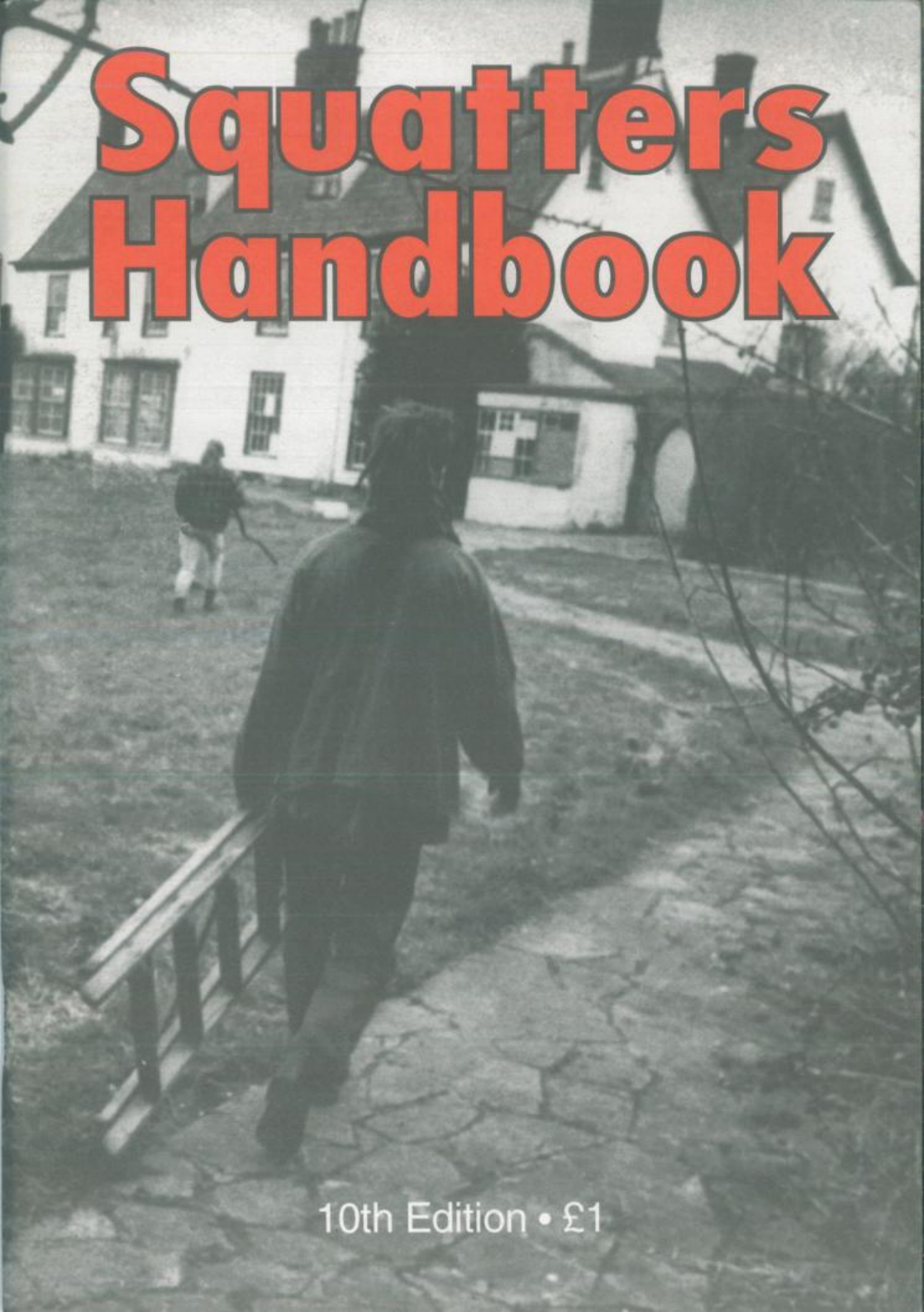
Squatters Handbook



10th Edition • £1

This is the Tenth edition of the *Squatters' Handbook*, dated May 1996. All the information is accurate at the time of printing. It is written by, and based on the experience of, Advisory Service for Squatters (ASS). The *Handbook* gives comprehensive information on how to go about squatting and fully explains the law on squatting. If you are in doubt about any part of the Handbook or want more information, call ASS on **0171 359 8814** between 2 and 6pm Monday to Friday.

ASS is an unpaid collective of workers who have been running a daily advice service for squatters and homeless people over the last 20 years. Donations and volunteers are always very, very welcome.

ISBN: 0-9507769-3-9. This handbook is anti-copyright: **it may only be reprinted in whole or part in publications with a cover price of £1 or less**. As it is very London-based, we hope that squatting groups – particularly outside London – will produce versions with additional information relating to their own experience.

Most of the information in this Handbook, particluarly on the law, applies only in England and Wales. For sources of squatting advice in Scotland and the north of Ireland see CONTACTS on page 55.

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Squatting Is Still Legal!

Squatting, in England and Wales, is not a crime. If anyone says it is, they are wrong! With a few exceptions (see pages 8 and 11), if you can get into an empty building without doing any damage, and can secure it, you can make it your home. The 1994 Criminal Justice and Public Order Act has made some changes to the laws about squatting (see under PIOs and Evictions), but squatting is still as legal as it is necessary. You will almost certainly be evicted eventually, perhaps very quickly, but you have the same rights as other householders: the right to privacy, rubbish collection, postal delivery, social security and essential services like water and electricity (there may be some problems with electricity and gas – see page 23). Many squats last only a short time but if you choose your place carefully you may be able to stay for years. Choosing carefully usually means taking time to gather information, but if you're really desperate and haven't got that much time, here are a few quick hints:

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

ABOUT THE LAW

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

0171 359 8814

HOMELESS ?
YOU MIGHT HAVE SOME RIGHTS

Many squatters have a legal right to housing under Part III of the Housing Act 1985, but have either applied and been fobbed off, not realised that they are entitled to apply or have chosen to squat in preference to the B&B temporary accommodation that homeless people are routinely left in for months on end. Squatting is a sensible option for some, but others may blow their rights to secure housing by squatting. If you are considering giving up B&B accommodation or a tenancy in order to squat GET ADVICE from ASS first; it could mean the difference between sorting out your housing problem or creating a much worse one!

THE BASIC RIGHTS

Certain people have the right to be housed by their local council if they are homeless. "Homeless" means not having a place to live where you have a legal right to stay for at least 28 days or where it is not reasonable for you to stay. Squatters by their very definition are statutorily homeless as they do not have permission to be in their properties. The moment you get permission, you cease to be a squatter! Councils will often try and fob off squatters by saying that they will not help until a summons for possession has been served. This is a gross misinterpretation of the Act and should always be challenged.

Hostel residents action group march

"Reasonable to remain"

You are homeless if it is not "reasonable" for you to remain in your home i.e. you are experiencing racial harassment, the roof is falling in etc. 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 consider you altogether because you have "made yourself intentionally homeless"! See INTENTIONAL HOMELESSNESS below.

Who gets housed?

If the council have reason to believe that you are homeless and that you qualify under one of the following conditions, you (together with any one you would normally be expected to live with) should be housed, albeit temporarily, whilst the council make further investigations into your circumstances:

- You have a dependent child under the age of 16 or still at school living with you. (You still qualify if you share childcare and only have the child living with you for a part of the week. Your child may be living away due to your bad housing, the council must decide whether the child should reasonably be expected to live with you.)
- You are a pregnant woman (as soon as the pregnancy is confirmed in writing).
- You are old, young and at risk, mentally ill or have a physical disability. These are not blanket rules; you need to show that you are vulnerable and that your circumstances make it harder for you to secure and keep accommodation than others who are not vulnerable.
- You run the risk of violence if you stay where you are (e.g. a woman assaulted by a man that she lives with).
- You have been made homeless as a result of fire, flood, or other disaster. (Usually you will only get temporary housing until you can move back to your own home).

Being housed under the Act has nothing to do with any waiting list. You apply straight to a special department usually called the Homeless Person's Unit (HPU) or something similar.

If you do not fall into any of the "priority categories" above the only duty the council has is to give advice and "appropriate assistance". This duty is almost universally ignored; where it is complied with it will generally mean the handing out of lists of hostels and B&B hotels. Not a lot of use when you consider that hostels are usually full and that private rents and deposits are beyond the means of many single people. The result is that growing numbers of single people have no alternative to squatting.

DRAWBACKS

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

"Intentional Homelessness"

The council won't house you if they decide that 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 your homelessness. For example if you were evicted because of rent arrears this could lead to you being classed as intentionally homeless. However you can sometimes successfully argue that payment of rent could have caused you and your family severe hardship e.g. after a rent rise, redundancy etc.

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

If you are declared "Intentionally Homeless" get legal advice straight away. YOU HAVE THE RIGHT TO APPEAL AGAINST THIS DECISION. The council must put their decision and the reasons for it in writing. This is called a Section 64 Notice – you have a right to this notice, and it's important to get it if the council refuse to house you. The best people to advise you on how to challenge the councils are law centres or independent housing aid centres. In London SHAC (now a part of Shelter) can help, and outside London, Shelter Housing Aid will tell you who can (see CONTACTS).

Family move into squat after fleeing racial violence

The council should have given you temporary 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 continue to house you (or provide you with temporary accommodation) for a period that would reasonably allow you to find alternative accommodation. This is normally one or two months.

Local Connection

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

You will normally be able to show a local connection if you have employment, relatives or children at school in the area or have been living there for at least six months. If a council do not accept you have a local connection, again, APPEAL against their decision; the law is very complicated and many people are successful in challenging local council decisions of this nature.

Squatting reaches the parts...

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

What happens if the council accept you?

If you are literally homeless the council will put you in temporary housing, which may only be for a few weeks, while they consider your application. In most areas though you can expect to be there for much longer than that. More and more this means that people are left in B&B hotels for months and sometimes years on end, waiting for a suitable offer of permanent housing. You will only be entitled

to one offer of housing, unless you can prove that the council's offer is an unreasonable one. A flat in an advanced state of disrepair, or one on the 10th floor when you have young children and there is no lift would probably be unreasonable, however ALWAYS GET LEGAL ADVICE BEFORE REFUSING AN OFFER and always give your refusal and reasons in writing to the council.

Many people leave B&B to squat and it's usually a vast improvement, at least while the squat lasts. But you will be evicted eventually and then you will have to start your application for housing all over again, or carry on squatting. You may even be declared intentionally homeless if you leave temporary accommodation, so GET ADVICE.

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

Stop Press: A new House of Lords ruling (Awua) has all but decimated the rights described above. The procedure will be the same, but councils will not be required to offer permanent secure housing. An offer of an assured shorthold tenancy in the private sector will apparently suffice. If such a tenancy is ended, you can then re-apply as homeless if you still satisfy all the conditions. The consequences of this could be disastrous, however many councils will realise the damage that can be done by only offering vulnerable people short term tenancies and will hopefully continue to offer secure public sector housing. If you get offered a short term tenancy when you apply as homeless, get legal advice before you accept it, it still may be challengeable.

The government has also published a white paper (June 95) which threatens further the rights of homeless people, again suggesting that it is sufficient to offer short term accommodation in the private sector.

Even the limited rights that exist in the Housing Act are often ignored by councils, who tell people they have no rights or that they will have to sign on the waiting list, in the hope that they will "go away". You can be prosecuted for "knowingly" giving false information when

applying under the Act, but breaking the law is no sweat for them, they often "knowingly" refuse to house people who clearly qualify. You might have to make it plain to them that you know what you are entitled to and won't take no for an answer.

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, the NHS and Community Care Act 1990 and the Children's Act 1989 may offer another route to housing.

If you are vulnerable, or a young person / child suffering hardship due to lack of housing, consult a solicitor 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 do rent out properties that are "Hard to Let" to people they don't have a duty to house, sometimes called a "Flatshare" scheme and there are still some Housing Co-ops and Housing Associations that will take people on. Housing Benefit will cover most rents if you are on Income Support, though restrictions are increasing, in some areas there are schemes to put up or guarantee deposits for the unemployed, and in emergencies there are Hostels. Check the Housing Rights Guide (see REFERENCES) for your rights, and contact local advice agencies to find out what schemes are running locally.

FINDING A PLACE

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

Squatting anywhere that is empty without finding the available information, might get you a place that lasts a reasonable length of time. On the other hand you could be evicted in a couple of weeks through the courts or, worse still, be evicted without a court order through the provisions of section 7 of the 1977 Criminal Law Act (see pages 8 and 11) or have to deal with an interim possession order and move very quickly. It is also important to know if the owner has a record of violent evictions or similar tactics. It is worth trying to avoid such trouble by finding a place where there is a good chance that the owner will leave you alone until they actually want to use it. "Lucky dip" squatting is best left for temporary measures in desperate situations. Opening a new squat is always a bit of a gamble but the more you know the better your odds.

What are the best places to go for?

PUBLIC SECTOR

Council Property

In the past the best places to squat have been local authority owned empties that are not going to be re-let. This is for a number of reasons. Councils have a lot of empties and often do not have the money to keep them in a lettable state. Often quite reasonable properties are left empty because of mismanagement, bureaucracy or low demand on hard to let estates (areas people do not want to move to). If there are a lot of squatters the council will take longer to evict people. Also it is possible to put pressure on them if there are a lot of well organised squatters. Some councils or individual employees may be unofficially sympathetic to squatters and leave eviction until the properties are required. Finally the councils do have some duties to house people and these duties can sometimes be used as legal defences in possession proceedings. However, recently many councils have sold a lot of their housing stock to housing associations or private landlords so the number of council empties has fallen. Also more and more councils have become more hard line in their attitudes towards squatters, and in fact to anyone living in council property, and the incidences of false PIOs (See page 11), illegal or heavy-handed evictions and trashing property have increased. Council property is mostly flats on housing estates or houses. The properties will either be letting stock, i.e. properties that are fit to be let, immediately, hard to let or awaiting renovation, demolition or sale.

