can't just take it upon themselves to evict you.

- The offence is "summary only" which means that it should normally only be tried in a magistrates' court and the police do not have a power of entry under PACE. Therefore if the police want to break in to arrest someone for this they need to go to court first and get a warrant. Of course, the police may just come up with some other excuse to break in and then arrest you for the railway thing afterwards – or they might just break in illegally. See the chapter on "dealing with the police" for more info.

- It's not clear what "premises connected with the railway" means, and you should be prepared to argue that your squat isn't. However, in practice Network Rail will usually only get the police involved if they think your presence is likely to disrupt their activities, block access to something, or that you pose a health and safety risk.

So there may be some room for negotiation – for example you might offer to remove a lock on a gate to the yard but keep a building.

### **Section 55 British Transport Commission Act 1949**

This makes it illegal to trespass on railway lines or property in dangerous proximity to railway lines or electrical apparatus. Important points about this offence

- The offence is committed as soon as you trespass – and no specific warning is required. The police don't need to get the railway company involved to take action. A notice needs to have been exhibited at the nearest train station warning the public not to trespass on a railway, but there will almost always be a notice like this in place.

- The offence is a summary only offence, which is punishable with a fine, and again there is no power of entry under PACE (see bullet point 2 above).

- The offence is narrower than the Section 16 offence above. You need to actually go onto the railway line, or you need to be so close to the railway or electrical equipment that it's dangerous. Just because the place you're in is owned by network rail or is near a railway doesn't automatically mean that you're committing this offence.

### **Section 23 Regulation of the Railways Act 1868**

This makes it illegal to cross any railway line except for the purpose of crossing the line at an authorised point. A person commits an offence by so doing after having once received warning by the railway company to stop.

#### **Going to court**

Despite the above, in most cases Network Rail just send you a "notice to vacate" and then start court proceedings. See the chapter on defending your home in court.

## LIVING IN VEHICLES: Gypsies and Travellers

ASS are not experts on the law relating to Gypsies and Travellers but receive a large number of enquiries from Gypsies and Travellers. Below is a basic summary of the law relating to Gypsies and Travellers – for detailed advice and information either refer to Legal Action Group Gypsy and Traveller Law edited by Chris Johnson and Marc Willers (2007 edition but new edition under production) or seek specialist advice from the Travellers Advice Team (see the Resources section).

For travellers living on the water we recommend that you seek advice from the National Bargee Travellers Association (contact on page 107).

### **Who is a Gypsy or Traveller?**

In terms of the Equality Act 2010, Romani Gypsies, Irish Travellers and Scottish Gypsy-Travellers (and almost certainly Welsh Gypsy-Travellers, though there is no case about them as yet) are ethnic groups. New Travellers are not an ethnic group but come within certain of the definitions as mentioned below.

The definition of Gypsy and Traveller used for the purpose of Gypsy and Traveller Accommodation Needs Assessments under the Housing Act 2004 is as follows:

Gypsies and Travellers means –

- (a) Persons with a cultural tradition of nomadism or of living in a caravan;
- (b) All other persons of a nomadic life whatever their race or origin, including:
  - (i) Such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and
  - (ii) Members of an organised group of travelling showpeople or circus people

(whether or not travelling together as such).

This definition has both an ethnic and a nomadic element.

However the definition for the purposes of planning law is as follows:-

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

It will be seen that this definition entirely relies on nomadism and not ethnicity.

### **Provision of Sites**

Under the Caravan Sites Act 1968 (CSA) local authorities had a duty to facilitate the provision of caravan sites for Gypsies and Travellers. This duty was taken away by the Criminal Justice and Public Order Act (CJPOA) 1994. Most of the local authority rented sites that currently exist were created when the duty existed. It should be noted that the Welsh Government, in the Housing (Wales) Bill, intend to re-introduce the duty to provide sites.

### **Unauthorised encampments**

Who owns the land and what is the land? When Gypsies and Travellers stop on land, it is vital to find out who owns the land in order to work out what options there are and it is also vital to assess the location. It will be virtually impossible to argue that Gypsies and Travellers should remain for a reasonable period on the town hall car park. However, if they are on a disused piece of local authority land in the middle of nowhere, then there are opportunities for arguing that they ought to be allowed to remain where they are for a reasonable period.



### Highway land

If a person, without lawful authority or excuse, obstructs the highway, they are guilty of an offence. It is also an offence to park a vehicle in such a position, condition or circumstances as to cause a danger to other road users. The highway authorities can require an owner to remove a vehicle that is causing a nuisance and obtain a removal order from the Magistrates Court if it is not removed. The highway authorities can impound a vehicle without an order if the vehicle constitutes a danger to users of the highway.

### Common land

There is no right to camp or park up on common land (following on from the Caravan Sites and Control of Development Act 1960).

### Local authority land

A local authority can evict Gypsies or Travellers from their own land using a County Court possession order or the CJPOA 1994.

### Other public authority land

Other public authorities can use County Court possession proceedings to evict Gypsies and Travellers from their land.

### Private land

Private owners can use County Court possession proceedings or common law powers of eviction.

### Eviction powers under the CJPOA 1994

#### Local authority powers

Section 77 of the CJPOA 1994 states:

(1) If it appears to a local authority that persons are for the time being residing in a vehicle or vehicles within that authority's area -

(a) On any land forming part of a high-

way;

(b) On any other unoccupied land; or

(c) On any occupied land without the consent of the occupier

The authority may give a direction that those persons and any others with them are to leave the land and remove the vehicle or vehicles and any other property they have with them on the land.

The direction notice must be served on the Gypsies and Travellers by either giving it to them personally or attaching it to a vehicle and displaying it in a prominent place on the site. A removal direction and subsequent order only applies to people on the land at the time of the direction and not to anyone who arrives afterwards.

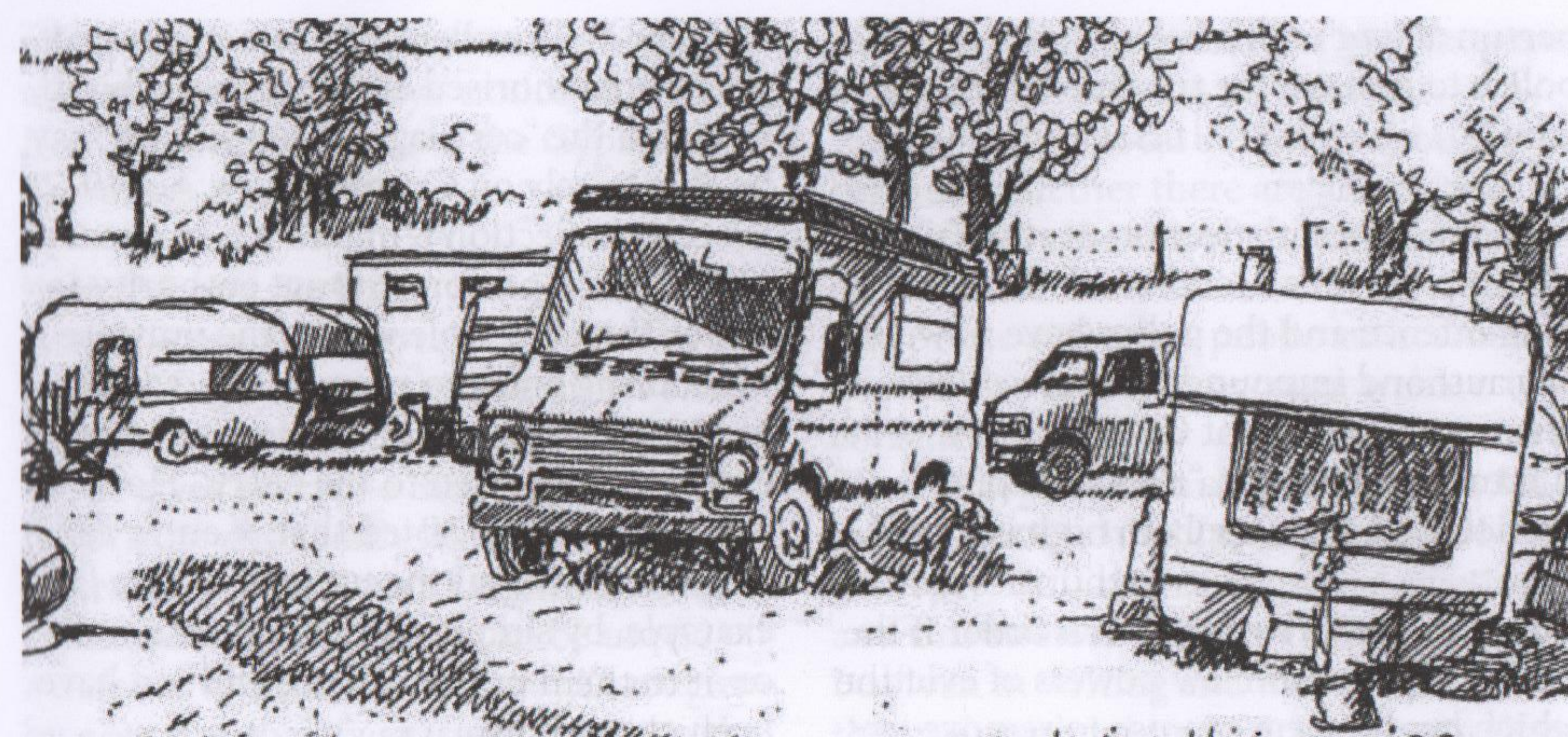
Gypsies and Travellers will commit a criminal offence if they do not leave (with their vehicle) as soon as "practicable" after receiving the direction. They will also commit an offence if they return with a vehicle to the same land within 3 months and they can be fined for this offence. If they cannot leave or have to return within 3 months due to "illness, mechanical breakdown or other immediate emergency" then they may have a defence.