Letting stock empties are either recently renovated or where the council has not re-let them because they do not know that the tenant has left. It is not usually a good idea to squat letting stock flats that have recently been renovated as the council will probably be able to get you out using Section 7 of the Criminal Law Act or will evict you quite quickly by other means. There is no definite way to identify places which are the letting stock – you have to use your common sense. See if it could be in either of the categories below, and whether it is 'lettable' by council standards – that is, no major repairs are needed and all the services are working. Unless you're fairly sure it's not letting stock then it probably is. If there are only a few empties in an estate or block then they're probably letting stock. Non-letting stock estates are usually very run down with lots of empties. Odd houses which the council has bought rather than built itself ('street properties') are probably not letting stock unless they're in very good condition.

Hard to Let: Many estates have become so run down or have had such bad amenities that it is difficult for councils to let them to tenants from the waiting list. The upper floors of tower blocks as well as older estates are sometimes in this category. Although some councils offer hard to let places to people who normally wouldn't qualify for council housing, in practice they usually stand empty for a long time. It is not

ABOUT THE LAW – MYTHS AND FACTS

SQUATTING IS STILL LEGAL – don't let anyone tell you otherwise. Only squatting on embassy premises is a crime, though if you squat in someone else's home (or in some circumstances their intended home) you can be asked to leave and arrested if you don't (see pages 8 and 11). The 1994 Criminal Justice and Public Order Act created an offence of failing to leave premises within 24 hours of being served with an Interim Possession Order (see EVICTION, page 47). Other Possession Orders carry no criminal sanctions.

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

The criminal laws about squatting are in part 2 of the Criminal Law Act 1977 (Sections 6 to 12). They mean that squatters need to take care not to commit a criminal offence, but they also provide some limited protection for squatters. Squatting is not a crime, but trying to evict squatters forcibly can be! It is important to understand these sections if you are going to squat. SECTION 6 may protect your home. You'll find an explanation of it on page 17. SECTION 7 is the one you have to be careful about – see pages 8 and 11.

The normal way of evicting squatters is that the landlord goes to a civil court for a possession order under the 'summary procedure' known as either Order 24 or Order 113 (See EVICTION).

All that really exists of what is known as 'Squatters Rights' is the right not to be evicted except by a proper legal process and the fact that if a place is continuously squatted for twelve years or more it can't be evicted and may effectively become the property of the occupiers. It even happens sometimes!

unknown for squatters in them to be offered tenancies – or to stay for several years! Two warnings, though: as people become more desperate for housing some hard to let places are now not so hard to let, and they are foisted on people who don't want them, but have little alternative. Occasionally, there are special schemes to get rid of hard to lets – say to students – and you should try to check this out. In the past few years many councils have started to allocate hard to let properties before they have been rehabilitated so often councils will attempt to evict you from properties you wouldn't expect to be hard to let. In these cases you might encounter a PIO. Properties awaiting renovation or demolition are often the best ones to squat. Many of these, particularly street properties, have in the past been licensed to short life groups. These are groups set up in the seventies to control squatting and many of them have not forgotten their roots in the squatting movement. If they exist in your area they may be helpful. If you squat a place that they have a licence on they will at any rate have difficulty evicting you. However most of the short-life groups have been cut back or shut down as councils sell off or take back property. There are still quite a lot of street properties and flats on estates that will be unused until work starts unless they are squatted. Property waiting to be sold will not be re-let and you will often be fine in these places until they are sold. The council should realise that the places will often be resquatted if they evict the places before a sale and you may be able to deal with the new owners more sensibly.

Housing Associations / Trusts

These are government and/or charitably funded housing organisations. They also have large numbers of empty properties and some are quite reasonable in their attitudes to squatters. Others can be particularly stupid and nasty. They can and do use PIOs to evict squatters. The different categories of Housing Association property are basically the same as council property.

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

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

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

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

This section does not apply if you have – or have ever had – a licence (permission) to be in the house. See When Is A Squat Not A Squat on page 53 for an explanation of what a licence is.

Other Large Organizations

Many government departments and newly privatised quangos own lots of empties. These include the MOD, the Police, British Rail as well as hospitals or schools.

Many road schemes have involved houses being bought up under Compulsory Purchase Orders (CPOs) and left empty for years. Often these have been squatted, sometimes by people opposing the road plans. In these cases it is important to know whether entry powers under the CPOs have been used. If they haven't the owners will not have to go to court to evict you.

MORTGAGE REPOSSESSIONS

These are places owned by banks or building societies. The most attractive thing about them is that there are huge numbers of them. Also they are often in quite good condition. As long as the previous owners have been evicted and the warrant has been satisfied (see EVICTION) the owners will have to take you to court. If the bailiffs have not repossessed the property from the owner you could find yourself with the bailiffs turning up quite suddenly so it is important to find out as much as possible about what is happening to the house. They will not be letting the place so will not be able to evict you under the criminal law act. While banks and building societies are not sympathetic to homeless people (they have probably just booted someone out of the place you are squatting) it is in their interests to have the place occupied and they may be persuaded to delay eviction. This is, however, unlikely.

COMMERCIAL PROPERTY

Private landlords and property companies are always the most unpredictable type of owner – they could send in the heavies or ignore you for years. They are the type of owner most likely to evict you if you leave the place empty. However squatting nonresidential property should make it difficult for the owners to use a PIO to evict you. In the past few years a lot of pubs have closed and been left empty for years. Sometimes they have been squatted quite successfully.

PRIVATE HOUSES

If an owner has only recently moved out, it is possible someone else is about to move in, particularly if there is a 'For Sale' sign outside. A new Private Owner is able to use the PIO provisions of Section 7, and is highly likely to do so. Unless you can be fairly sure the owner has no immediate plans for it you should leave it alone. It is unsafe to squat second homes. If a house is occupied, however infrequently, the DRO provisions of Section 7 apply.

GETTING INFORMATION

Local Groups

The easiest way of getting information is from local groups or other squatters. At the moment however there are very few local groups so set one up yourself as soon as you get your squat together. ASS may be able to put you in touch with what local groups there are or with squatters in a particular area. Otherwise you are on your own.

Finding Empties

Start by going round the areas where you want to live looking for empty houses or flats. Council estates usually have signs at the entrance saying that they are council owned. However after over 10 years of "Right to Buy" there are a lot of privately owned flats on many estates, and a lot of these have been repossessed. Empty flats or houses may be obviously boarded or tinned up but this is not always the case. Check as well as you can for signs of occupation, how easy it , is to get in and what the condition of the place is.

Finding The Owner

There are two important things that you should know about a place (especially if you are going to have to do a lot of work on it) who owns it and what are their plans. If you are not sure of the owner the most efficient way is to go to the land registry. However if you are looking at a number of places this is expensive so the council is probably your best bet. Initially, you can look at the STATUTORY REGISTER OF PLANNING CONSENTS, which is kept by every borough or district council (usually called the statutory register or the planning register). Ask at the Town Hall or district council offices. It is a public document and you have a legal right to look at it. The basic rule at council offices is: don't ask any specific questions unless you are absolutely certain the council themselves aren't the owners – otherwise you risk alerting them. Ask to see the register for the street you are interested in. Don't tell them the number and don't invent any elaborate cover stories – it's not necessary at this stage. You must call in person to see the register. Don't try to do it over the phone.

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

Understanding the Planning Register

The register lists all the decisions made by the council about applications for planning permission. Normally, owners have to get permission for all but the most minor

alterations to their property. Even the council has to apply to itself for planning permission if it is the owner.

The applications are listed on forms which show whether the permission has been granted or refused. You should look back over a period of five or six years. If there has been no application, it can be a good sign as most empty property will need some type of permission before it is brought back into use. If there is no entry on the register, ask to look through the applications pending. If you still don't find anything, see below for other ways of finding the owner.

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

Who owns it?

The applicant for planning permission will usually be the owner except if it is a firm of architects or estate agents applying on the owners behalf. These professionals are unlikely to be acting on behalf of the council except where the legal or architects departments have been contracted out. Council applications will often say "councils own application". If you are fairly certain the council doesn't own the place, you can give the full address and ask to see the original planning application.

Spotting the empties

Generally, the owner's name will be on this form. In case of problems, you have a right to see original applications by a Statutory Instrument (or government order) made under section 34 of the Town and Country Planning Act 1971, and known as SI 1977 / 289A21.

If you don't get the owner's name from the register, there are a few other ways you might try to find out. Of course, people in authority are unlikely to give away information if they think you are going to squat. This means that you must either prepare a feasible story (for example, you are a neighbour and rubbish accumulating in the garden is causing a nuisance, or you want to buy the house etc.) or else you must get someone else whom the council trusts to make the enquiry for you. Workers in local housing groups or community organisations can sometimes do this. You can, in the long term, try to enlist the help of sympathetic people who work in the relevant council departments These enquiries can usually determine whether or not the council owns a place, but are less likely to identify any other owner unless it is another public body – like a housing association or a government department.

The Council's Housing Department: They usually know what the council owns, provided it is officially part of the council's housing stock. They won't know about commercial buildings owned by the council or places bought for demolition, road schemes etc. Be careful! It is vital not to alarm them with the suspicion that you might be squatters. They don't have to tell you anything and probably won't if you approach them. Best tapped through other organisations which have regular contacts with them or 'moles'.

The District Land Registry is the most accurate way of finding out who owns somewhere. It can also give you valuable evidence in fighting a court case. However , as getting information costs a minimum of £5 for each property asked about, it is most useful when you are trying to find out about a specific property. To find out the owner of the property you need a form from the Land Registry called "Who owns that Property?" Form 313. You can get this from your local land registry (see below) CAB or Library. You fill in the form with the postal address of the property, pay £5 and they send you the form with the title number and the name and address of the registered owner. If you want a copy of the entry in the Land Register, copy of the title plan (a plan of the property) or anything like this, it will cost you £5 again with a further fiver if you don't know the title number. All England and Wales is registered land now. Some parts have become registered only recently. Land that has not changed hands for value (i.e. been sold) since registration in its area became compulsory probably will not appear on the registry unless it has been registered voluntarily. So places that have been passed down through families or through transfers of properties from the GLC or ILEA etc will probably not appear. Recent changes of ownership or new leases or assignments of leases may also not have been registered. Any lease under 21 years will not be registered. The land register is currently being put on computer and so a lot of it can be accessed from any of the different offices. However where the records have not been computerised you will need to contact the relevant office. This is not as simple as you might expect, for example the Land Registry for Hammersmith and Fulham is in Birkenhead. The best thing to do is to contact the eadquarters at H.M. Land Registry 32 Lincolns Inn Fields, London, WC2A 3PH. Tel. 0171 917 8888. They produce an excellent guide in their Explanatory Leaflet 15 *"The Open Register – A guide to information held by the land registry and how to obtain it"*.

PROTECTED INTENDING OCCUPIER ('PIO')
(Section 7, Criminal Law Act, 1977 as amended by Criminal Justice & Public Order Act 1994)

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

There are three kinds of PIO:

1. The most common type of PIO is someone who has been granted a tenancy or licence for a house or flat by a local authority or a housing association; they must have a certificate to prove this. The procedure is used frequently and is widely abused by some councils. It is important that you are able to make a quick judgement about whether an alleged PIO is genuine or MIGHT be genuine. If you can show it is not genuine, don't be conned. Stay put and contact ASS immediately. If it is genuine or might be, you really have no alternative but to move out quickly or risk being arrested and charged with an offence. It probably means you have chosen the wrong kind of place to squat.
2. The second type of PIO has to own the place with either a freehold or leasehold interest, and in the latter case there must be at least two years left to run on the lease. PIOs also have to intend to live in the place themselves and not rent it or sell it. Therefore, estate agents can't be PIOs and neither can companies or other organisations.

When you are asked to leave, the PIO or person acting on their behalf has to have with them a written statement sworn before and signed by a magistrate or solicitor. This statement should specify the PIO's interest in the property and state that they intend to live there. Making a false statement as a PIO is an offence punishable by up to 6 months in prison and/or a fine of up to £5,000 There is no known case of anyone trying to use this 'private' type of PIO procedure.

3. The third type of PIO is someone who has been granted a tenancy or licence to occupy a property as a residence by a landlord with either a freehold interest or a leasehold interest with at least two years left to run. Again the PIO must have a written statement sworn before and signed by a magistrate or solicitor. It must state that the PIO has been granted a tenancy or licence to occupy the property as a residence, that the landlord has the required interest in the property and must be signed by both the landlord and the tenant / licensee. The same penalties apply for making a false statement as above. Again, there is no known case of this type of PIO being used, but it has only recently come into force. This new type of PIO could well lead to abuse; private landlords may well grant dodgy licences to friends etc. in order to avoid court proceedings to evict squatters. So watch out!

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

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

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

If the actual PIO does not present you with a certificate there should be a signed agreement between the PIO and the landlord, authorising the landlord to act on

the PIO's behalf. This is a separate document. You should ask to see this as well, though they don't have to show it to you.

A PIO is NOT genuine if:

1. The property is not available for immediate occupation. If the premises need repairs that can't be done quickly or while the tenants are in occupation (ie a new roof, damp coursing, etc) then the PIO can't move in "at that time", and it is not in fact the squatters excluding the tenant but the Local Authority or private landlord because they have not done the necessary repairs. Section 7 should not apply. (This applies equally to PIOs who own the property).