This provision only relates to people who are living in vehicles. It cannot be used against Gypsies and Travellers living in a tent or a bender.

### Police Powers of eviction

#### Section 61 of the CJPOA 1994 states:

(1) If the senior police officer present at the scene reasonably believes that two or more persons are trespassing on land and are present there with the common purpose of residing there for any period, that reasonable steps have been taken by or on behalf of the occupier to ask them to leave and -



(a) That any of those persons has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his, or

(b) That those persons have between them 6 or more vehicles on the land. He may direct those persons, or any of them, to leave the land and to remove any vehicles or other property they have with them on the land.

If the Gypsies or Travellers concerned do not comply with the section 61 direction and leave the land in question by the given deadline, the police have powers of arrest and impoundment of vehicles. Additionally, the Gypsies or Travellers served with the section 61 direction must not return to the land within 3 months. It is arguable that if the land is owned by a local authority then the "reasonable steps" that should have been taken by the authority should involve complying with the Government Guidance on managing unauthorised encampments and any other relevant local policies - see further below.

It is also important to note that Section 61 does not apply to highway land.

#### Section 62A of CJPOA 1994 states:

(1) If the Senior Police Officer present at a scene reasonably believes that the conditions in sub-section 2) are satisfied in relation to a person and land, he may direct the person -

(a) To leave the land;

(b) To remove any vehicle and other property he has with him on the land.

(2) The conditions are -

(a) That the person and one or more others ('the trespassers') are trespassing on the land;

(b) That the trespassers have between them at least one vehicle on the land;

(c) That the trespassers are present on the land with the common purpose of residing there for any period;

(d) If it appears to the officer that the person has one or more caravans in his possession or under his control on the land, that there is a suitable pitch on a relevant caravan site for that caravan or each of those caravans;

(e) That the occupier of the land or a



person acting on his behalf has asked the police to remove the trespassers from the land.

As is the case with Section 61, the failure to comply with a section 62A direction is an offence and the police have powers of arrest and impoundment of vehicles. There is Government Guidance as to what is meant by the term "a suitable pitch". Section 62A does apply to highway land.

### **Common Law Powers of Eviction**

There are common law powers of eviction which landowners can use to remove trespassers from land. These powers involve the use of no more force than is "reasonably necessary" and can be applied even without a court order. It is obviously risky for a landowner to rely on these powers because there is potential for the landowner or his/her agent to go beyond the use of "reasonable force" and to end up committing offences themselves. Nevertheless it is quite common for private landowners to use their common law powers of eviction.

Government Guidance indicates that local authorities should only use eviction procedures which involve court action.

Gypsies or Travellers who are encamped on an unauthorised encampment which is within the "curtilage" of a building may be able to rely on Criminal Law Act 1977 Section 6. Section 6 makes it a summary offence for a person without authority to use or threaten violence for the purpose of securing entry to premises, in which, to his or her knowledge, someone is present who is opposed to the entry. However, it should be noted that, if entry can be gained without the use of violence (for example, by simply climbing over a wall or a fence), then the offence will not have been committed.

Section 6 will also apply to violent entry upon a caravan, mobile home or houseboat.

### **County Court Possession Claims**

A local authority, other public authority or a private landowner can take possession action against an unauthorised encampment in the County Court using the procedure laid down in the Civil Procedure Rules (CPR) Part 55. The same defences as mentioned below can be used by Gypsies and Travellers in these circumstances. In terms of Gypsies and Travellers on land, an interim possession

order cannot be obtained and, additionally, at least 2 clear days' notice of the hearing must be given to the Gypsies or Travellers concerned.

### **Article 8 as a Defence**

Article 8 of the European Convention on Human Rights (brought into direct effect in domestic law by the Human Rights Act 1998) gives everyone the right to respect for private and family life and home. Recent Supreme Court Judgments have confirmed that Article 8 can be used as a defence to a possession action brought by a local authority against Gypsies and Travellers. Article 8 can also be used as a defence to possession proceedings brought by private landowners, though the circumstances would have to be really exceptional for such a defence to stand any chance of success.

### **Government Guidance, Local Policies and Public Law Challenges**

A lot of Government Guidance on the management of unauthorised encampments has been issued by the English and Welsh Governments since the CJPOA was passed in 1994. It is essential reading for anyone advising Gypsies and Travellers. In England the relevant Guidance is contained in Department of the Environment Circular 18/94 and Office of the Deputy Prime Minister Guidance of 2004 and 2006.

In Wales the relevant Guidance is contained in Welsh Office Circular 76/94 (which is identical to Circular 18/94) and Welsh Government Guidance issued in 2013.

All of this Guidance stresses that before deciding whether to evict an encampment enquiries must be made into welfare considerations and the results of those enquiries must be taken into account. Welfare considerations include, of course, issues

of health, education and the best interests of any children living on the site.

Additionally, a local authority should consider whether there are alternative locations for the Gypsies and Travellers concerned.

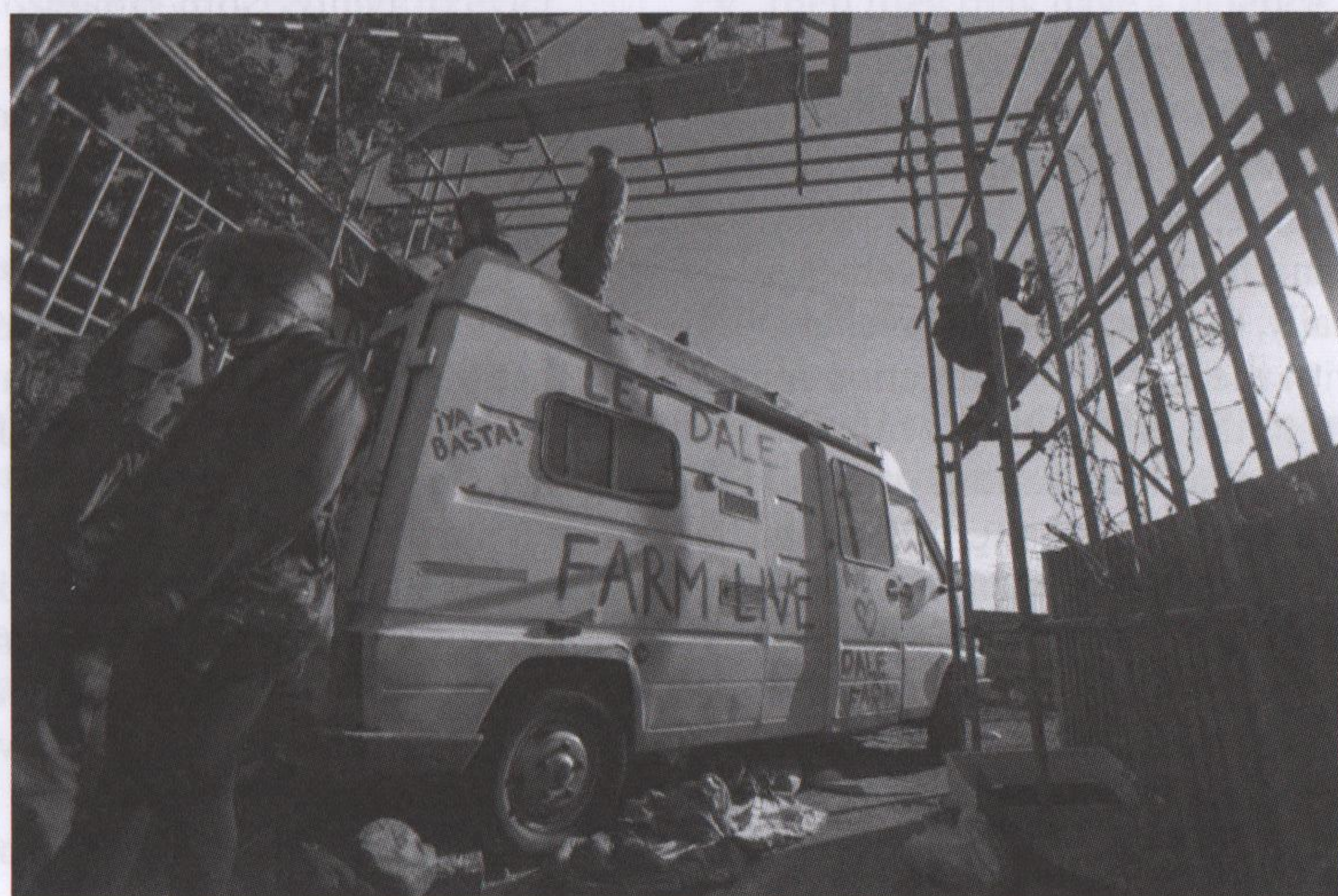
The police and other public authorities should also take into account welfare considerations.