However many councils allocate properties that need considerable redecoration and may have been squatted for a number of years. It is hard to prove that a property will not be quickly repaired and occupied which is what often happens, until after you have been evicted. Councils will, of course, claim to be able to get tenants in quickly and, as the Act does not clarify "at that time" or specify a time limit between squatters being evicted and tenants moving in, they can easily abuse the law. In a recent case, a squatter arrested for refusing to leave a burnt-out property being PIO'd was found not guilty as he had reason to believe that the property had not been allocated. It remained empty for several years until building work started.

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

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

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

5. There is a previous tenancy or licence still in existence (see Page 39 for more information about undetermined tenancies). If a tenancy has not been lawfully determined, a PIO cannot be issued as the previous tenant is still authorised to occupy.

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

Resisting

1. When you receive a PIO Certificate or statement, check that it is correct. Check with neighbours to see how long it has been empty or if it has been PIO'd before. Photograph serious repair problems.

2. MOST IMPORTANTLY, contact your local squatting group or ASS for any information they have on the building or landlords, and so they can build up information for others.

3. See if you can contact the PIO to check if they are going to move in, or have authorised the landlord to issue the PIO certificate.

4. In the case of a local authority PIO, go to the office where the PIO certificate was issued and see the person who signed it and argue your case with them. Inform them that if you feel that they have not dealt fairly with you that you will file a complaint with the local ombudsman (the person who investigates the Council when they are accused of malpractice). With private landlords/owners, point out that they could be committing an offence.

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

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

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

Violent Evictions ??

If you are unable to prove that the PIO is not genuine, there are now two ways in which you may be forced to leave the premises. The first is the threat of arrest by the police; no-one has ever successfully charged and there has only been one known arrest under Section 7 to date, but if you resist you may be charged with obstruction, breach of the peace etc.

If the police are not used, the PIO or his / her agent now have the option to evict you themselves. In theory they would be able to use 'reasonable force' to get you out, as those excluding PIOs do not have the protection of Section 6 Criminal Law Act any more (See page 17 for details). However the loss of protection does not permit PIOs to use actual violence against you as this would be an assault. If you are violently evicted in this way, contact ASS immediately for advice.

If you leave

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

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

Squat properties that have remained empty.

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

MOVING IN

Getting In

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

But don't let all that make you too paranoid. Only a small minority of squatters ever get nicked – and with good legal advice, they often get off. The greatest time of risk is when you have just moved in – the police may come round and accuse you of having smashed windows etc. If any damage has been done, it's obviously important to make sure it is repaired as soon as possible. Don't forget, boards can be taken off after you have moved in, and padlocks can often be unbolted from the inside without causing any damage.

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

Take as few tools as you can manage with, so there's less chance of getting arrested for 'going equipped' to steal or commit criminal damage, or for possession of offensive weapons (section 8, Criminal Law Act).

If you are stopped in the street by the police, you could say you've borrowed the crowbar to 'clear the drains'. You don't have to give them any information except your name and address (see DEALING WITH THE POLICE page 19).

If you're just having a look at the place (which is a good idea before you decide to move in!) you'll need a mains-tester (see GETTING THE PLACE TOGETHER) to check whether the electricity is on. When you go back to open it up, you'll need a new cylinder for a Yale-type lock (if there is one fitted) and a screwdriver to put it on with.

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

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

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

Changing the Lock

The first thing to do after getting in is to change the lock on the front door and secure all the entrances. Until you have control over who comes in and out, you do not have possession and can be evicted straight away if the owner or police come round.

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

This type of lock will do for the time being as it's quick to fit, but you'll need to add a stronger lock, such as a mortice, later on. This is fitted into the door and will stop the owner from entering 'without violence' by slipping the lock. An old (locked mortice) lock can sometimes be removed from the inside with a hacksaw blade; otherwise you will have to chisel it out. Always chisel the frame, not the door, as it's easier to repair properly.

If you can get in at the back, you can fit a security chain before you change the Yale-type lock. A chain is a good idea for a squat anyway, as it gives you a way of seeing who is at the door.

Secure all possible entrances; doors, windows, skylights etc. Squats have been lost by people not doing this. You can put bolts on all the doors, and nails in the window frames so that the window won't open more than three or four inches.

Legal Warnings

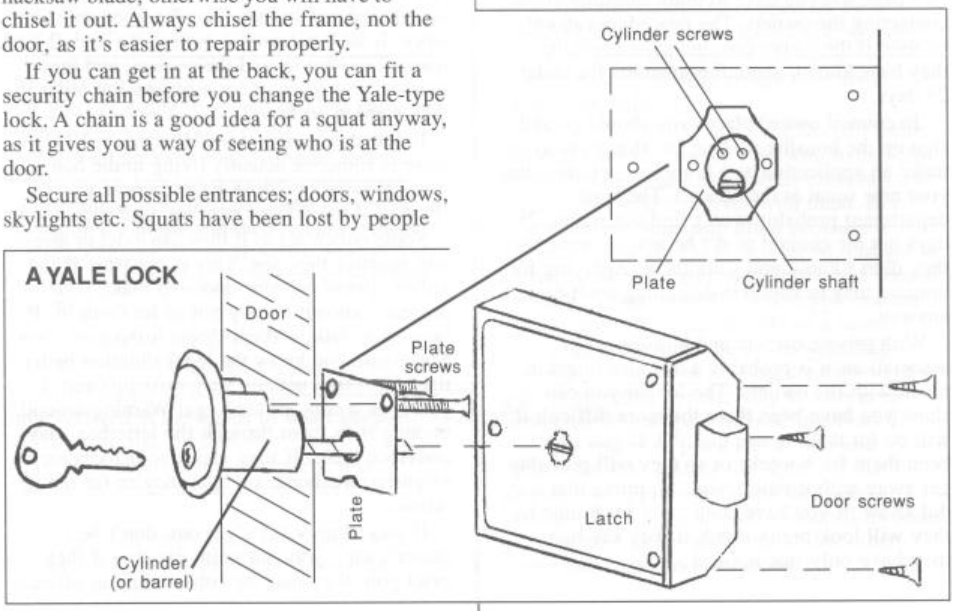
Putting up a legal warning (available from ASS, or written out by you) in a front window or outside the front door may be helpful, as it may deter the police or owner from breaking in. But you must have someone in the place all the time to back it up. A legal warning will not stop you being evicted on its own.

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

On page 18 is an example of what a legal warning should say. Photocopy off a few and keep them. You can sign it with all your names (see EVICTION for why this might help you) but you don't need to.

After You've Moved In

When you move in, put curtains up and try to make the place look lived in. Move all your furniture in straight away, but not valuables until you're sure it's safe. Go down to the local gas and electricity boards quickly – before the owners do. If the services are on, take a note of the meter readings (see GETTING THE



PLACE TOGETHER). If you use gas or electricity without paying for it, you can be charged with theft. You are also liable for paying water charges, but you can safely wait until they ask for them.

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

Getting In Touch With The Owners

Because of the new Interim Possession Orders (see page 47) you have to think carefully about contacting the owners. The procedure can only be used if the owner convinces the court that they have known about the squatters for under 28 days.

In council owned places you should go and sign on the housing waiting list straightaway or make an application as a homeless person using your new squat as the address. The legal department probably won't find out within 28 days but the council won't be able to argue that they didn't know you were there. Applying for housing may be useful in defending court cases anyway.

With private owners and housing associations it is probably a bad idea to get in touch with the owners. The longer you can show you have been there the more difficult it will be for them to use the IPO. If you have been there for 6 weeks or so they will probably get away with it unless you can prove that they did know; if you have been there for 6 months they will look pretty dumb if they say that they have only just noticed.

With all owners you should keep notes of dates and details of any contact with anyone who could represent or contact the owners, e.g. security guards, estate agents and even the police. These notes will help later when you have to fight any sort of possession order.

If the owner contacts you, it is always worth asking if you can stay until they need to use the place – they might (inadvertently) grant you a licence. Generally, however, it is best to wait for the owners to discover you are there – the sooner they know, the sooner you are likely to be evicted.

What To Do if the Police Arrive

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

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

In law this is essentially the case, unless there is someone actually living in the house (see FINDING A PLACE) or there is a 'Protected Intending Occupier' (see page 11).

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

If they simply say, "get out, don't be clever", etc., you can point out that if they evict you, they may be committing an offence

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

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

This means that the owners or their heavies (agents) can enter by force and put your belongings on the street if you are all out or if they don't know you are there. In one prosecution brought by squatters against a landlord who had evicted them in this way, the landlord claimed he 'hadn't heard' the squatters shouting inside the house – and the magistrate believed him.

In principle this means that someone should be in all the time. In practice this type of action is used only occasionally, usually against isolated or unorganised squats and usually in the first few days after the squat has been opened. If you are in an area with lots of other squatters, the owner is unlikely to evict you in this way. Some owners (for example, most councils and housing associations) have a policy of not evicting in this way, whilst others, particularly private landlords and a few particular councils, may try hard to get you out without going to court.

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

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

People who are, or claim to be, Displaced Residential Occupiers, Protected Intending Occupiers or their agents (see pages 8 and 11) are excluded from this Act. However any attempt to use physical violence against people will still be an offence.

themselves under section 6 of the Criminal Law Act, because they will be violently entering premises where there is someone opposing their entry.

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

Now You're There

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

Try to get the neighbours on your side. Squats, especially large or well-known ones, are sometimes attacked or ripped off by outsiders. These could be locals who wrongly blame squatters for their own housing problems, or right-wing groups (see Some Objections, page 31).

The fact that you're squatting doesn't mean that you have no control over who lives with you. Many squatting households exercise strict control over who else lives with them. But remember that squatting often provides a refuge for less 'together' people, who might be locked up in repressive institutions like mental hospitals. Think carefully before you exclude anyone. Everybody has a right to a home – that is the basic principle of the squatting movement. There are no easy answers to this type of problem, but one way to start is to form a group and get everyone involved. If you're prepared to put a bit of time and enthusiasm into getting the squat off the ground, you'll probably find other people joining. Have a look at ORGANISING for ideas on forming a group and some of the other things that squatters have done.

LEGAL WARNING

Section 6 Criminal Law Act 1977
As Amended by Criminal Justice and Public Order Act 1994

TAKE NOTICE

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

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

THAT any entry or attempt to enter into this property without our permission is a *criminal offence* as any one of us who is in physical possession is opposed to 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 take out a summons for possession in the County Court or in the High Court, or produce to us a written statement or certificate in terms of S.12A Criminal Law Act, 1977 (as inserted by Criminal Justice and Public Order Act, 1994).

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

Signed

The Occupiers

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

DEALING WITH THE POLICE

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

Search and Entry

The police have the power to enter and search premises with a warrant and, under certain circumstances without one.

Entry under a warrant, without your consent, must take place within one calendar month of the issue of the warrant. The police should identify themselves. The search warrant should be produced and you should be given a copy. However, if "there are reasonable grounds" to believe that doing all this would endanger the officers or the search, the law allows the police to ignore all the above.

Entry without a warrant is a power under many different Acts. In practice the important examples are entry to execute an arrest warrant, to arrest someone for an "arrestable" offence, S4 of the Public Order Act 1986. Also to save life or limb or prevent serious damage to property. The police also have a common law power of entry to prevent a breach of the peace. Further to this the cops can enter without a warrant to search for evidence where the premises are occupied by some one who has been arrested for an arrestable offence.

The police may use "reasonable force" to enter in these circumstances.

There are vast areas for potential abuse and the cops protect themselves with phrases like "reasonable belief" but it is important to note down as soon as possible what happens, numbers, what is said and done, things taken away or broken etc. It may be possible to take action afterwards and seeming on the ball may discourage out of order behaviour. If you can take action against the police afterwards, do it. The cops get away with things because we let them. If they know they are going to be opposed they will act more carefully and it may put them off in the future. There is no point in complaining about how bad they have been if you are unwilling to take action.

On the Street

You do not have to say or sign anything at any stage – in the street, at home or in the police station.

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

Under the Police and Criminal Evidence Act, 1984, the police can arrest you if you refuse to give them your name and address or if they suspect you have given them a false one. They can take you to a police station and hold you until they have found out the information. It doesn't cover other information which the police might ask for, such as your date of birth.

The police have the power to stop and search people or vehicles in places where the public have access. They can not make you take off more than gloves, coat or outer jackets.

Check their identity. Ask to see their warrant card and remember the details. If they are uniformed, write down or remember their numbers.

IF YOU ARE ARRESTED

Right to silence

There has been a lot of alarmist publicity and misinformation about the right to silence being taken away. However in practice it is still always best to say nothing.

All that Section 34 of the 1994 Criminal Justice Act says is that the courts can draw conclusions if you fail to mention something when questioned by the cops which you then use in your defence. This

applies if you were under a caution when the questioning took place and there is a new caution that the police should use warning you of this.

In practice most charges connected with squatting are going to come before a magistrates court rather than a jury and so it is probably still better to say nothing if questioned. Once you start talking it is very difficult to stop and you may start to contradict yourself and get yourself or your friends into trouble.

If you are arrested, the police must decide as soon as you get to the police station whether to charge you with an offence, release you (maybe on bail to go back to the police station later on) or detain you without charging you. They can detain you without charge only if they need to get further evidence by questioning you or to 'protect' evidence They must tell you their reasons for holding you.

The length of time you can be held by the police without being charged depends on the kind of offence you have been arrested for. You cannot be held without charge for more than 24 hours if you have been arrested for an 'ordinary arrestable offence'. If you have been arrested for a 'serious arrestable offence', this time can be extended by up to 36 hours by the police or up to 96 hours by a magistrate. If an offence is not an 'arrestable' one, you cannot be held without charge, but in some circumstances you can still be arrested for it! Non-arrestable offences might include highway obstruction.

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

You have the right to have someone informed of your arrest. You should be allowed to make a phone call but sometimes the police will make the call for you if they think it will harm their case or if they are just plain unpleasant.