There is separate Guidance issued in 2011 by the Association of Chief Police Officers (ACPO) regarding police evictions and this stresses that any notices should be given in writing and that the police themselves should take account of welfare considerations. The ACPO Guidance further stresses that the police should not use blanket policies of eviction and that the police powers should only be used in more serious cases especially those cases involving anti-social behaviour or criminal activity.

Case law also indicates that humanitarian considerations and the question of possible alternative locations and the toleration of unauthorised sites should be taken into account.

Additionally most local authorities and police forces will have their own written policies about how to deal with unauthorised encampments. Sometimes there are joint protocols between local authorities and/or police forces. It is important for advisers to have regard to these protocols when advising Gypsies and Travellers.

If the police or a local authority or other public body fails to comply with the Government Guidance, and/or with the principles laid down in case law and/or with their own written policies or protocols, then a decision to evict may be challengeable by way of an application for judicial review of the decision to evict. Any judicial review application will need to be made very swiftly. Legal Aid is potentially available for such an application.





### Planning Law

In the face of continual eviction many Gypsies and Travellers buy a piece of land and apply to the local authority for planning permission to use it as a residential caravan site. Statistics have shown that most applications made by Gypsies and Travellers are refused by local authorities. However, the Gypsy or Traveller concerned then has a right to appeal to a Planning Inspector where they have somewhat better chances of success. A Planning Inspector's decision can be challenged both by the local authority and by the Gypsy or Traveller in the High Court on a point of law.

There are various steps that local authorities can take against Gypsies and Travellers who are living in caravans on land without planning permission in order to enforce planning control, including: (i) the issue of enforcement notices and stop notices requiring the use to cease; (ii) applying to the courts for an injunction; and (iii) direct (eviction) action.

If an enforcement notice is served on Gypsies or Travellers then it is essential that they appeal against the notice within the relevant deadline. If they fail to do so then the enforcement notice will take effect and a subsequent failure to comply with the requirements of the notice will be a criminal offence. In addition, the local authority can refuse to accept a planning application that is made. Planning law is very complicated and expert advice should be sought whenever it is possible to do so.

There are specific planning policy provisions for Gypsy and Traveller sites in England and in Wales. In England the relevant policy is contained within a document called Planning policy for traveller sites. Importantly, it states that all local authorities should have put in place a 5 years deliverable supply of sites by March 2013 though many have failed to do so.

In Wales, the planning policy is more sympathetic and is contained in the Welsh Assembly Government Circular 30/2007.

### *Rented Sites and the Mobile Homes Act 1983*

Following the European Court of Human Rights Judgment in *Connors v UK* in 2005 and a very long consultation process (with much pressure from Gypsy and Traveller support groups and lawyers representing Gypsies and Travellers), the English and Welsh Governments finally introduced the provisions of the Mobile Homes Act 1983 (with a few adjustments) to local authority sites (in 2011 in England and in 2013 in Wales). As a consequence, Gypsies and Travellers living on local authority rented sites now have proper security of tenure and proper rights and obligations in place. Whereas previously a Gypsy or Traveller on a local authority site could be given a 28 day notice to quit and then evicted without any reason being put forward, now eviction action can only be taken in prescribed circumstances, that is: (i) where there has either been a breach of the agreement; or (ii) the Gypsy or Traveller concerned is not using the pitch as his or her only or main residence; or (iii) where the caravan or mobile home is having a detrimental effect on the amenity of the site; and, (iv) in all circumstances, only where the court considers it reasonable that a possession order is made.

It should be noted that Gypsies and Travellers living on private rented sites have always had security of tenure under the Mobile Homes Act 1983.

It is a criminal offence for anyone to be evicted from a site protected by the Mobile Homes Act 1983 without a Court Order.



### Homelessness

Gypsies and Travellers who do not have an authorised pitch are considered to be homeless under the Housing Act 1996 Part VII and are entitled to apply to their local authority for homeless persons' accommodation. In the case of *R (Price) v Carmarthenshire County Council* it was decided that where Gypsies and Travellers who apply for homelessness accommodation have a cultural aversion to conventional housing, the local authority has to do their best to see if they could find a suitable pitch. That said, in more recent cases the Court of Appeal have decided that the offer of bricks and mortar to a homeless Gypsy or Traveller will only be unsuitable if there is expert evidence from a psychiatrist to prove that a move into conventional housing would cause the Gypsy or Traveller to suffer harm.

### Legal Aid

The Legal Aid, Sentencing and Punishment of Offenders Act (LASPOA) 2012 greatly reduced the scope of legal aid.

However, legal aid is now available for Gypsies and Travellers in the following circumstances:

- To defend a possession action taken under the Mobile Homes Act 1983;
- To apply for judicial review of a decision to evict an unauthorised encampment or to serve a stop notice or to take direct action against an unauthorised development;
- In High Court planning appeals and planning injunction cases;
- In homelessness cases;
- In serious disrepair matters relating to rented sites.

In other circumstances, where it can be agreed that the fact that a Gypsy or Traveller does not have representation for a matter may mean that Article 6 of the European Convention on Human Rights (the right to a fair hearing) is breached, exceptional funding under Section 10 of LASPOA 2013 can be sought.



## DEBT COLLECTORS

If a person or company that previously occupied your building got into debt, you may receive a letter or a visit from bailiffs / enforcement officers that have been contracted, or empowered by the court, to collect these debts.

They send out letters that sound really threatening. However, there's very little they can do if the person they're looking for already moved out of the property.

If somebody comes to your door and says they're an "enforcement officer" from the court, they may well be there to collect a Civil debt, rather than enforce a Possession Order, so do check.

If they are debt collectors, their legal powers are limited. They are only allowed to break into your home in very limited

circumstances (e.g. to enforce a Criminal fine, income tax, stamp duty land tax).

**DO NOT LET THEM IN!** If you let them in once, and they have something called a "writ" or "warrant of control", then they are allowed to come back later and break in to take away objects which they identified during their first visit.

There is a specific criminal offence of "obstructing a bailiff" who is enforcing a High Court writ or County Court or a Possession Order in a claim made only against trespassers (see the chapter on enforcement of possession orders for more info), but this does not apply to these debt collectors.

It's only an offence to obstruct a debt collection bailiff if they are enforcing a High Court writ – but this is rare; also simply not opening the door to them where they don't have a power of entry is unlikely to count as obstruction in itself.



## INJUNCTIONS

This is a special kind of court order to stop you doing something (in your case trespassing). It's different from a normal possession order and an Interim Possession Order. Injunctions are still pretty rare and are most commonly used against some of the more high profile squats like protests and events spaces. There needs to be something a bit out of the ordinary; this is because to get an injunction the owner needs to convince the judge that a normal possession order isn't adequate.

Injunctions can be obtained against persons unknown – but the injunction must still identify a distinct group of people to whom it applies.

### *Interim injunctions*

Sometimes the owner can get an "interim injunction" without informing you of the hearing. The first you'll probably know about it is when you're served with the order. Usually there will be another date set for a hearing that you can attend to argue against the injunction. You can also apply to court yourself to "set aside" (i.e. cancel) an interim injunction. **HOWEVER** if you do this it will mean giving a name and also going to court. If you've already breached the injunction or think you might in the future, this could well be a bad idea and could be used against you (see below). Contact ASS for help or advice on dealing with an injunction.

### *Dealing with injunctions*

[Note: This section does not apply to injunctions that contain the words "Protection from Harassment Act 1997". These harassment injunctions are more serious and are dealt with below in a separate section].

In theory, if you breach an injunction you could be jailed for contempt of court.

For this to apply the front page of the injunction order must warn you that you could be put in prison for breaching the order. If it doesn't you shouldn't be liable to arrest for breaching it.

**HOWEVER**, even if it does, don't panic because...

Except in rare circumstances (such as with harassment injunctions) you can't just be arrested straight away. The owner would need to go back to court again with some evidence that they served the order on you (more on this below) and that you breached the order. They would then need to persuade the judge to issue a warrant of committal against you. The warrant allows Court Enforcement Officers and the police to arrest the person named in the warrant. The warrant gives a Court Enforcement Officer the right to break into your place if necessary to detain the named person. If they don't have a warrant of committal then police and Court Enforcement Officers/bailiffs can't do much more than collect evidence. They can't break in or arrest people just because there is an injunction (unless it's a harassment injunction – see below).