You have a right to see a solicitor while you are in custody. A senior police officer can delay this right only if he has a good reason. The reasons for any delay must be recorded, and the delay cannot be longer than 36 hours.

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

The police can take your fingerprints only if you agree, if you have been charged or convicted, or if it has been authorised by a senior officer. If you are cleared of the alleged offence or are not prosecuted or cautioned, you are entitled to have the fingerprints destroyed in your presence.

Similar rules apply to photographs, but they can also be taken without your agreement if you have been arrested at the same time as other people and the police reckon they need a record of who was arrested.

Since the CJA came in the police can also take non-intimate body samples without your consent. These include hair and fingernails.

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

In order to get bail, you may have to satisfy the police that you have a fixed address. As a squatter, this can be difficult, particularly if you have been evicted while the police have held you, unless you can stay at a friend's house which isn't a squat. A 'satisfactory' address for the purpose of serving a summons on you for a 'non-arrestable offence' doesn't have to be your own

address. The police must give you bail unless there are very strong reasons for holding you.

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

If you come up in court

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

The charge against you may be a police try-on. In particular, any charge relating to squatting under part II, Criminal Law Act 1977 (see page 11) or under section 76 of the CJA (IPO's see page 47) will be a bit of an experiment on the part of the police as neither of these laws have been properly tested in the courts yet. It is important that each case is looked at carefully for possible defences and defended in court if there are any.

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

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

GETTING A PLACE TOGETHER

This section only covers basic 'first-aid' repairs to make your home more habitable. For more advice on repairs, consult the various books on do-it-yourself house repairs. *The Collins Complete DIY Manual* published by Jackson Day is pretty comprehensive, and the *Self Help Housing Repair Manual* by Andrew Ingham is very good but hard to get hold of these days.

GETTING THE GAS AND ELECTRICITY CONNECTED

Getting a Supply

• When the electricity supply to the house has been disconnected in the street (see ELECTRICITY) it is best to try to find another place as it costs a hell of a lot to get reconnected. If the board discover you are squatting they will probably refuse to connect you anyway. If you are near or next to a friendly house, you can lay your own cable from it (see ELECTRICITY again). This is perfectly legal as long as you pay for it. If services (gas or electricity) are not disconnected in the street but are disconnected where they come into the house, when you've signed up for a supply (see below) you will be visited by a representative from the respective boards, who may check the condition of the wiring/piping. Make sure it is all right (see relevant sections) before the board calls or it may be used as an excuse not to connect. If the Electricity or Gas Board know or suspect you are squatting they may inform the Council.

• Once you are in, it is important to sign on as soon as you decide the place is secure enough to stay in. Don't tell them that you're squatting. You can still sign on in the usual way, by going to the nearest showroom, but there can be problems if they suspect you are squatting and try to refuse you a supply. The practice varies from place to place, and it may even depend on what you look like. The best way to avoid awkward questions is not to have any direct contact with the board's staff. Just get one of the application forms (they're often just lying around) and return it by post or through the letterbox when closed. If you've had an account with them before and don't have an adverse credit rating it can often be sorted out over the phone without proof of tenancy.

• Unfortunately increasing numbers of offices won't do anything without seeing a tenancy agreement or similar evidence. Private tenancy forms can be bought from legal stationers, and other evidence can be sorted out with a photocopier. If you've squatted on a council estate its best if you can claim to be a council tenant, but flats have been bought by tenants and sold/rented out, so it is possible to claim to be a private tenant/subtenant. Alternatively, it might be better to go to another showroom nearby where they have less experience of squatting – say you're working in that area so its easier.

• These days you are most likely to be offered a prepayment (key) meter, where your leccy stops if you don't get round to recharging the key regularly, and where you get charged more because the meter costs more.

• Don't panic if they do work out you're squatting – all is not yet lost. Try quoting the Gas Act or Electricity Lighting Act at them, as well as Benn's and Eadie's statements. If you have children, they can be more sympathetic. Tell them you know that their board's official policy is to connect squatters unless there are instructions from the landlord to the contrary. If you can afford it, offer a deposit. If they insist on it and you have kids, this may be paid by the social services but they will need a lot of hassling.

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

GETTING THE GAS AND ELECTRICITY CONNECTED

This is a matter that needs very careful handling, as it could ruin your squat before you have begun. The legal situation is ambiguous because the Gas Act 1972 (Schedule 4 para 2) and the Electric Lighting (Clauses) Act 1899 (Section 27 / 2) both state that the boards have a duty to supply all occupiers of any sort of premises. Unfortunately these Acts have been contradicted by later court decisions.

The most damaging case for squatters was that of WOODCOCK AND ANOTHER Vs SOUTH WEST ELECTRICITY BOARD, on 27th January 1975, in the Court of Appeal. Here the judge held that the law's definition of an 'occupier' did NOT include a squatter, so the authorities were under no obligation to supply electricity to squatters and had every right to disconnect them.

Then Tony Benn, at that time Secretary of State for Energy, said in Parliament, 'the procedures for the Electricity Boards and Gas regions for obtaining payment do not differentiate between squatters and the general body of consumers' (24th November 1975). William Eadie, a junior minister in the Department of Energy, said the boards didn't have the necessary information to establish the status of occupiers of premises nor is it part of their duty to do so before complying with a request to provide a supply when required (28th November 1975).

So the law on this point is extremely uncertain, but it is the present policy of most Gas and Electricity Companies to supply to squatters unless the owners have given them specific instructions to the contrary. Some local authorities and private landlords have issued these instructions, particularly with regard to electricity supplies, to cover all their empty properties. Also, in agreeing supply squatters, some boards have a policy of asking for very large deposits, although these days they tend to be more interested in saddling you with a key meter or direct debit.

Once you have been accepted as a consumer you are, in practice, rarely cut off for any reason except non-payment of bills, though it has been known, particularly with the excuse of people lying on the aplication form.

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

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

• Even some attempts to cut off supplies in the road have been foiled. If you think there's a danger of them doing this, one tactic is to contact a friendly social worker, or someone from a local advice centre to try and negotiate with the authorities. They can point out the misery that would be caused, the principle argument being that if the owners want to evict you they can do so quite speedily through the courts and have no need to resort to such backdoor evictions. This argument is more effective if there are children in the house and

particularly if the owner is the council (which would have to rehouse people with children if they become homeless). It is illegal for children to be taken into care just because they become homeless in this sort of situation, but if you have had a bad experience with the council, be careful that they don't use this as an argument to show that you are 'unable to take adequate care of your children'.

If they do cut off your supply and you have children, the Social Services Department of the council will sometimes provide alternative heating facilities – paraffin stoves etc. They also have the power to make payments to prevent children from being taken into care.

• Another move is to get together with other squatters and contact the local ETU (electricity workers' union) or the GMB (gas workers) asking them to agree not to disconnect service to squats. You can even picket the hole that they dig, or fill it up with earth or water, but this will probably only delay your fate. If you do see anyone digging to disconnect, make yourself known to them and phone the relevant board. These workers are often told by the foreman that houses are empty and when they find out people are living there they may go away. If they do go away, beware, as a special cutoff squad may arrive later who may do everything; dig the hole, cut the cable and fill the hole in one operation.

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

Anyone thinking of fighting a legal battle should consult ASS and as many squatting organisations as possible because unfavourable court decisions, like Woodcock, can change things for the worse for all other squatters.

ELECTRICITY

Disconnected Supply

As soon as you get in, you will want to know if the electricity is on. If the house has been empty for any length of time the supply will probably be disconnected. You will need a mains-tester (circuit tester) to check for current.

Test the bottom fuse terminal inside the company head (see diagram on opposite page), usually situated inside the front door or in the basement, with your mains-tester. TAKE GREAT CARE, IF THE SUPPLY IS ON IT WILL BE LIVE. In newer houses the company head may be in a locked cupboard somewhere outside. In flats, the company head may be in a box in the stairwell or, if you live on the ground floor, behind a door.

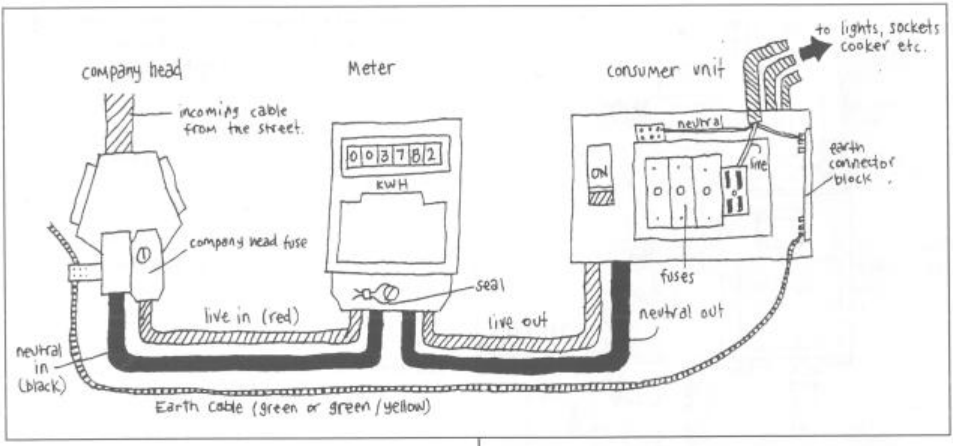
Touch the bottom fuse terminal with the mains-tester end, holding the body of the mains-tester. Tap the metal cap with your finger and, if the wire is live, the bulb will light up. Never touch the terminal while doing this.

If the company head is not live then the electricity will be cut off in the street.

There are three ways disconnection may have been done:

• *Cut off in the street :* Signs of this are freshly laid tarmac, a few feet into the pavement, in front of the house. There may be 'LEB OFF' written on or near the front door. If it has been cut off in the street, it will be almost impossible to get it turned on again without the owner's permission. It is probably best to try another place. Don't rely on the LEB sign – councils have been known to paint bogus ones up. You can check by touching the bottom terminal inside the company head with a mains-tester, as shown above. If the company head is off you can run a cable from a nearby house (next door is obviously best). This is perfectly legal as long as the house has an account with the electricity board. You will need armoured 16mm cable which costs around £7 a meter and is generally only available from the manufactures (your local supplies shop should know who your nearest manufacturer is). Take the cable from beyond the company head in the supplied house and fit another junction box with a switch, preferable between the meter and the consumer unit (fuse box). The switch will need to have the same rating as the cable (either 30 or 60 amps). If the houses are next door you can simply run the cable through the wall. If the cable is to be laid outside it must be at a specified depth underground (the connection will not be recognised as legal by the board if it is not): the depth below ground which is under cultivation is one meter; under a concrete roadway or path 300mm. Once the cable is in the second house you can bypass the company head and simply connect to the consumer unit. Both houses can easily split the bills, but if you want to keep separate accounts, connect up a meter before the consumer unit. The ends of the cable (like the cable leading into a company head) should be sealed off with black tar so that damp doesn't get down it.

• *Fuse removed from company head :* In the company (or supply) head there is a 60 amp cartridge fuse (3" version of the sort in an ordinary plug). These are often removed to cut



off supply. You can buy them at electrical dealers (£3, although you may have problems getting the holder to go with it). If there is space for three fuses you have a three phase supply – get advice before you work on it. At least look at a home repair manual. Have a good look round in case the fuses are lying around.

In a block of flats, there is often only one company head serving the whole block. If there are distribution boxes on the landings, the fuses will probably have been removed to cut off the supply. These are probably 30 amps.

• *Meter removed or wires to meter removed :* Again, test the company head to see if it is live.

ELECTRICITY CAN KILL SO TAKE GREAT CARE

Be careful when working on or near company heads, especially in damp conditions. If you are not absolutely sure of what you are doing, don't do it. Company heads have much more power than ordinary plug sockets – they can kill you! If the company head is on and fused, then any red cables running to the meter will be live. Remember, to connect up a meter, the red live cables are inserted on the outside of the two black neutral cables. If you are happy that the company head and meter are in working order and there is no supply, read on and consult a repair manual for further details.

Temporary Supply

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

Getting Turned On

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

Things to check:

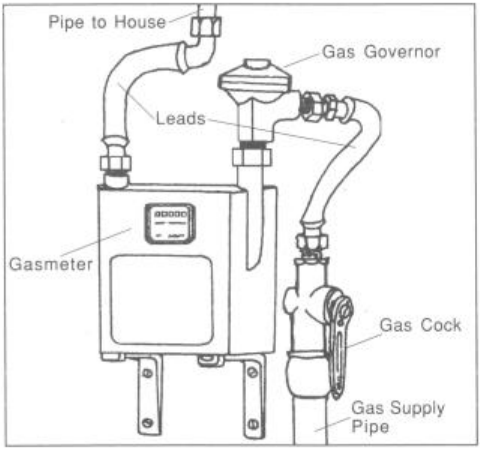
• No bare wires sticking out (even with insulating tape on them).

• Replace/remove light cords if they look old.

• If the meter and its cables have been removed, make sure you provide 16mm double insulated meter tails that are connected to the consumer's unit. They can be purchased at any electrical wholesaler in metre lengths.

• The earthing system should be satisfactory and all cables should be the correct size. 16mm from the earthing terminal to the consumer's unit and 10 mm from the earthing terminal to the gas and water pipes (main equipentential bonding).

• If there have been any drastic changes to the installation since the electricity board was last around. They will want to see a test certificate before they will turn you on. They can arrange for a worker to carry out the test for you but this costs so it is better to ask a friendly electrician to do it instead.



Repairing the system

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

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

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

GAS

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

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

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

Tools

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

- Two stillson wrenches (one to hold against)
- Hawk white should be used – not Boss white which is for water only – to seal threaded joints

Yellow PTFE tape is for gas
White PTFE tape is for water

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

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

To Connect A Cooker

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

Alternatives to Mains Gas and Electricity

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

Calor Gas

This is an economic form of gas which can be used for cooking and heating, though fires would have to be bought especially. Some cookers can be converted – check with Calor Gas Ltd, look in your phone directory for local suppliers.. The main hassle is that the bottles it is supplied in are large and have to be transported, though you can normally arrange deliveries (around £1.30 local delivery charge). A standard domestic bottle costs £13 for the gas and about £20 for the deposit. The advantage is, once you're converted, you are independent and can move your equipment from house to house without having to worry about getting connected by the board.

Generators

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

Paraffin Stoves

Paraffin heaters are a cheap form of heating, but make sure you have the more recent models which have safety mechanisms. In particular, if there are children in the house, make sure that heaters are inaccessible to them and have fireguards (the Social Services Department should loan these free if you have children under a certain age).

Oil Lamps

Oil lamps give better light and are cheaper in the long run than candles (they can also be hung out of the reach of children). A Hurricane lamp costs £6-£8 and a Tilley lamp, which will give a much better working or reading light costs around £35. They can be obtained from army surplus or fishing tackle shops, but are getting hard to find. Alternatively Coleman make very similar lamps which can be obtained from Cotswold camping supplies, Shepherds Bush, 0181 743 2976, B.T. Cullum Outdoor Leisure, Wandsworth 0181 874 2346 or other camping suppliers for between £35 and £40.

Water Supply

The water board is increasingly giving squatters more and more hassle like the gas and electricity boards and have no qualms about cutting off the supply. At some point you will receive a bill – bills are going up rapidly, but if the water is turned off in the street, it will cost you far more to get them to turn it back on. It is mainly new or recently converted properties that have water meters, but if you have one it can be even more expensive.

WATER

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

Once you find the stopcock, turning it anticlockwise will open it (check to see if it's

open already). If there is still no water, follow the line of the pipe towards the road where there should be another stopcock covered by a small iron plate set into the pavement or in the garden. You need a water key to open this one, as it can be as much as 20 inches below the surface. Check to make sure though as it may be reachable with an improvised tool. Failing this, the Water Board will connect you for a fee. They will sign you up for water rates if they come and they may inform the council that you are there.

Once you've got the water on, check that there aren't any leaks, as lead pipes have often been ripped out. If you need to replace lead piping, you can change to copper or polyurethane. There is such a fitting as a lead to copper compression (Vicking Fittings) available from large plumbing merchants or from Smith and Sons, Matthias Road, Stoke Newington, London N16 – for about £12. Alternatively you can do a lead to copper wiped joint (soldering a piece of copper inside the lead). If you choose to use polythene, you will probably have to do the wiped joint anyway (it is best to get somebody experienced to do it for you or at least show you how), as you might have to go via copper.

Trashed by Hackney Council

Some water boards don't like polythene used where there's mains pressure, but they don't usually make thorough inspections. The poly pipe you need is a low-density Grade C, which is 1/2" inside diameter and 3/4" outside diameter. It is quite cheap but you'll probably have to buy it in coils of 20 meters or so. In London you can get it from: Stanley Works, Osbourne Road, Thornton Heath (0181 653 0691), (South London), 45 Duckless Lane, Ponders End (0171 804 7121) North London. Specify British Standard 1972 Class C as they have hundreds of different kinds.

Tools and Materials

A blow lamp, hacksaw, solder, flux (self-cleaning if possible), wire wool, wrenches, adjustable spanner, bending spring, boss white (for compression fittings), screwdriver, file etc. The more tools you have the easier you'll get on. Other squatters are sometimes willing to lend tools and if there's a local squatting group you could ask them.

Second-hand taps and compression fittings can often be got from scrap dealers and also derelict houses – make sure that you don't strip a house that some one else could squat. Be careful you don't get caught as it can be considered theft. Second-hand copper tube can be bought and if it's imperial size you can get adapter connections to fit it to the newer metric piping.

Prices

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

Copper piping

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

Threaded Iron Pipe

In order to use this properly you will need a pipe thread maker which you'd probably have to hire. You can get fixed lengths and use them, for which you need a stillson wrench. Iron to copper adaptors are readily available.

Lead Pipe

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

Plastic Waste Pipe

Comes in sizes one inch upwards with simple push-in fittings, or better solvent glue ones.

Leaks

If these occur in the actual pipe (as a result of freezing), make sure you check for more bursts. If there's a leak at a compression fitting, just tighten – same for a jubilee clip. If a Yorkshire or end feed leaks, empty all water, heat up and add more solder to seal properly. If that doesn't work use a new fitting.

Toilets

If the cistern has been left empty for some time the ball valve is usually stuck. Tap with a hammer to release. If it overfills bend the arm downwards; if it underfills bend it upwards. If that doesn't work buy a new ball valve. If the down pipe from the cistern to the bowl is missing , buy an adaptable PVC one and a rubber flush cone which fits on the back of the bowl.

If you are fitting a new toilet, connect to the drain either by a multi-size connector called Multiwick or by quick cement.

Drains

These are often blocked. They may be cemented up, which means the pipes need replacing – a major job.

Otherwise, check the U bends under sinks and baths. You may need to hold a piece of hosepipe over the plug hole, seal it with a cloth, turn on the water and hold firmly!... still blocked? Find the personhole or gully and direct the hose up the pipe leading to the house and turn on fully. Failing that, borrow or hire drain rods, or try caustic soda. You may have to get dirty and use your hand or an instrument.

Ascots

These are a common form of heating water. They can be bought second-hand, ask whether they are converted to natural gas. Old Ascots can be very dangerous. A reconditioned instantaneous multi-point heater such as a Covec Brittany II would be a better bet.

ROOFS

These can be fixed easily provided you have access through a skylight or attic space; if not they can be a bit of a problem.

Tools and Materials

- Hammer and galvanised roofing nails.
- Roofing felt.
- Spare slates or tiles, etc.
- Aquaseal bitumen.
- Quick dry cement.
- Copper wire or 1" lead strips.

Problems

- Slates missing. Replace with wire or lead hooks or slip roofing felt under surrounding slates and nail onto batons underneath. Use aquaseal to seal nails.
- Cracked tiles or pieces missing – replace tile. Otherwise cover with quick dry cement and then aquaseal.
- Zinc centre gutters leaking. Sweep dry and cover with aquaseal. Cover with a roll of roofing felt and tuck ends under bottom row of slates or tiles.
- Flashing (covering between roof and wall or chimney). Either cover with cement and aquaseal or remove and replace totally with cement and aquaseal.
- Always unblock eave gutters and drainpipes – caustic soda might be needed. Seal all joints with a sealant.

REPAIRS

There's usually plenty of work to do when you move into a house and if you can repair your own place you will save yourself a lot of money. Other squatters can often help out with advice and sometimes tools. Another valuable asset is a decent DIY manual. If you haven't got one, have a look in your local reference library.

ORGANISING

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

SOME HISTORY

In England, squatting can be traced back to the Middle Ages, in particular to 1381, when the first Forcible Entry Act was passed after the Peasants' Revolt. There are records of squatters in all periods since then, up to the present day. Amongst the best known were the Diggers who squatted land in various places when the 'revolution' of 1649 failed to make any difference to the lives of the poor. 'Cottars' and 'Borderers' were ancient English names for squatters, and some of the houses they built in the last century are still standing.

In this century, some squatting was started by ex-soldiers, returning from the First World War, who found that the 'homes fit for heroes' they had been promised did not exist outside government propaganda. A far larger squatting movement grew up after the Second World War, again begun by ex-service people finding themselves homeless. Despite attempts to smash it, including criminal charges, action went on until the early 50s and involved an estimated 44,000 people at its peak.

Large-scale squatting struggles started again in the late 1960s, providing the impetus for the even more widespread movement of the 1970s and greater political organisation, particularly in London.

The London Squatter's Campaign was set up in 1969 and opened its first squats in Redbridge for homeless families already on the council waiting list. After a prolonged struggle, during which the council tried to use private bailiffs to carry out violent evictions, an agreement was reached to licence the houses. Meanwhile, similar struggles in other London boroughs led to the setting up of a number of groups which obtained short-life licences to house families. Some of them still exist, but they have now abandoned squatting.

However, the idea of squatting didn't stay confined to a few groups negotiating with councils to house people who were already the responsibility of those councils. All sorts of people began to move into empty property. Large communal squats attracted sensationalist media coverage and disclaimers from the 'family' squatting movement, which was intent on acquiring a respectable image. This early division between 'families' and 'single people' has been a major weakness, playing into the hands of the authorities who define people without children as having 'no genuine housing need'.

The movement of the 1970s achieved a number of things – in addition to providing housing for thousands of otherwise homeless people. Squatters struggled successfully against property speculators, prevented destruction of good housing and, simply by their existence, confronted the authorities' inadequacies. This pressure resulted in concessions. An 'amnesty' by the former Greater London Council gave tenancies to about half the squatters in London, whilst others were able to establish short-life or permanent co-ops. 'Instant letting' schemes enabled many single people to get secure homes in flats which would otherwise have stayed empty and by 1979 there was, briefly, less need for squatting – or at least less purely housing need. For a history of squatting from ancient times up to 1980, see *Squatting – The Real Story* (REFERENCES).

However, these one-off concessions did not help the new generation of squatters who started organising in the early 80s. The focus shifted to increasingly neglected council estates and squatters now included many more families, as statutory provision for them was undermined by legal loopholes and council obstinacy. Squatting returned to the level of the mid 70s – about 30,000 people in London and perhaps a further 10,000 in other places. Squatters set up local groups and squatting centres to meet and organise, shared skills and resources, produced newsletters, did much useful work and had fun as well. By 1990 much of this energy had declined or moved on to other issues, though the number of people actually squatting remained high. Some of the centres and local networks still exist, with occasional bursts of activity.

The early 90s saw persistent government threats to 'criminalise' squatting, eventually incorporated into the 1994 Criminal Justice and

Public Order Act. Though these turned out to be a fairly damp squib, they gave a new campaigning impetus to squatting groups and local centres. As it became clearer that the most oppressive measures in the CJA would be directed against other groups and forms of campaigning, the focus partly shifted away from squatting and housing issues. At the same time, the incorrect perception, encouraged by the media, that squatting was about to be made illegal deterred many homeless people from trying it, and the numbers actually squatting declined. But the increasingly desperate housing situation has made sure this didn't last long. More people are homeless than ever before, the short-life housing established in the 70s being rapidly closed down and housing insecurity has been extended to many who never experienced it before.

The result is not surprising. Despite good squats being harder to find than in the past and a more complicated legal situation, squatting has been increasing again since early 1995. A lot more is happening outside London than for many years. There is a need for new and re-invigorated local squatting groups, to help people find and defend the housing and other space we need, and to connect up again with other struggles for decent, accessible, housing FOR ALL.

Local Squatting Groups

Local squat groups have in the past taken numerous different forms and come from many starting points – a new squat with energy to spare, a collection of squats under attack, the latest threat to criminalise squatting, ex-squatters needing space to escape from high-rise flats and bedsits, concerted attacks by local councils. One thing about squatting is that it does need organising anyway, from finding a place to getting it together to defend it, and any of these stages can be a starting point for organising with others.

SOME OBJECTIONS YOU MAY MEET, AND SOME POSSIBLE ANSWERS

"Squatters are jumping the queue"

– Why should there be a queue when there are at least 868,000 empty homes? Why isn't the owner using this house? Why hasn't the council bought it on compulsory purchase to rehouse people? In London, there is no queue anyway – councils usually only house people if they would be breaking the law otherwise, and then they only put them in bed and breakfast or some other grotty "temporary accommodation". This place, like most other squats, is going to be rehabilitated / demolished / repaired some time in the future, so we aren't keeping anyone waiting now. The government refuses to take responsibility for us and though we can't get or afford any other housing, we can't sleep on the streets any more than you could.

"All squatters are vandals, junkies, dole scroungers"

– Squatters aren't a different race. We are people like you who simply don't have a home. Many councils wreck their own houses, smash toilets, pour cement down drains or rip up floors to stop people living in them – we're working to repair this house. An empty house deteriorates by over £2,000 a year – just by being here we're saving a lot of money – probably public money. Most squatters are ordinary people forced into squatting by the government's inadequate housing policies.

"I've worked hard all my life and always paid rent / rates / taxes. You lot are trying to get something for nothing"

– Housing is a basic need and should be available to all, instead of for the profits of the owners. Why should people have to pay such a large amount of their hard-earned wages just for somewhere to live? Some councils pay most of their rent income to city financiers instead of on housing needs. We have to put in the work to make this place habitable without even knowing how long we can stay here. The government are destroying affordable housing and cutting housing benefits, making renting impossible for increasing numbers of people.

Local groups can make squatting (and living, for everyone) in an area easier and more fun, by spreading skills and resources, fighting off attacks from local councils and other landlords, getting to meet new people, keeping up-to-date lists of empties and other useful info, correcting misconceptions about squatters, stopping the police exceeding their powers, opening spaces for whatever we and others need, showing squatting as a way of fighting back, a way of housing people, as well as, for some, a way of life. The important things to start off with are to build a network, publicise yourselves and maybe organise some action. If people don't know about you they're not going to get involved. If the group just has meetings amongst like-minded people, you're not going to pull in new people. Some groups concentrate on helping people to find squats, defend evictions in the courts, and get what they need from the local housing system. Others find just acting as alternative estate agents in this way gets demoralising and want to organise political action. But action for the sake of it can be even worse. We need to use our imagination and intelligence, and apply them realistically to the local situation.

Keeping networks together can be hard work as squatters have to move so often, but they can be vital. Having a focal point, a centre etc. can keep people in contact, though the energy needed to keep a centre together can stop other things happening and create conflict. It may be worth seeing if there is another local organisation willing to let a new squat group use its premises, at least to start with. More people seem to be on the phone these days, so phone trees can be set up, but also more people seem to have jobs and commitments so they're not actually around. When they work, phonetrees can get enough people together quickly to stop dodgy evictions, or to demos in response to attacks.