There have been a few examples of local councils trying to look tough by getting travellers arrested, however owners don't usually bother applying for a warrant of committal, because it's almost never in their interest; it's easier and far more effective for the owner to just enforce an ordinary possession order via bailiffs. Injunctions, therefore, are often little more than a scare tactic.



That said, the implications for breaching an injunction are likely to be more severe if you are seen to be defying the court deliberately and publicly, so if you want to do that then be sensible and try not to put others at risk (e.g. if you broadcast other people breaching an injunction on an internet live-stream you could get them into problems).

#### **Service / knowledge of the injunction**

[Note that this paragraph doesn't cover injunctions made under the Protection From Harassment Act 1997 - see below for more info]

Unless the order says that the owner can serve it some other way (read the order carefully to check for this), the owner will also need to prove that they served the injunction on you personally before starting any kind of committal proceedings (CPR r 81.6). They can't just post it through the letter box; they need to prove that they actually gave it to you or left it with you. The owner also usually needs to serve you with a second set of paperwork before they can go to court to get a warrant of committal (CPR 81.10). If you're secure in the building and haven't shown your face or given them your name, they're really going to struggle. So stay on your toes and don't let them hit you with that paperwork (literally). .. but see below.

#### **WARNING: Power to dispense with personal service under CPR r 81.8**

Be aware that Judges have general powers to bend the rules if they consider it "just and reasonable". They also have specific powers to dispense with personal service if satisfied that you had notice of the order. This could be because you were in court when the judgment or order was made, or because the owner convinces the judge that you were notified on the specific terms of the order by telephone email or otherwise. So if you do want to challenge an injunction in court, it's probably better if the person who goes is

someone who doesn't plan to spend much time at the squat. If you live-stream or publish photographs of people reading an injunction, this could be used against them.

**WARNING: harassment injunctions where you can be arrested automatically**  
In a very small minority of cases, you can be arrested by the police straight away for breaching an injunction:

#### **Protection from Harassment Act 1997**

It's a criminal offence to breach an injunction made under the Protection from Harassment Act 1997. For this to apply, the order should state on it that it was made under the Protection from Harassment Act 1997. If you breach one of these injunctions, then the police can arrest you straight away. Note that you may be arrested even if you haven't been served with the injunction if the police have reasonable grounds to suspect that you knew about it. To get one of these injunctions, the owner needs to show that someone has engaged in (or is likely to engage in) harassment against someone.

#### **Other statutory injunctions with a power of arrest**

A few laws allow courts to grant other injunctions that include an immediate power of arrest. These are extremely rare in squatting cases and it's unlikely that you will ever come across them. The injunction will usually contain the words "power of arrest" and should include the name of the piece of legislation. The legislation includes S.27 of the Police and Justice Act 2006 (relating to violence or a risk of harm to someone). This can only be obtained by local authorities. Another one is the Anti-Social Behaviour, Crime and Policing Act 2014 (which relates to anti-social behaviour and again can only be obtained by certain public bodies).

## **ORGANISING**

Squatting is harder than it used to be. The criminalisation of squatting in residential buildings and the increased use of IPO's by owners is part of it. People are also being forced to pay exorbitant rent to live in derelict places that might previously have been squatted (see the chapter on property guardians, pp. 12-13).

Property speculation and the cost of land (particularly in London) also means many meat-head landowners are now prepared to spend stupid sums of money trying to keep their buildings empty - and there is no shortage of mercenaries willing to lend a hand; slimy lawyers - security guards instructed in the art of siege warfare - bent bailiffs armed with an array of High Court potato stamps - the list goes on.

Faced with this battalion of idiots, mutual solidarity and getting organised has rarely been so important for squatters:

- Meet with other groups of squatters in your area as soon as possible and get on

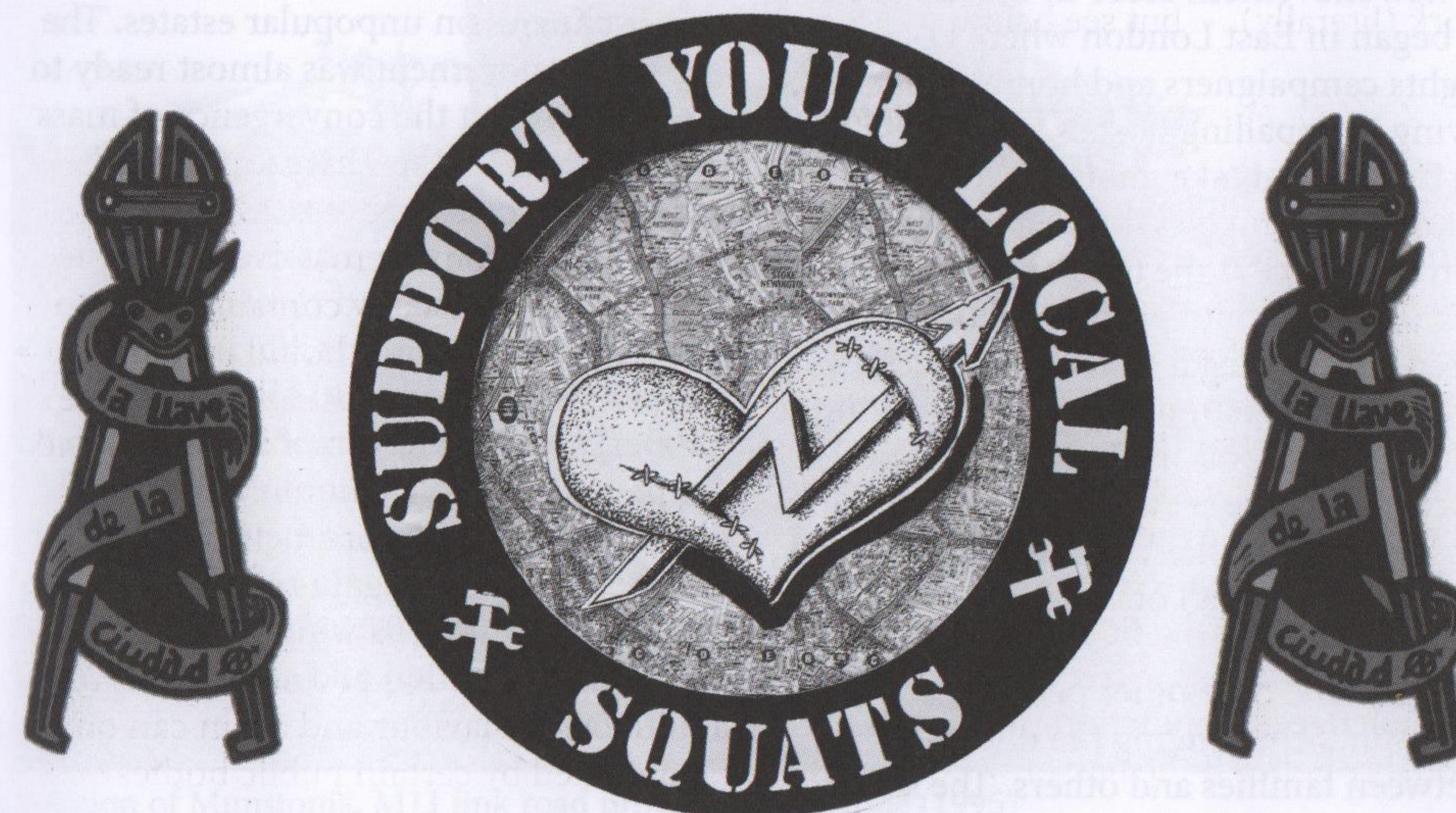
a local squatters' phone network. If there isn't one, set one up.

- If someone else is under threat of eviction - help them resist. Both legal and illegal evictions are often resisted successfully when enough squatters show up - note: see the chapter on "enforcement of possession orders" for possible offences (pp. 79-83).

- Likewise, if you're under threat of eviction, contact your friends and get the word out. Again, it helps if you're on a phone network.

- Owners are increasingly using High Court enforcement officers who often carry out surprise evictions. It's therefore normal for groups to host each other following evictions while people find a new place.

- If you want to squat a residential building you've got more chance of persuading the police to let you stay if you organise to occupy a place en masse as a protest about something. See "squatting is still legal sometimes" on page 1.





## SOME HISTORY

In England squatting is known to have taken place since the middle ages. Legislation such as the 1381 Forcible Entry Act was passed to stop landowners evicting people without a court order; that was one of the grievances in the Peasants' Revolt three years previously. The best known group of squatters were the Diggers who occupied land on St George's Hill in 1649 to live and work 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 had 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 Wars I and II. Ex-soldiers took 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 included the squatting of property in towns and cities left empty by speculators.

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 take more direct 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 sensa-

tionalist 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 spaces, turning wasteland into parks and gave space to people to find different ways to live, to challenge isolation and exclusion; it allowed people to do it for themselves.

By the end of the '70s families were far less likely to need to squat as councils had to some extent improved their housing policies. The 1977 Housing Act provided a safety net for some. 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 squatting 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 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 squatters occupied houses along the route of the planned M11 Link Road, again in East London, and alongside other locals and activists, resisted the eviction and destruction of entire streets, culminating in a massive police operation to clear Claremont Road.