Making Links

Close links with and support from local working class organisations are of great importance in successful squatting struggles. Establishing such links can be slow work. There may be suspicion and prejudice to overcome, due to council propaganda falsely accusing squatters of 'stealing people's homes', holding up development, vandalism etc. We must not let councils get away with blaming squatters for the housing crisis, when, in fact it is due to their own policies and government cuts.

Get in touch with tenants' or residents associations and community or neighbourhood centres. Sometimes these may be unrepresentative busybodies and of little use, but in other cases you may get excellent support. The only way to find out is to contact them. The council or the reference library should have lists of them. Remember, squatting doesn't exist in isolation or just among certain groups of people! It is part of wider struggles for decent housing and control of our own lives and it is in all our interests – squatters' and tenants' – to fight together for what we want. Although there may be negative attitudes to overcome, don't forget there is also a lot of goodwill and support for squatting in the community. Some tenants may be ex-squatters, and others will have friends or relatives who are. Some tenants' and residents' associations have been involved in squatting themselves, opening up flats on their estates for homeless people, and some welcome squatters as members. Squatters should support tenants in their struggles, for repairs, against rent increases and against sell-offs, as well as looking for support from them for squatting struggles. As squatters we have skills and experience that can be used in other struggles, to make connections real rather than just formal. If residents need space

DEMONSTRATIONS AND THE LAW
Public Order Act 1986

It is a criminal offence to organise a march without giving written notice to the police of the date, time, route and name and address of a person responsible at least six clear days in advance unless it would not be 'reasonably practicable' to give any notice. If six days' notice is not 'reasonably practicable', the notice must be given as soon as possible. Even if a march springs up spontaneously, it would normally be possible to give some notice by phoning the local nick, so you are probably at risk if you play any part in organising a march without giving notice.

This law has been successfully defied many times. In practice, the police are liable to arrest people for organising a march or for not complying with 'directions' given during or before it regardless of the letter of the law. On the other hand, they have ignored several illegally-organised marches when it suits them.

If a picket consists of more than 19 people, it will be a 'public assembly' under the Act. You do not have to give the police any notice, but they have the power to impose conditions about its length, place or the numbers who can take part. It is an offence if you 'knowingly fail to comply' with these conditions.

Quite apart from the Act, picketing always caries the risk of arrest for 'obstructing the highway' or other offences, though these are often police try-ons. If you are charged with one of these always get either a sympathetic criminal lawyer or expert advice if you're going to try to defend yourself. Other local campaigns who've been busted for these things recently may have good contacts. You can be sued for 'nuisance' if you picket a home or business, but this is only likely if you do it persistently. Heavy police action is almost certain if you picket a home.

for something, we can open it up instead of waiting for the authorities.

Links with local Trades Union branches can also be important. Branches of the ETU (electricity board workers), GMB (gas) and UCATT (building workers) have in the past refused to cut off squats or wreck empty houses when approached by squatters or supporters who are TU members.

Council office workers will usually be members of UNISON. Don't assume they're always hostile! Social Workers or housing advice officers often make use of squatting by sending people to squatting groups or ASS when the Housing Department has refused to help. Point out that such help can be mutual, particularly when it comes to opposing evictions. Ask them or their Union branch to make public statements supporting squatting and admitting they have no choice but to refer people to squatting groups.

Contact with the Trades Council (the local branch of the TUC) can produce information, more active support and united action. Trades Councils gave crucial support to several successful squatters' struggles in the 70s.

It's good to involve as many outside supporters as possible in your struggle and you can often get good advice from them, but make sure you stay in control of decisions. After all, its you who could lose your homes. Beware of 'politicos' or dissident councillors who just want to use your struggle as an 'issue'. You may want to have suitable supporters with you when negotiating with the owner or talking to the media, but don't let other people do things 'on your behalf' unless there is no other way to communicate. This doesn't necessarily apply to lawyers acting for you in legal matters.

Links also need to be made with other squatting and housing groups around the country. ASS try to keep a list of local groups so that local individuals and other groups can be put in contact, so keep them informed.

Breakfast at 75a squatters café

DEFENDING YOUR HOME

If you have managed to get well organised before there is a threat of eviction, you should be in a position to defend your home(s).

The first thing to decide is what you want. Do you want to stay where you are? Or to be rehoused, and if so, under what conditions? For most groups the minimum demands will be No Evictions and/or Rehousing for ALL (not just those with children – don't let this artificial distinction cut across your struggle).

If you are an isolated house, it might not be realistic to fight off an eviction. Anyway, you might not want to if, for instance, the council really are going to rehabilitate it shortly after you leave. Even if they do have immediate plans and you agree with them, why should you be made homeless simply to rehouse someone else? It's worth considering what other people in the area want. You're not likely to get much support from local tenants if you've been fighting to stay in a slum they've been hassling to have pulled down for years – rehousing would be a more realistic demand.

Once you have agreed what you want, make your demands clear to the owner/council. Do this as soon as you can after they show they are thinking of evicting you, and certainly before they take you to court. If you go to meet them, always take several people. Someone should take careful notes of what is said. They will often be unwilling to negotiate or will try 'divide and rule' tactics.

Negotiations usually need to be backed up by some kind of direct action. You don't have to play the game entirely on their terms; you can demand mass delegations to talk to them, you don't have to leave their offices just when they want, and don't necessarily believe them if they say they will do what you want on condition you 'behave reasonably' etc. Many councils will do limited deals – such as agreeing not to evict until a certain date – once they have got their possession order.

Letting People Know

Whether you're fighting a particular eviction or a general attack by the local council etc., or just setting up a group or centre, you need to use publicity to the best advantage. As well as simply informing other people what's happening, making a fuss can hold off those we're fighting. A North London squat centre was left open for months, despite the owners having a possession order, because the squatters showed they knew how to create a fuss. To be effective we need to be informed and know how to use it. The best publicity for any kind of squatting campaign is facts and figures about empties and homelessness, about what the owners have (not) done and plan (not) to do with the building we've squatted, or other similar buildings and about the effects of the policies we're fighting.

Doing our own publicity can be the most fun, working on it ourselves and using our imagination, producing leaflets, posters, graffiti, newsletters, local notice-boards. Public meetings, exhibitions, street theatre can also be useful.

The Media

To get wider publicity, which can be more of a threat to landlords etc., you're going to have to try to use the media. What type of media you go for will depend on the struggle, but don't forget there's local and national papers, radio and TV, all with various different slots – letters pages, phone-ins and access programmes as well as the straight news sections. These days faxing press releases is the quickest and gets a bit more attention so if you've got access to one, use it. If you're trying to publicise an action, faxes can be sent out once its started to

Making our own media

avoid the authorities knowing too much beforehand, but they're more likely to take it up if they've had some warning that something is going to happen. Press releases should never be more than a page, and should have a contact number for more info.

Don't have illusions about being able to 'use' the straight media to say exactly what you want. However sympathetic a journalist seems, they can have their story completely rewritten. Anyway 'sympathy' is a journalist's stock-in-trade. Control of the media doesn't lie with journalists, printers or engineers, but with those who own the papers and stations. On the other hand, if you're taking action which has what journalists call 'news value', you can get your point across to an extent. They are almost certain to write/broadcast something about what you are doing any way, so you might as well ensure that your views are included as well as those of the council/owners. Handling the media so that you don't get misrepresented is possible but tricky. It's not true that 'any publicity is good publicity'.

There's also a large amount of alternative media around who are likely to be sympathetic, but won't reach the same kind of audience. These mainly take the form of video and newspaper groups, and ASS should be able to give you some addresses for these.

Action

Squatting is action and as people who need housing, and much else beside, we need to take action to back up our demands and/or to take what we need.

It is important when taking action to decide beforehand what demands, if any, are being made, whether it is designed for media attention or for the act of taking something (or what balance between the two) and, following from this, how seriously places are going to be defended. If you're barricading yourselves in somewhere, be prepared for a stay – in the 70s Villa Road Squatters had to do it for 16 months! It's straightforward in some buildings, but others would be a misery to be bolted up in, particularly if services have been cut off.

No two struggles are the same. What worked in one case isn't necessarily the 'solution' in another. Whatever the circumstances, though, we can't stress too much the need for squatters to organise, both to defend our right to a home and, with others, to fight on other issues which affect us all – tenants, squatters, waged, unwaged. Political struggle can be difficult but it can also be exciting and joyful as people realise the strength they have when they work together.

EVICTION

Unless you are evicted under Section 6 or 7 of the 1977 Criminal Law Act or the owners have evicted you when you were out (see pages 8, 11 and 17), the owner must apply to the courts for a possession order. Any other method will probably be illegal, but such evictions are rare. You should always try to take action against anyone who attempts or carries one out. Nearly all squatters are evicted after a possession order has been made by a court.

The notorious 1994 Criminal Justice and Public Order Act has not actually changed the position very much. Apart from making some fairly irrelevant changes to the law about Protected Intending Occupiers in Sections 6 and 7 of the 1977 Criminal Law Act, explained on page 11, it has introduced an extra type of possession order called an INTERIM POSSESSION ORDER (IPO). This can be nasty, but has turned out to be not nearly as bad as everyone thought when it was going through parliament. It is complicated for owners and cannot be used against the majority of squatters. So far, there have been very few IPOs and most of those which squatters have defended have flopped and the owners have been forced to use the old procedures instead. The most important thing about IPOs is that you get very short notice. You need to take action THE SAME DAY as you get served with the papers. Get legal advice straight away.

The First Warning

The first warning you get may be someone calling at your squat saying they are the owner or acting for the owner. Ask to see their identification and note the name, address and phone number. They will probably say something like "You are trespassing" or "You are living here without permission and you must leave". If you have had a licence, they may say something like "this is to give you notice that your licence or permission to stay here is over". Or they may say something which actually gives you a licence – usually by mistake. (See When Is A Squat Not A Squat on page 53). They may also give you some bullshit about the new IPO procedure and say the police could come and arrest or evict you at any time. Make sure YOU understand the facts about IPOs so that you can explain them and cannot be intimidated by this sort of talk.

Make a note of everything you heard and saw as soon as they leave. Sign and date it, as it may be useful evidence if you fight the court case. Several people can write a note together but each person should keep a copy.

They will probably ask for the names of all the people living in the house or flat. There is no advantage in withholding names, and it is best to volunteer one or more. If you volunteer a lot of names – particularly in a big squat – and they forget to send summonses to all those people, you may have a defence in court. You don't have to give your real or full name if there's a reason why you'd rather not. On the other hand, lots of squatters have thrown away good defences by using false names. The best defences may need the involvement of lawyers at some stage. For that, you need to claim legal aid – which you can't do in a false name!

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

They don't have to visit or write to you before issuing a summons, so it's possible that the first warning you get is the summons. It's important to start organising as soon as possible (see ORGANISING). If you haven't already, it may now be too late! A summons is the formal notice of the court hearing, and you have a right to get one. These are civil courts, not criminal ones, so you don't have to go if you don't want to. It's more like an invitation, but one you should think about accepting if you value your home and want to fight for it. If you want to fight the case, don't throw the summons away.

How To Recognise The Different Types of Summons

There are FOUR types. The most common is still the old summary "squatters procedure". It is called Order 24, Part I in the County Court or Order 113 in the High Court. The two procedures are virtually the same and are explained on pages 38 to 45. The new IPO

IN THE **SHOREDITCH** COUNTY COURT

No. OF MATTER 8815023

BETWEEN ELIZABETH BATES HOUSING SOCIETY LIMITED APPLICANT

SEAL

AND PERSONS UNKNOWN RESPONDENT(S)

A County Court Summons under the old summary procedure (Order 24, Part 1)
See pages 38 to 45

IN THE HIGH COURT OF JUSTICE 1995 B No

QUEEN'S BENCH DIVISION

IN THE MATTER OF PREMISES AT THE PARKWAY CINEMA, 14 PARKWAY, CAMDEN TOWN, LONDON NW1

AND IN THE MATTER OF ORDER 113 OF THE RULES OF THE SUPREME COURT

B E T W E E N:-

A High Court Summons under the old Summary Procedure (Order 113)
See page 38 to 45

Notice of application for interim possession order
(under CCR Order 24 Part II)

Case No. *Always quote this*

In the

County Court

Applicant's full name address

The court office is open from 10am to 4 pm Monday to Friday

Telephone

County Court Summons under the new Interim Possession Order procedure (Order 24, Part II)
See pages 47 to 53

Summons for possession of property

Case No. Always quote this number

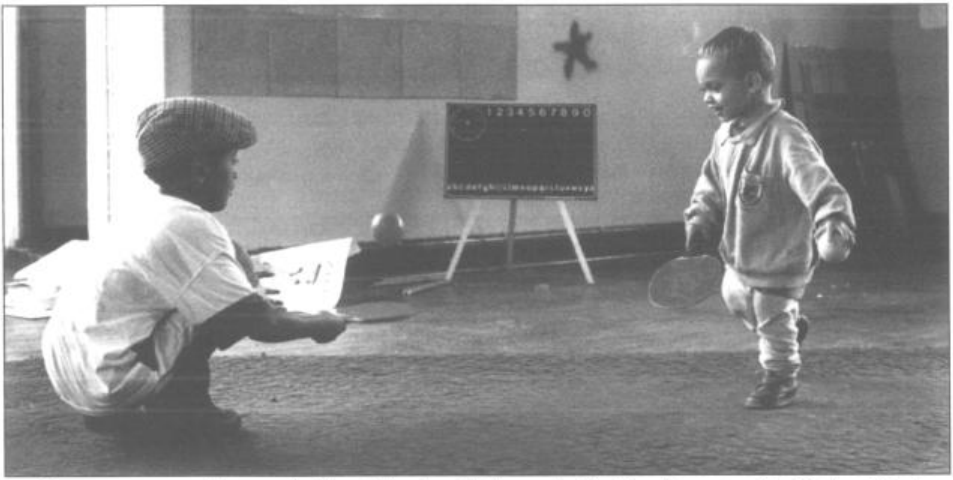
In the

County Court

Plaintiff's full name address

The court office is open from 10am to 4pm Monday to Friday

A County Court Summons for an Ordinary Possession Action (usually against a tenant)
See page 46



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

procedure can only be brought in the County Court and is called Order 24, Part II It is covered on pages 47 to 53. Very rarely, you might get a summons for an "ordinary" possession action in the County Court. This is more likely to be brought against a previous tenant or licensee than against you, but you will still get evicted if it is granted. See page 46.

Getting Advice and Help

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

If you want more advice on the law, contact ASS or, if you have one, perhaps a local law centre. Most ordinary lawyers know nothing about squatting and don't care either. Even an extraordinary one who supports squatting will usually have very little experience of these proceedings, especially IPOs, and may be pessimistic about them. A lawyer who is effective in criminal cases will not often have experience in this sort of civil law. The right sort of lawyer will not be too proud to read through this chapter for basic ideas.

Legal Aid is available to pay for a solicitor if you are on the dole, a grant or very low wages, but it is given only if you have a strong defence. You apply for it through the solicitor. Law centres do all their work free, but they're under heavy pressure and have to make priorities – which may not include squatting. They're more geared to giving advice than representing people in court.

The Normal Summary Proceedings Against Squatters

These are the old procedures and will continue to be the most common way for squatters to be evicted, either in the County Court (Order 24, Part I) or the High Court (Order 113). They can also be used against student and factory occupations, travellers ex-licensees and "unlawful" sub-tenants. They are quick procedures with such simplified rules that even the stupidest lawyer should get it right first time. The High Court is quicker than the County Court, but it costs the owner more. However, many lawyers are even stupider than the government thinks and the courts sometimes reinterpret the rules to cover up for landlords' mistakes.

DO WE HAVE ANY DEFENCE?

There are two kinds of defences squatters may use: "real" defences and "technical" ones. "Real" defences may occasionally get you housed, and will certainly slow up eviction. "Technical" ones are only used to delay eviction, but they can sometimes add months or even years to the life of a squat. The main "real" defence is that you (or someone else other than the owner) has permission to be where you are, either as some kind of tenant or as a licensee, and that the tenancy or licence has not been ended. In some cases, it may not be possible to end it.

Adverse Possession

If your place has been squatted continuously for more than 12 years the "owners" should not be able to evict you. If they contact you, do not deal with them directly, go through a lawyer. If you are in this situation contact ASS for more information..

Licences

The first thing to think about is whether you really are a squatter. A squatter is someone who has entered the place without anyone's permission ("as a trespasser") and has stayed as a trespasser right up to the day when the summons is issued. Someone who has had permission to be in the place – even if it is not in writing – is not a squatter, but a licensee. A licensee is someone who is midway between being a squatter and a tenant. S/he has more protection under law than a squatter, but less than a tenant. A licence is not necessarily a piece of paper and you may have one without knowing it. See When Is A Squat Not A Squat on page 53 for a full explanation.

Other People with a Right to Possession

If the property you've squatted has a tenant or lessee they should claim possession, not the owner. It is important to remember that a tenancy or lease (and, in some circumstances, a licence) doesn't end just because the tenant / lessee / licensee moves away or dies or because the landlord says it has. Two decisions by the Court of Appeal in 1982 said that Order 24 and Order 113 can be used only by someone with an immediate right to possession (Wirral Borough Council vs Smith & Cooper : Preston Borough Council vs Fairclough). There isn't any immediate right to possession until a tenancy, lease or licence has been legally ended. For example, if a council tenant moves away and hands their place over to a friend, the council must serve a Notice to Quit on the tenant (which ends their tenancy) at least 28 days before they start proceedings to evict the friend. The same applies if someone is squatting the place. In some circumstances, even a Notice to Quit will not be enough to end the tenancy unless it can be proved the tenant knew about it. If the tenant dies, the notice must be served on his or her "personal representative". If there was no will (which is usually the case) it goes to the Public Trustee whose official address the owner must get right.

This is the most useful defence in holding up evictions. Most councils and housing associations never bother to end their tenancies properly. If they can't prove the legal ending of the previous occupancy, they'll have to serve a Notice to Quit, let it run for 28 days and then start again. It is not enough for them to get the case adjourned while they serve it and then come back. It's always worth finding out who lived in your place before you did, their status and the circumstances in which they left. Neighbours can often help with this. But this defence won't work if previous tenants have been rehoused by the same landlord.

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

Squatters with a Right to Housing

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

If a council is trying to evict you and they have (or might have) a legal duty to house you (see HOMELESS... YOU MIGHT HAVE SOME RIGHTS for who this applies to) but they have failed to do so, it could be argued they have therefore made a mistake in "administrative law" in taking the decision to go to court against you. The court may then refuse to evict you so that you can have time to bring a High Court action against the council called "judicial review". This takes about 6 months if it goes all the way – though often it doesn't and the council gives in.

Stamford Hill Estate before eviction

A mistake in "administrative law" means the council has not arrived at their decision about you in a fair way. Examples could include:

- They have refused to house you because of some blanket policy they're trying to apply to everyone in your circumstances.
- They have failed to properly investigate or consider the facts about your individual application.
- They have taken some irrelevant fact into account.
- They have not dealt with your application at all or given you the result of it in writing. And always:
- Their decision to evict you was wrong because they did not consider a relevant fact – their own mishandling of your housing application.

A more recent court case says you can't use this argument if you were squatting in the place before you applied to the council, but only if the council's refusal to house you forced you to squat. It is sometimes possible to get round this problem, but it can also lead to a useful twist. If the council said you were "not homeless" because you were squatting in a council place, you can argue that you therefore have a licence to be there. You are legally homeless if don't have place where you have the right to stay for at least 28 days, and it is reasonable for you to do so. If you're squatting, you don't have a right to be there at all (not a legal right, anyway). So, if the council says you're not homeless, and they own the place where you're living, you can't be squatting it, can you? You must have at least a licence to be there.

These are complicated arguments and if you're going to ask for an adjournment for a judicial review you'll need a lawyer to help with it. If you think your dealings with the council fit the descriptions above, contact ASS for advice. They will be able to put you in touch with suitable lawyers.

TECHNICAL DEFENCES

If none of the above applies, then your only defences are technical ones; in other words they got the procedure wrong. Most irregularities can be ignored by the judge if everyone knows about the case, but sometimes they are taken seriously and you can use these "technicalities" to gain time for any political action you are taking or just for finding another place. Certainly, don't think you can "win in the courts" if you aren't winning anywhere else.

There are four main technical defences: failing to name someone, bad service, the owner's title and not solely occupied by trespassers. The first two of these are two-part arguments. In both cases, the fact that the owner hasn't followed the rules may not be enough to delay the proceedings. It is necessary to suggest that someone has suffered as a result, that they have been "prejudiced" and "injustice" is likely. So you must give evidence that someone is unaware that proceedings are going on because the owner failed to let them know and you believe they would have come to court to defend the case. The court might then order the summonses to be re-served, which will mean an adjournment. Obviously, anyone who turns up at court isn't prejudiced in this way.

Failing to name someone

This is a very rare defence. The owner should name on the summons everyone whose name they know. If they don't, it will be up to you to prove that they did know the name(s) and that as a result of leaving them out someone doesn't know about the case. Most summonses are against "persons unknown" or "persons in occupation".

Service

Your notice of the hearing is a summons. Every person who is named as a "respondent" (or "defendant" in the High Court) should receive a notice of the hearing together with

the other documents listed below. In addition, a copy should be posted through the letterbox addressed to "the occupiers" and another one pinned to the door. The documents will be slightly different depending on which court the owners have decided to use.

In the County Court you should receive a notice telling you where and when the case will be heard together with the summons or originating application (a formal document stating what the owner's case is) and at least one affidavit (a sworn statement by an individual) which should state the following:

1. That they own the place or have a lease or tenancy (which are the same thing).
2. Why they are entitled to possession. If the owner is not the person making the affidavit, but an organisation such as a council, the person (usually an employee) must say what their position is, that they have been authorised to make the affidavit, and how they know the facts they are stating.
3. Why you are trespassers. (Either you entered as trespassers or your licence has been ended.)
4. That they have named everyone in occupation whose name they know.

You should get at least five full days between the day you receive the summons and the day of the hearing, unless the judge has decided it is urgent. The day the summons comes and the day of the hearing don't count but Saturdays and Sundays do. For instance, if you get the summons on a Wednesday the earliest the case could be heard is the following Tuesday.

In the High Court there are fewer documents. The notice of hearing and the summons are combined. You're entitled to slightly longer notice as Saturdays and Sundays don't count. If the summons arrives on a Wednesday, the hearing shouldn't normally be earlier than the following Thursday.

But there can be exceptions to this. The High Court and County Court rules were changed a couple of years ago, supposedly to distinguish open land from buildings, so that travellers could be evicted quicker. But the amended rules say there must be five days' notice in the case of residential premises (unless the judge decides the case is urgent for some special reason), but only two days in the case of other land. This can be – and often is – interpreted to include buildings which are not residential, such as cafes, warehouses etc., but there have not yet been any court decisions to clarify the issue or to define what "residential" really means. In the High Court, the summons must include a statement of whether or not the premises claimed are residential, but there is no equivalent rule in the County Court.

If you manage to win an argument that you didn't get enough notice, the judge is only supposed to adjourn the case until the required number of days have passed and grant the order then. If you did not get all the correct papers, it will probably be adjourned to be served again.

Title

This means ownership or whatever other right to the place the people trying to evict you are claiming. To get a possession order the owners – who are called "Applicants" in the County Court or "Plaintiffs" in the High Court – must prove that they are entitled to possession. If they are only licensees themselves (a possibility if they are a short-life group, co-op or maybe a housing association) it is rather uncertain whether they are able to use Order 24 or Order 113 – contact ASS.

If they claim to own it, they should produce evidence that they do, such as a copy of the land registration documents. If they say they have a lease, a copy of that should be produced. Private owners will nearly always do this but councils will usually not. If you have any reason to think they don't really own it or have a lease, you can often force them to prove it, which may take some time. If they can't do this, of course, your defence becomes more than technical, and you look like winning!

Not Solely Occupied by Trespassers

The premises or land must be occupied solely by trespassers, so they can't claim possession of "27 Midden Gardens" if you are squatting in 27b while 27a is let to a tenant, for example. Check the address given in the summons (not the affidavit) to make sure it doesn't include any parts which are occupied by someone else who has permission to be there. The same applies to any plan attached to land registration documents.

DOING DEALS AND "ORDERS BY CONSENT"

If you decide it isn't worth fighting the case, it's still worth going along to find out what's happening. You can chat up the owner's lawyer and maybe arrange to keep in touch so you can find out when the eviction will actually take place. Sometimes you can even make a deal after the case is over to stay longer in the place

if there are no immediate plans for it. Some owners automatically get possession orders as soon as they know a place is squatted but don't necessarily use them immediately. Don't move out just because you get a summons – find out what's going on.

But it's even better if you can make a deal with the owners before you go to court. Commercial owners in particular are sometimes willing to do this if they have no immediate plans for the place and can see you're looking after it. You're free caretakers for them, and if they evict you now, the place could easily get squatted by another crew, who might not look after it as well as you are. If you haven't been able to persuade them to give you a licence (see When Is A Squat Not A Squat on page 53), they might agree to an ORDER BY CONSENT. This is much better and more reliable than a verbal deal made after the case. What it amounts to is that you agree to let them get a possession order as long as it has conditions written into it saying it can't be used until they are really about to do something with the place. The conditions then can't be broken, or the owners will be in serious trouble for contempt of court.

An order by consent needs to be drafted in legal jargon and agreed between you and the owners. ASS can give you advice about this and has models you can use to negotiate and amend as necessary. It is a good idea to approach the owners' solicitors with a suggested order by consent as soon as you get a summons, especially if you only have a weak or technical defence, but start working on your defence at the same time. If they say "no", you go along to court and run your defence anyway. If you get an adjournment, you might find they have changed their tune, and are now happy to agree an order by consent.

SO YOU WANT TO FIGHT?

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

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

Preparation

If you think you have one of the defences above, make sure you have enough evidence to back it up. Most of the work is preparing your evidence and arguments before the case. There are two types of evidence – verbal and written – and three types of witness who might give it – occupiers, the owners and people acting for them and third parties. It is very unusual for verbal evidence to be allowed, so the facts you want to rely on should be in an one or more affidavits you write yourselves. This is also the best place to make any "irrelevant" political points (the owner's record, lack of plans for the place etc.) as the judge may stop you if you are saying them.

Your affidavit(s) can also include the legal arguments you want to use. Strictly speaking, affidavits should stick to facts and not include legal arguments, but squatters nearly always put them in and judges rarely object, as it helps the court to have the arguments clearly set out in writing. Unless you are very experienced and confident, it will also help you, otherwise you will have to explain all your arguments verbally. It is usually better to let your affidavit do the talking for you. Your arguments will have to be backed up with the law reports of any previous cases you are relying on, and you will need to take three copies of these to court.

ASS can give you advice on this and has stock affidavits and copies of relevant cases available to help you. Otherwise, copy the owner's affidavit to get the form and headings right and type it using both sides of the paper. If you don't want to "swear by almighty god" you can affirm it instead, and it will then be called an affirmation but will have the same effect. Contact ASS for the correct form of words. You will need to make at least two extra copies. You can swear / affirm it at the court offices on the day of the hearing or get it done at a law centre or friendly solicitors. An unfriendly solicitor or the High Court office will charge you about £5, but it's free at the County Court. Any documents you want to show to the court should be added to the end as "exhibits" (which cost an extra £3 if you have to pay).