In 1994 the Criminal Justice and Public Order Act gave the police new powers to "deal with trespassers", targeting Travelers, squatters, the free party scene and those who used direct action to defend the environment. It also created a massive movement of people who embraced the idea of "Do It Yourself" and used squatting to create more autonomous spaces, both political / social and for housing.

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, and councils use labels like "intentionally homeless" or "anti-social" to get out of their duties. Much of the time councils try not to accept people's homeless applications, regardless of whether they have a right to housing or not. 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, and 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'.



Eviction of Munstonia, M11 link road protest, Leytonstone (1995)



## GLOSSARY

**Abstraction** – Using electricity with no intention of paying for it, aka “theft of electricity”. NB: Only applies to electricity, not to other utilities like gas or water.

**Aggravated Trespass** – a criminal offence committed by those who trespass with the intention of preventing those already there going about their “lawful activity”. Sometimes misunderstood and misused by the police to deal with squatters, as explained more on page 26.

**Anti-Social Behaviour Closure Order or Notice** – new powers which can be used by **Local Authorities** and the police to deal with a range of “anti-social behaviour”. More detail on page 27.

**Appeal** – An appeal can only be made on the basis that the judge who heard the original case made an error of law. Usually, an appeal is made to a higher level of judge or court than made the original decision. If you disagree with a **judgement**, and think you may decide to appeal against it, it is worth asking for “Leave to Appeal” straight away, at the first hearing. Even if this is turned down, make a note of it, and get advice about appealing anyway. Most appeals have to be lodged within 21 days.

**Bail** – see **Police Bail** and **Street Bail**

**Bailiff** – Also known as a **County Court** or **High Court Enforcement Officer**, this is someone authorised to enforce judgements made in **Civil Courts**.

**Bona Vacantia** – owner-less property, which by law passes to the Crown – for example land owned by a dissolved company that has not been transferred to the company’s creditors.

**Burglary** – entering a building, or part of a building, with the intention of committing **theft** or **criminal damage**, or of causing grievous bodily harm to a person. Alternatively, burglary can be committed where, after entering a building, a person steals or attempts

to steal something, or inflicts or attempts to inflict grievous bodily harm.

**Business Rates** – another way of saying **non-domestic rates**, a tax on the occupation of non-domestic property. This is usually paid by the occupant or **landlord**.

**Caution** – A police **caution** is a formal alternative to prosecution in minor cases. It is an admission of guilt, and so would result in a **criminal** record. It is sometimes offered by the police where they don’t have enough evidence to prosecute. Always seek legal advice from a **recommended solicitor** before accepting a caution.

**Civil law** – All aspects of the law that are not **criminal** are described as “civil” matters. They are dealt with in a separate system of civil courts.

**Claimant** – The person or party who makes a claim. In **possession** cases this is usually the **owner** of the property.

**Codes of Practice** – associated with **PACE** (see below); these lay out what is expected from the police.

**Common Law** – law contained in “case law”, which changes in line with **judgements** made by higher courts. There is also “**Statute law**” (created by Acts of Parliament) and subsidiary rules such as bye-laws. Some phrases you might come across:

“**Common law offence**” – Some crimes are created by Act of Parliament e.g. theft is contrary to the Theft Act 1968, while some offences are at common law e.g. murder. However there is case law on what constitutes dishonesty for the purpose of **theft** (e.g. R v Ghosh 1982) while sentencing for murder is set out in the Criminal Justice Act 2003. Whether a crime is common law or statute makes no difference to police powers of arrest etc.

“**Common law power**” – Most police powers are regulated by **statute**, most by the **Police And Criminal Evidence Act 1984 (PACE)**. The most notable exception is the power

to “prevent a breach of the peace”. Both the police and ordinary citizens have the right to use reasonable force to prevent or quell a breach of the peace, defined as “where harm is done or likely to be done to a person or their property in their presence” (R v Howell 1982). This is sometimes what the cops use to “kettle” crowds.

“**Common law eviction**” – Everyone has the right at common law to remove **trespassers** from their property. However if the occupiers of the premises (whether trespassers or not) oppose a **forcible entry**, **Section 6** of the Criminal Law Act 1977 overrides that common law power. The owners then need a court order authorising bailiffs to evict the trespassers. There are other statutory powers that allow cops and other authorities to force entry, even if the occupiers oppose entry, but members of the public can only force entry to save “life or limb” (Hancock v Baker 1800).

“**Common law and Freeman on the Land**” – see **Freeman on the land** page 100.

**Compulsory Purchase Orders (CPOs)** – This allows certain public bodies (mostly **local authorities**) to take over ownership of land on payment of compensation. Once a CPO has been made, **bailiffs** can usually carry out an eviction without a further **Possession Order** from court.

**Council Tax** – Tax paid in relation to a **residential** dwelling. The council (**local authority**) will chase the following people for the tax in this order: Home-owners, **tenants**, **licensees**, occupants including squatters and lastly the **owner** of a property who is not in occupation. If you declare yourself as living at a property you might be deemed liable for council tax.

**County Court** – The lowest in the hierarchy of **civil** courts, where most **Possession** claims start. More advice about Going to Court on page 69.

**County Court Enforcement Officer (CCEO)** – Also called a **bailiff**. A bureaucrat who works for and who is empowered by the

**County Court** to enforce its **judgements** – including **Possession Orders**, when in possession of a valid court **Warrant**.

**Criminal Damage** – defined as “destroying or damaging any property belonging to another, intending to destroy or damage any such property, or being reckless as to whether any such property would be destroyed or damaged, without lawful excuse”. Best avoided. More advice on page 25.

**Criminal law** – is dealt with in the criminal court system. Crimes against the State are investigated by the police and prosecuted by the Crown Prosecution Service. **Civil** cases are dealt with in a completely separate system of **civil** courts.

**Criminal Law Act 1977 – Section 6** – This is the main legal protection that squatters have against “**illegal eviction**”. Section 6 created a **criminal** offence of using, or threatening to use, violence to secure entry to premises, when people inside those premises are opposed to that entry. This applies to almost everyone, including the **owners** of the property and anyone working for them, unless they have “lawful excuse”. It doesn’t protect you if the building has been left empty, or not secured properly. Explained more on pages 22 and 36. **Bailiffs** enforcing a **Possession Order** and (only in certain circumstances – see **Powers of Entry**) the police and Fire Brigade are still allowed to break in though.

**Criminal Law Act 1977 – Section 7** – see **Displaced Residential Occupier (DRO)** and **Protected Intending Occupier (PIO)** below. These two categories of individuals are exempt from prosecution for a **Section 6** offence.

**Crown Court** – A type of **criminal** court, where more serious (“indictable” or “either way”) offences are tried and where a jury decide whether the defendant is guilty or not.

**Debt collectors** – the name for **County Court Enforcement Officers** or **bailiffs** when they are trying to recover monetary debts, rather than **possession** of land. More advice about dealing with them on page 92.



**Defence** - in civil cases, the arguments used in court defending against a claim. See pages 71-73 and 75-77.

**Defendant** - The person or people defending a legal action taken against them. In most **possession** cases related to squatting this will be "persons unknown".

**Disclosure & Barring Service (DBS) checks** - Previously known as Criminal Records Bureau (CRB) checks, this system is meant to prevent "unsuitable people" from working with children and "vulnerable adults". This means that many employers (especially for healthcare and education/ childcare jobs, even voluntary ones) may expect you to fill out a DBS form and supply proof of your identity, so that they can run a check on you. They can apply for different levels of check, depending on what the work is. You will be sent a certificate from the DBS (sometimes this takes a few months) detailing the information held on you (spent and unspent convictions, cautions, reprimands and final warnings). If they pay extra for an "enhanced" check, the certificate will also have "any additional information held by local police that's reasonably considered relevant to the role being applied for". They can also find out if you are on a "barred list"; if you are, they are not allowed to employ you in certain roles. The vast majority of criminal offences do not stop you from - for example- working with children, so do not worry!

More info at: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

**Dispersal Notice** - see Section 35 below.

**Displaced Residential Occupier (DRO)** - Section 7 of the **Criminal Law Act 1977** defines what a DRO is, and what they can do if they come home and find squatters occupying their place of residence! Because this legal category was invented to deal with a mythical problem, it is very rarely used. It is an offence for **trespassers** not to leave when asked to by either a DRO, or a **Protected Intending Occupier (PIO)**. Current Government guidance points out that Section 7 can be applied to a wider range of "residential premises" ("any building, any part of a building under

separate occupation, or any land ancillary to a building, such as a garden") than **Section 144** (which only applies to the "residential" building itself). A DRO must have been using the place as their residence immediately before the **trespassers'** occupation "excluded" them from doing so.

**Domestic** - this word is sometimes found on home utility and **Council Tax** bills, and suggests that the place has a history of **residential** use. Commercial premises would usually receive **Non-Domestic** bills.

**Execution** - another name for the process of enforcing a legal **judgement** or order.

**Fixed Penalty Notice (FPN)** - The police and certain **local authorities** can issue these "on-the-spot" penalty tickets for certain offences. There is more info about something similar, the **Penalty Notice for Disorder (PND)** further down. If you are issued with a Fixed Penalty Notice, you have 21 days in which to either pay the penalty, or dispute the offence. Otherwise it will be recorded as a fine, and added to your **criminal** record.

**Forcible Entry** - an old **common law** offence, which has now been abolished and replaced with **Section 6** of the **Criminal Law Act 1977**. It is also a generic non-legal term for breaking into a building using force.

**Freehold** - Someone who owns land, and is not leasing it from someone else.

**Freeman of the land** - The "Freeman on the land" movement argue that only **common law** should/does apply to you, unless you give your consent to the State. Unfortunately the State does not agree with this position. If you use this stuff in court, it may disrupt **proceedings**, but is likely to annoy the Judge. There is a risk of being found guilty of "Contempt of Court", and imprisoned for this.

**High Court** - Because this is a higher level of court, this is where an **appeal** against a **County Court** decision would normally be held. Most possession claims are heard in the **County Court**; owners are meant to show

that they have a good reason to seek possession in the High Court instead, as laid out in the rules, for example **CPR 55.3(3)**. Once a **Possession Order** has been made against **trespassers**, it can be transferred to the High Court for enforcement, by **HCEOs**.

**High Court Enforcement Officer (HCEO)** - also known as **bailiffs**, or **Sheriffs**, these people are authorised to enforce decisions made in the **High Court**, and any cases transferred to it from the **County Court**. The HCEOs should have a valid **Writ of Possession** (or a **Writ of Restitution**) if they want to carry out an eviction. More information about their powers on pages 79-80.

**Illegal Eviction** - how people tend to describe an eviction which is done unlawfully, e.g. with no paperwork shown to the occupiers, no evidence that those carrying out the eviction have any proper authorisation to do so, illegal use of violence against alleged squatters, criminal damage to and theft of occupiers' belongings etc.

**Immigration Enforcement** - formerly known as the United Kingdom Borders Agency (UKBA) this Government agency are the ones who carry out immigration raids, and often work alongside the police/ **Local Authorities** to target people they suspect of being in the country without papers. More advice on pages 32-34.

**Injunction / Interim Injunction** - An order from the court which may involve a power of arrest. Explained more on pages 93-94.

**Interim Possession Order (IPO)** - designed as a "fast track" method for **landlords** to regain possession of their properties, there is a **criminal** offence associated with the IPO. Once it's been correctly "served", and 24 hours have passed, it becomes a **criminal** offence to stay on the premises as a **trespasser**. Explained more on pages 70-71.

**Judgement** - the final decision made at the end of a case in a court of law.

**Landlord** - the **owner** of a property.

**Land Registry** - A state-run register of land ownership. See **Title Register** too. You can access it online - see page 16.

**Lawyers** - Solicitors prepare the case and act on behalf of their clients, attending police station interviews, responding to letters, gathering evidence etc. Barristers (and sometimes "solicitor-advocates") then represent the client in court. You can also represent yourself in court. (see *Going to Court* on pages 72-74 for more info about doing this for **civil** cases). Lawyers often specialise in different areas of law, for example homelessness & housing; criminal defence; human rights cases etc. See **Recommended Solicitors** below.

**Leasehold** - Usually someone who has a right to exclusive occupation of some land, for a certain period of time in exchange for rent. This is based on a contract (whether verbal or in writing) with someone who owns a freehold or leasehold in respect of the property

**Legal Aid and Sentencing and Punishment of Offenders Act (2012) (LASPO)** - As explained more thoroughly elsewhere, **Section 144** of LASPO was the part that criminalised most squatting in residential buildings, in England and Wales.

**Licence / licensee** - A licensee is someone who has permission (a "licence") to occupy, possibly not the right to "exclusive occupation" or the same level of security as someone with a **tenancy** or a **lease**. **Landlords** often try to tell people that they're only licensees when they are in fact **tenants**. Anybody who pays rent has a "contractual residential licence" and is therefore likely to be a **Protected Occupier**, covered by the **Protection from Eviction Act 1977**.

**Live-in security** - people employed to stay in a building which would otherwise be empty/ unused. The term "live-in security" is used to describe a range of set-ups, but suggests that the building is being **occupied** by someone. **Property guardians** (more detail on pages 12-13) are generally not paid, but some security guards are. More advice about Dealing with Security on pages 35-37.



**Local Authority** - local government - both single-tier local government authorities such as Metropolitan Authorities, London Boroughs and Unitary or Shire Authorities, and "two tier authorities" which comprise both a County Council and District Council.

**Lodger** - someone who pays to live in someone else's home, who has a **licence** (i.e. permission to be there) rather than a **tenancy**. They do not have "exclusive occupation" and do not have the right to exclude their **landlord** from the premises.

**Magistrates Court** - these courts have limited sentencing powers, so tend to deal with less serious **criminal** offences. The maximum sentence available to Magistrates is six months' imprisonment for a single offence, or a total of twelve months for multiple offences, and a fine. This means that they tend to deal with "summary only" and "either way" offences, not "indictable" ones. Although all criminal "plea hearings" take place in a Magistrate's Court, more serious offences will be tried in a **Crown Court** instead. Magistrates are also responsible for issuing **warrants**, to the police and to **local authorities**, and can be asked to deal with certain **civil** matters (particularly statutory appeals against enforcement action by public bodies).

**Mesne Profits** - This is the term for the financial compensation which land **owners** sometimes try to claim from the people occupying their land. The amount should be based on the rental value of the land. Although a claim for mesne profits can be added to a claim for a standard **Possession Order**, it cannot be added to an **IPO** claim, and is quite rare nowadays. If mesne profits are awarded to the owner, the amount becomes a civil debt for them to recover from any named defendants, i.e. the people they have just evicted from their only known address.

**N244 form** - the form used for making an application to court. In squatting cases, this is most relevant when you need to apply to stop an **owner** trying to revive an old **Possession Order**. See pages 82-82.

**"No Comment"** - the best thing to say to the police while you're under arrest and they're asking you questions (even relatively simple and innocuous-sounding questions). Read the booklet! <http://ldmg.org.uk/>

**Non-Domestic** - another way of saying non-residential, often this term is used on utility bills.

**Non-Residential** property - according to **Section 144**, this means any place that was not "designed or adapted" for residential use before the **trespassers'** entry. Explained more on pages 19-21.

**Obstruction of bailiffs** - sometimes this may be considered a criminal offence - read more on page 80.

**Obstruction of public highway** - a criminal offence, read more on pages 35 and 37.

**Occupants** - those who occupy a place.

**Occupiers** - people in physical control of a piece of land. See **protected intending occupiers** and **protected occupiers** too.

**Owner** - by this we usually mean the registered owner of the land; they may have a **freehold** or a **leasehold** interest in the land; they could be an individual or a company; they are legally able to apply for a **Possession Order**.

**Penalty Notice for Disorder (PND)** - Paying a PND does not mean you're guilty of the offence (It is "neither an official finding nor an acceptance of guilt and discharges all liability to conviction for the offence"). However PNDs for **recordable offences** are recorded on the Police National Computer. These notices are not generally disclosed on a standard **DBS check**, but might be as part of an enhanced check.

**Police and Criminal Evidence Act 1984 (PACE)** - still the most important piece of legislation governing police powers: <https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice> There are three Codes of Practice associated

with PACE. They cover: how the police should behave when stopping and searching people (Code A), searching buildings (Code B), and holding people in police stations (Code C). You are entitled to a copy of Code C if you find yourself in police custody. The police can be sued for compensation if they do not follow the rules laid out in the Codes.

**Police Bail** - When the police don't have enough evidence to "charge" somebody with a crime, they sometimes try to impose "Police Bail" on the accused person before they've been charged. Sometimes people are left on police bail for a very long time as there are no legal limits yet (although there is a Law Society report which recommends that police bail should only be used for a maximum of twenty eight days). "Failing to surrender" - i.e. failing to return to the police station/ come to court at the specified date and time - is a **crime** (Section 6 of the Bail Act, 1976), but not always prosecuted, especially when the "substantive case" (the original alleged crime) is dropped. Breaking the bail conditions set by the police is not always a criminal offence, but read more (e.g. in Section 46 of PACE).

**Police Station Representative** - Someone who is qualified to advise those detained at a police station, but who is not qualified as a **Solicitor** (and therefore must always be "supervised" by one).

**Possession Order** - an order made in the **High Court** or a **County Court** authorising the owner of a building to obtain a **Writ of Possession**, or a **Warrant of Possession**, that allows court enforcement officers to carry out an eviction. A Possession Order allows **enforcement officers** in possession of a valid **Writ** or **Warrant** to evict anyone present on the land.

**Proceedings** - the legal process, once someone starts a case at court.

**Prohibition Notice** - The Fire Brigade can issue a Notice under Section 31 of the **Regulatory Reform (Fire Safety) Order 2005**. To do this, they need to show that the risk posed by your use of the premises is so serious that

that use needs to be restricted or "prohibited" (banned). They will usually explain the steps needed to make the place safer (eg installing smoke alarms). You can **appeal** to a **Magistrates Court** within 21 days of receiving the Notice, requesting its suspension until appeal has been decided. Contact ASS for help if you receive a Prohibition Notice.

**Protected Intending Occupier (PIO)** - Someone who has a right to occupy the place you are squatting, who needs it for their own residence, and who is excluded from it by your occupation. It's an offence if you don't leave when requested to do so by a DRO.

**Protected Occupier** - Subject to a few other technical exceptions this is someone who has a tenancy or licence (other than a temporary tenancy or licence granted to a squatter), who pays rent and who does not live with their **landlord**. A Protected Occupier is entitled to at least 4 weeks written notice of under the **Protection from Eviction Act 1977**, and can't legally be evicted other than by a Court **enforcement officer** with a valid **Writ / Warrant** and **possession order**. If you've got a tenancy, you probably have even more rights. This is explained more in the Chapter on Property Guardians.

**Protection from Eviction Act 1977** - see **Protected Occupier** above.

**Recommended solicitor** - see **Lawyers** above. The Network for Police Monitoring is a coalition of groups providing legal support to activists. It keeps an up to date list of "good" criminal defence solicitors: <https://netpol.org/criminal-solicitors/>

**Recordable offence** - Offences that give the police powers to take your finger prints and DNA when arrested. "Recordable offences" don't include being arrested to prevent a Breach of the Peace (which isn't an "offence" anyway), or Obstruction of the Highway.

**Remand** - Where a person is refused bail and held in prison after having been charged.



**Residential Building** – According to **Section 144**, a building that was designed or adapted, before the trespassers entered, for use as a place to live.

**Schedule 7** (of the *Terrorism Act 2000*) creates a power to stop, search and hold individuals at ports, airports and international rail stations. For more information, see the guide produced by Bristol Defendant Solidarity & Network for Police Monitoring: <https://netpol.org/2015/11/26/cop21-schedule-7/>

**Search Warrant** – A warrant from a **Magistrates Court** authorising the police to force entry to a property for the purpose of carrying out a search.

The police are allowed to enter and search premises if they have a search warrant. Entry under a warrant must take place within three months of the date of issue. The police should identify themselves. They should also produce and give you a copy of the warrant. It should be noted that the police can now obtain a single warrant which authorises their entry to and search of premises on more than one occasion (however the second or subsequent entries must be authorised in writing by a police officer of at least the rank of inspector) and more than one set of specified premises, occupied or controlled by a specified person.

**Section 144** – of the *Legal Aid and Sentencing and Punishment of Offenders Act (2012)* (LASPO) as explained above and in the Handbook itself.

**Section 6** – See *Criminal Law Act 1977* above

**Section 35 – dispersal order** – A police power: to order a person to leave a specified place, and not return for up to 48 hours, where the police have reasonable grounds to suspect that the person's behaviour has caused, or is likely to cause, members of the public to be harassed, alarmed or distressed, or contribute towards crime / disorder in that area. A police officer of at least the rank of inspector must have already authorised the use of this power in a specified place, during a specified period of not more than 48 hours. The

order can't be used to stop you from getting to somewhere where you live or work, and can't be used against you if, at the time of the order, you are involved in a public procession.

**Service** – the process of providing legal documents to another party.

**Set Aside** – After an Order has been made in court, you can apply for it to be "set aside" – for this you need to show that you did not attend the hearing, that there was a good reason for not attending the hearing, and that you've applied promptly for it to be set aside. If the Order is a **Judgement** (for example, a **Possession Order**) you'll also need to show that you have an arguable **Defence** to the claim. This is not the same as an **Appeal**.

**Sheriff** – another name for a **High Court Enforcement Officer**.

**Siege** – A tactic used by security companies. More advice on pages 35-37.

**Solicitor** – a type of **lawyer**, explained above. See **Recommended Solicitors** too.

**Statute Law** – law based on Acts of Parliament.

**Street Bail** – Where a person arrested for an offence (or taken into the custody of a police officer after an arrest) is released on bail by a police constable, on condition that they attend a police station at a later time.

**Tenant/ Tenancy** – usually, a tenant is someone who pays rent (or in some other way) in return for exclusive occupation of land/ premises for a certain period of time. A tenant has rights of ownership over that land/ those premises for the duration of their tenancy. They have the right to exclude other people, even the **landlord** (subject to the exact details of the contract).

**Theft** – Dishonestly appropriating property that belongs to someone else with the intention of permanently depriving the owner of that property.

**Title Register** – An extract from the **Land**

**Registry** showing who owns a particular piece of registered land – you can buy this info online, as explained on page 16. You can pay extra for a copy of the map which accompanies the entry, showing the boundaries of the land.

**Trespass / Trespasser** – Being on land without the permission of the **owner**. This is not a criminal offence in itself, although there are a few offences that can be committed by **trespassers**, as explained in pages 25-26. A landowner can usually use reasonable force to evict a trespasser, but cannot break **Section 6**. They can also start a **Civil Court** process against the **trespassers** for compensation and/ or a **Possession Order**.

**Use and Occupation Account** – a method for **landlords** to accept money in relation to an occupation of their property, without accepting that the occupant has any right to be there.

**Vagrancy Act 1824** – an old law, which the police occasionally try to use, most recently against people taking food from supermarket bins. This received so much negative publicity that the charges were dropped. The police sometimes use Vagrancy Act charges to deal with begging, and in situations where they can't think of what else to charge people with – of being in "an enclosed space" with the intention of committing another offence

**Warrant of Control** – a Warrant for the re-

covery of moveable goods (not land), in a civil debt situation. More information about **debt collectors'** powers on page 92.

**Warrant of Possession** – A piece of paper that allows a **County Court Enforcement Officer** to enforce a **Possession Order**, as explained in pages 79.

**Warrant of Restitution** – something that allows an owner to re-use an old **Possession Order** if a property is squatted again by the same people. More detail about this on pages 81-83.

**Writ of Possession** – the **High Court's** equivalent to a **County Court's Warrant of Possession**, which means it can only be used by **High Court Enforcement Officers**.

**Writ of Restitution** – the **High Court's** equivalent to a **County Court's Warrant of Restitution**. If HCEOs turn up, claiming to have one of these Writs, try to examine it to see if it is valid.

*This is the first time we've included a Glossary in the Handbook. We hope that having definitions of some of the legal words is helpful. Please let us know if any of the explanations are confusing, or still too difficult to understand, or if there are other words we should include next time.*





## RESOURCES

### ADVISORY SERVICE FOR SQUATTERS - A.S.S

Legal and practical advice for squatters and homeless people in England and Wales.  
Angel Alley, 84b Whitechapel High Street  
London E1 7QX

Opening times: Mon-Fri 2-6pm, but phone to make sure someone's in before visiting.  
Tel: 020 3216 0099 Fax: 020 3216 0098  
Email: advice@squatter.org.uk  
Web: www.squatter.org.uk  
Twitter: @ASSquattheworld

### BRISTOL HOUSING ACTION MOVEMENT

Independent squatter's and homeless movement.  
Hydra Bookshop  
34 Oldmarket Street  
BS2 0EZ  
Tel: 07833 100 399  
Email: squatbristol@gmail.com  
Web: www.squatbristol.co.uk

### CHAPTER 7

Advice on planning.  
Tel: 0146 0249 204  
Web: www.tlio.org.uk/chapter7

### COMMUNITY LAW PARTNERSHIP

A radical, progressive firm of solicitors specialising in the law relating to Housing and Public Law.  
4th Floor  
Ruskin Chambers  
191 Corporation Street  
Birmingham  
B4 6RP  
Tel: 0121 685 8595  
Fax: 0121 236 5121  
Email: office@communitylawpartnership.co.uk  
Web: www.communitylawpartnership.co.uk

### CRISIS

Various campaigns and services for homeless people, including winter shelters.  
Tel: 0844 251 0111  
Email: enquiries@crisis.org.uk  
Web: www.crisis.org.uk  
Twitter: @crisis\_uk

### FRIENDS FAMILIES AND TRAVELLERS

Organisation seeking to address problems facing the Traveller and Gypsy communities.  
Friends, Families and Travellers,  
Community Base,  
113 Queens Road,  
Brighton, East Sussex, BN1 3XG

Tel: 01273 234 777 Fax: 01273 234 778  
Email: fft@gypsy-traveller.org  
Web: www.gypsy-traveller.org/  
Twitter: @GypsyTravellers

### GREEN & BLACK CROSS - GBC

An independent grassroots project. Set up in the spirit of mutual aid and solidarity to support autonomous social struggles within the UK. Main focus is legal support, including support for defendants. Protest related only.  
Web: www.greenandblackcross.org  
Phone: Protest support number – 07946 541 511 – operates 24/7  
Email: gblegal@riseup.net  
Twitter: @GBCLegal  
PGP/GPG Public Key and Fingerprint  
83C7 74B2 9235 69C8 D652 C264 5E4C D7C2 70C5 5CF9  
Check the website for contacts for local groups, medics and joint court support with LDMG.

### LEGAL DEFENCE AND MONITORING GROUP - LDMG

Monitor police activity both on the streets and in the courts.  
Email: ldmgmail@yahoo.co.uk  
Web: www.ldmg.org.uk  
Twitter: @legaldmg

### LOCAL GOVERNMENT OMBUDSMAN

Tel: 0300 061 0614  
Web: www.lgo.org.uk

### LONDON COALITION AGAINST POVERTY (LCAP)

A coalition of groups which are based on the idea that through solidarity and direct action, ordinary people have the power to change our own lives.  
www.lcap.org.uk

### NATIONAL BARGEE & TRAVELLERS' ASSOCIATION (NBTA)

A volunteer organisation formed in 2009 that campaigns and provides advice for itinerant boat dwellers on Britain's inland and coastal waterways.  
30 Silver Street  
Reading, RG1 2ST  
Tel: 0118 321 4128  
Email: secretariat@bargee-traveller.org.uk  
Web: www.bargee-traveller.org.uk  
Twitter: @NBTA\_sec

### NETPOL

The Network for Police Monitoring – Keeping a watch on UK policing.  
Email info@netpol.org (Public PGP Key: 27F27907)  
Web: www.netpol.org  
Twitter: @policemonitor

### NO EVICTIONS! LONDON SQUATTERS NETWORK

A service established in 2009 helping forward info about eviction resistance, squat parties, benefits, and other radical events.  
Tel: 07980 637 338 (text to be added to the network)



## PAVEMENT

Free monthly paper for London's homeless, with a comprehensive list of resources.

Email: [contact@thepavement.org.uk](mailto:contact@thepavement.org.uk)

Web: [www.thepavement.org.uk](http://www.thepavement.org.uk)

## SHELTERLINE

National 24-Hour Housing Advice Line.

Emergency housing advice and hostel information for England and Wales.

Tel: 0808 800 4444

Web: [www.shelter.org.uk](http://www.shelter.org.uk)

Twitter: @shelterline

## SQUATTERS ACTION FOR SECURE HOUSING - SQUASH

A pro-squatting lobby group which campaigns to prevent the further criminalisation of squatting in England and Wales.

Tel: 07435 704 038

Email: [info@squashcampaign.org](mailto:info@squashcampaign.org)

Web: [www.squashcampaign.org](http://www.squashcampaign.org)

Twitter: @Squash\_campaign

## SQUATTERS LEGAL NETWORK

24-Hour line for threats of arrest, illegal eviction and suchlike, as well as follow-ups to these events.

Tel: 07925 769 858

Email: [sln@activix.org](mailto:sln@activix.org)

Web: [www.network23.org/squatterslegalnetwork](http://www.network23.org/squatterslegalnetwork)

Twitter: @SQ\_LN

## TRAVELLERS ADVICE TEAM - TAT

Opening hours: Mon – Fri 10am – 1pm and 2pm – 5pm.

Tel: 0121 685 8677

Emergency cases outside office hours call: 07768 316 755

Email: [office@communitylawpartnership.co.uk](mailto:office@communitylawpartnership.co.uk)

## WOMEN'S AID FEDERATION

National 24-Hour Domestic Violence Helpline.

Support for women and their children who suffer from domestic violence. Can help with temporary accommodation and advice.

Tel: 0808 2000 247

Email: [helpline@womensaid.org.uk](mailto:helpline@womensaid.org.uk)

Web: [www.womensaid.org.uk](http://www.womensaid.org.uk)

Twitter: @womensaid

## FRIENDS FAMILIES AND TRAVELLERS

Organisation seeking to address problems facing Travellers and Gypsies. A service established in 2002 helping forward info about eviction resistance, legal advice, and other radical events.

113 Queens Road,  
Brighton, East Sussex, BN1 3XG

For Scotland, where the squatting laws are different, try the Shelter website which has details of advice providers in Scotland as well as in England and Wales, or contact:

## SHELTER SCOTLAND

Tel: 0844 515 2000

Web: [www.scotland.shelter.org.uk](http://www.scotland.shelter.org.uk)

For more information about grass-roots housing and other activism in Scotland, get in touch with:

## AUTONOMOUS CENTRE OF EDINBURGH - ACE

17 Westmontgomery Place

Edinburgh

EH7 5HA

Tel: 0131 557 6242

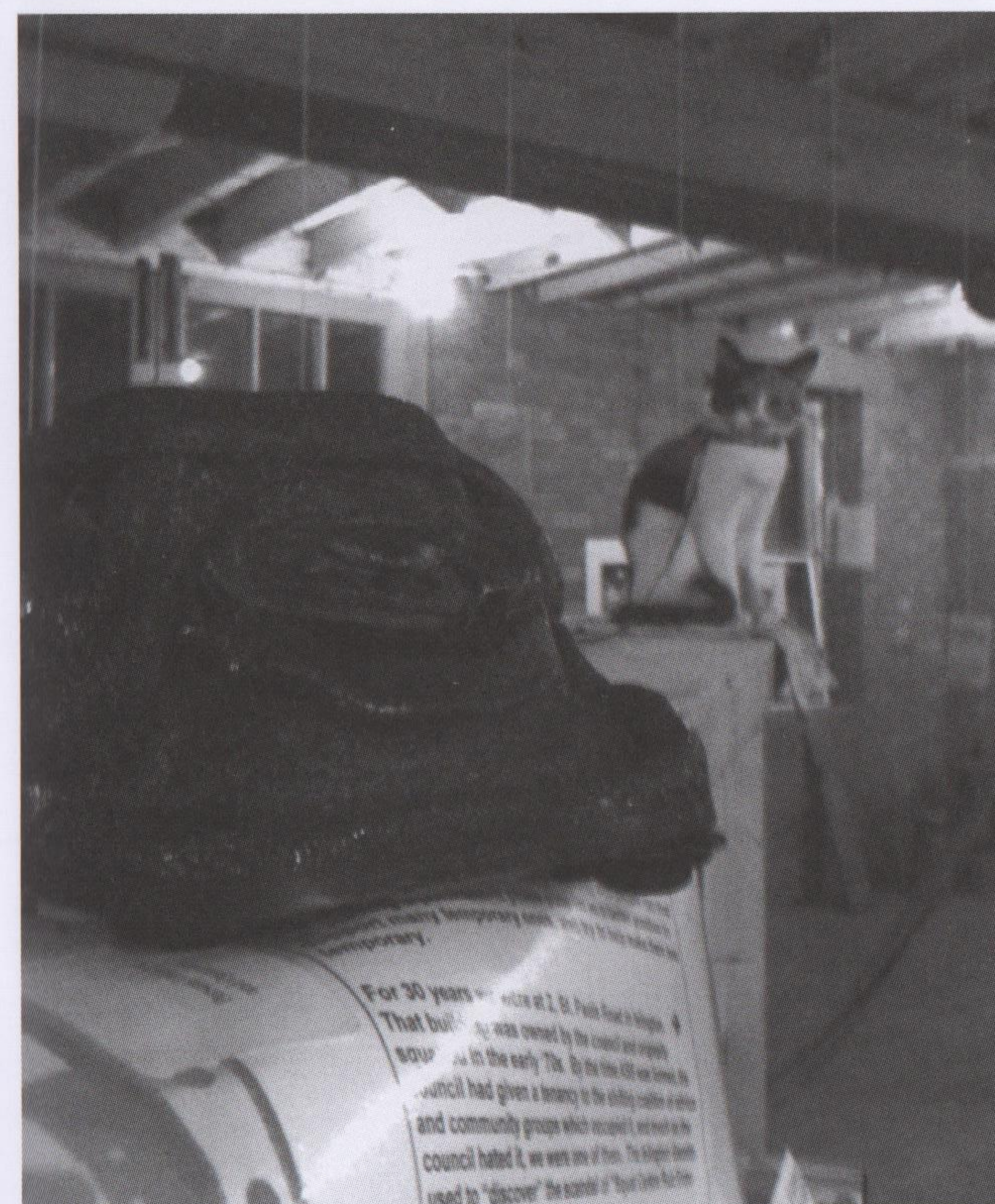
Email: [ace@autonomous.org.uk](mailto:ace@autonomous.org.uk)

Web: [www.autonomous.org.uk](http://www.autonomous.org.uk)

## GLASGOW AUTONOMOUS SPACE - GAS

Email: [glasgowautonomous@riseup.net](mailto:glasgowautonomous@riseup.net)

Web: [www.glasgowautonomous.weebly.com/](http://www.glasgowautonomous.weebly.com/)



From the Made Possible By Squatting Archive







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This index is designed to help you find information about particular topics more quickly. Most of these terms are explained more fully on the numbered pages given, but the **words in bold** are also defined below, in the "Glossary".

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