Sometimes important events or facts are witnessed or known about by an independent person. If you want them to give evidence for

you and they will turn up, then it is useful if they can write an affidavit too, especially as oral evidence may not be admitted

If you know the owners have documents which would assist your case, you can write to them formally asking to be provided with copies within 3 days (e.g. the council has an internal memo saying "don't evict these people" and you are claiming a licence). If they refuse to hand them over, make an application to the court. You must give good reasons why the documents will help your defence. The owners can then be ordered to give you copies. If the owners' affidavit mentions a document but they haven't exhibited it, you can serve them with a special form called a Notice to Produce, which requires them to show it you. Contact ASS for advice about this.

In Court

The court is a civil, not a criminal one, but it can still be very intimidating. In the High Court, the case will be heard "in chambers" which usually means in a small room rather than a court, with nobody wearing fancy dress. It also means anyone who isn't an occupier of your squat can't go in. Anyone who wants to be considered an occupier can be "joined" by giving their name to the usher outside. In the County Court, the case will be heard in public, so if it's your first time, why not go along beforehand to see what happens? If you're not named on the summons that doesn't stop you fighting the case. Anyone who is or has been in occupation can turn up and be "joined".

In the High Court, the case will be heard by a Master, who isn't quite a judge. In the County Court, it will be either a Judge, a District Judge, a Recorder or an Assistant Recorder. It is important to write down the name and type of judge involved, which is always displayed on a list outside the court or chambers.

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

Applications to Amend

If in the course of your case you prove that the owners are not entitled to possession of all or part of the land claimed, they may ask the court for permission to amend their summons. You can object to this, as there is no automatic right to amend. Contact ASS if you expect this point to come up.

Resistance at Claremont Road, East London

The Results You Can Get

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

Most cases are not dismissed first time. It is more likely to be adjourned to give the owners a chance to sort themselves out. In the High Court, the case may be adjourned to the County Court. This is good news, as it will be bogged down for months. You will get a notice from the County Court eventually. This may not be for another hearing the first time, but for a pre-trial review. Contact ASS for advice about this. Alternatively, the case may be adjourned for a fixed period, such as 7 or 14 days. This means you will not usually get a notice of the next hearing, so ask what time of day it will take place. Or it may be adjourned generally.

This means until some unknown time when the owners are ready, and you will be notified of a new date.

When a case brought by a council is dismissed or adjourned, they sometimes just forget about it for months, then start a new case with all the same mistakes as before!

The last possible good news is that the case is adjourned and ordered to proceed as an ordinary action. It means the judge thinks your argument is good enough to have a full trial instead of summary proceedings. A date will have to be fixed, usually quite a long time away, when a much longer hearing with oral evidence will take place. Meantime, the judge may make "directions" – a list of instructions to both you and the owners about documents you must prepare within certain time limits. Get advice from ASS or a lawyer if this happens.

If the judge doesn't accept your defence s/he will probably grant a possession order "forthwith" (at once).

IF YOU HAVE LOST

Giving Time

The judge has no power to suspend the order unless you are ex-licensees (see When Is A Squat Not A Squat on page 53). If you have always been trespassers, the order can't be suspended unless the owner agrees. Occasionally, a genial judge will invite the owners to do this if s/he felt you made some good points.

Appeals

You may be able to appeal against the decision.

In the High Court: You can appeal to a Judge against the decision of Master. You must do it within 5 working days of the decision. There is a fee of £20, and a lot of paperwork to be typed out and submitted. You will get a fresh hearing of the case. Contact ASS for advice.

In the County Court: You can appeal to a Judge against the decision of a District Judge, but not against the decision of a Recorder or an Assistant Recorder. You must do it within 14 days of the decision. There is a fee of £20. The Judge will review the decision, but you will not necessarily get a fresh hearing.

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

What Happens Next?

A possession order itself doesn't get you evicted. It entitles the owner to issue another document which you won't usually see called a WARRANT OF POSSESSION in the County Court or a WRIT OF POSSESSION in the High Court. This instructs the bailiffs (County Court) or Sheriff's officers (High Court) to evict you. A possession order lasts for twelve years if it is not used, but a warrant or writ lasts for only a year. The owners have three months to issue a County Court warrant or six months for a High Court writ. If they don't issue it within that time they must go back to court and ask permission to issue it late.

In theory, a possession order can be granted, a warrant or writ issued, and an eviction carried out in one or two days, but this is very rare and usually only happens in rural areas. A High Court eviction will usually be carried out within a week or two of the writ being issued, but a County Court eviction may take longer. In London, the county court bailiffs have long waiting lists and the "queue" for eviction can be between one and three months. Ask local squatters or ASS about the situation in your area.

County Court bailiffs usually deliver a note or a copy of the warrant or possession order a few days before they come to evict, as a warning. But this isn't an official part of the procedure so you can't rely on it. You can ring up the bailiffs' office at the court and ask them when they're coming. Sometimes they'll tell, sometimes they won't. Sometimes they don't know. If you can't find out this way, try the owners themselves, or their solicitors. Failing that, the information might be obtained for you by a social worker, probation officer or advice centre. Remember, the owner will not necessarily issue a warrant or writ straight after getting a possession order. They may delay for quite a while between the two.

Warrants of Restitution

If a place is re-squatted after the bailiffs have evicted the former occupiers, and the owners think they can prove that at least one of the

same people have gone back in, they can apply to the court for an "warrant of restitution". The re-occupiers will get no notice of this hearing.

If, soon after squatting a place, the bailiffs turn up with a warrant of restitution you should tell them you are not the previous occupiers and you didn't know about them. Ask them not to enforce the warrant for a couple of days so that you can apply to have it set aside (see below). Please let ASS know about any warrants of restitution.

Who gets Evicted?

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

However, a warrant or writ can't be validly issued after new squatters move in (unless it's a Warrant of Restitution) if the owners "recovered possession" from the old squatters by, for example, boarding up or putting locks on after the previous people left following a summons or possession order. They can't issue the warrant or writ just to get the second squatters out, because the possession order was "satisfied" when the first squatters left. If this fiddle is tried, you can apply to have the warrant or writ set aside. Good evidence will be important. It won't work if the warrant / writ had already been issued when you moved in.

Setting Aside

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

For instance, if you get a notice saying the bailiffs are coming and you didn't get a summons for the hearing you could apply to have the order set aside for bad service and maybe get a new hearing. (But remember the hearing could have been months ago.) If the circumstances described in the last section apply, or you hear that a warrant has been issued more than three months after the possession order without the judge's permission, then you would apply to have the warrant set aside. Get a form from the court office (called an N244 form in the County Court, in the High Court you have to issue a summons) and contact ASS or a law centre for advice on filling it in.

ODDITIES

Though Orders 24 and 113 are used routinely against squatters, occasionally an owner, usually outside London, will try one of the following:

Disused cinema in East Oxford reopened for movies, kids' space and protest against the Criminal Justice Act

"Ordinary" Possession Action (Order 6)

This is normally used only against tenants or licensees. The summons doesn't have an affidavit attached but "particulars of claim". It can't be used against unnamed people and you must get three weeks' notice. If one is issued against you, all the "real" defences explained above will apply, and most of the technical ones. But if it is issued against the last tenant to live in the place, there is nothing you can do to defend it. Only the tenant can do that. But you will still get evicted if you are there when the bailiffs come. Claims for damages or an injunction can be added to this kind of action.

Injunctions

This is a court order to stop you doing something (in your case trespassing). It can be made only against named people and an application for an injunction can't be attached to one under Order 24 or 113. If you break an injunction you can be jailed for contempt, but only after a further application to the court.

Injunctions can often be fought successfully. Contact ASS immediately if you are threatened with one.

Damages or "mesne profits"

These are claims for money which would be the equivalent of rent. Again, they cannot be claimed under Order 24 or 113, though some councils like to try it on. If you get an Order 24 or 113 summons including such a claim, contact ASS straight away.

Compulsory Purchase

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

COSTS

The only extra claim, apart from possession, which owners are allowed to add to summary proceedings is one for costs. Costs of a County Court case could be £100–£200. Most owners don't claim this, however, as there is no way they can get the money from you except by not evicting you for months or years while they try to get you to pay! Not paying costs could affect your credit rating in future, but even this is unlikely in most cases.

INTERIM POSSESSION ORDERS (IPOs)

The IPO procedure under Order 24, Part II is not really separate from the normal summary procedure under Order 24, Part I. It is an optional extra which owners may choose, but only in restricted circumstances. That means there will always be two hearings; one to decide if the owners should be given an interim (or temporary) possession order and a second one to decide if they should get a final possession order. The nasty bit is that if you don't leave within 24 hours of an interim possession order being served on you, that's a criminal offence for which you could be nicked. If you lose the first hearing, you can still go along and fight the second one, but you will usually be out of your squat by then and fighting to get back in. All the defences you can use against the normal summary proceedings can also be used against IPOs, plus a lot of extra technical ones which apply only to IPOs. Owners often get these wrong, so there is plenty of scope.

Restrictions

1. IPOs can only be used against squatted buildings, not open land.

2. The applicant must issue the application for an IPO within 28 days of the date when they knew "or ought reasonably to have known" that you had squatted the place. Remember, it is not necessarily within 28 days of when you actually moved in, but within 28 days of when they found out, or ought to have done so. When squatting a new place, it is always worth considering whether to try to reduce the chances of an IPO by making sure the owner knows straight away and the 28 days starts running. See page 16 for ideas on this.

3. IPOs can only be used if you moved in as trespassers (or squatters) and have been trespassers throughout your occupation. This means it can't be used against ex-licensees, anyone who was let in by a tenant (even if the tenancy has since ended) or anyone who has ever been given any kind of licence or permission to be there (see When Is A Squat Not A Squat on page 53).

4. The applicant must have owned or been a tenant of the building throughout your occupation. They cannot use an IPO if they have bought it or started their tenancy after you moved in.

5. The applicant must have an immediate right to possession of the building or the part of the building they are claiming. That means there must be no other person with an existing licence or tenancy. See page 39, above, for more about what this means. As it takes at least 28 days to end a tenancy, it will usually be too late for the owner to end the tenancy and then go for an IPO once they have found out you're there.

THE PROCEDURE

Service

You will be served with only two pieces of paper; the notice (or summons) telling you when the hearing is (see page 37) and a blank form on which to write your defence affidavit. You could have as little as 48 hours' notice of the hearing SO IT IS IMPORTANT TO ACT VERY QUICKLY. RING ASS FOR ADVICE OR CONTACT A WELL ORGANISED LOCAL SQUATTING GROUP THE SAME DAY.

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

The summons must be served by the owners, not the court, and it must be served within 24 hours of it being issued in the court. Look at the bottom, where it says "For this notice to be valid, it must be served before...." and it then gives a time and date. If it is served after that time, or that part has not been filled in, you already have a technical defence! The notice must be posted on the door or some other conspicuous part of the building and also put

through the letterbox, if that is possible. The owners may also fix copies to stakes in the ground near the building. The summons must be addressed to "the occupiers" and be in a transparent plastic envelope. It should also name anybody whose name is known to the owners.

Organising your Defence

If you want to go to the hearing, you must write an affidavit. If you don't, you will not be allowed to attend. Your affidavit must also be "in the prescribed form". That means you must either use the form you have been served with or type out one exactly like it. If you do this, don't leave out any paragraphs you don't need to use. You will still have to type them in, then cross them out by hand. In fact, the form you get often isn't much use as it doesn't allow enough space for the defences squatters usually use. ASS has adapted versions of the form available, together with model arguments for all the possible defences, and this will usually be more practical and less work than typing your own from scratch. If you are outside London, a suitable affidavit "in the prescribed form" can be faxed to you after you have discussed the details with ASS on the phone.

The owners will also have had to do an affidavit "in the prescribed form", but this does not have to be served on you at this stage and usually won't be. So, you are in the awkward position of having to reply to an affidavit you haven't seen. At the hearing, you won't necessarily be allowed to say anything. The rules say you can attend only to answer any questions the judge asks you. Though this is often overlooked by judges who allow you to say what you want, you can't bank on it. This means your affidavit must do all the talking for you. It needs to set out your defence(s) fully, including all the legal arguments for them, which is where ASS's models come in useful. If you are found out telling any lies in your affidavit, you can be prosecuted and sent to prison for up to two years, of fined, or both. But these rules apply to the owners as well, so they have to be very careful.

All this means you need to anticipate what the owners might or might not have said in their affidavit and reply to it, then add on any other arguments you might have – one or more of those mentioned Restrictions, above, or on pages 39 to 41.

The questions the owners will have had to answer in their affidavit, together with what you might say in reply are shown on pages 50 and 51.

At The Court

If you have time, go down and swear (or affirm) your affidavit (or affirmation) the day before the hearing and leave it with the Court, which is called "filing" it. Otherwise, get there in good time to do it before the hearing, in which case you will probably be told to keep it with you and give it straight to the judge.

The court is allowed to hold an IPO hearing "in chambers", which means in private, rather than a public court. Only people occupying the place are allowed to go in. Whether this happens or not will depend on the practice of different courts.

The idea of not allowing you to address the court and make your argument verbally can actually be a help if you are inexperienced or not very confident, provided you have a good affidavit with all the right arguments in it. If you have the confidence, however, and you understand the important points, don't be afraid to make them if the judge lets you.

You are supposed to be there only to answer questions, but the question might be "What do you have to say?". Make your points as strongly as you can and point out that this procedure has criminal sanctions, so it is very important for the owners to have complied with all the rules precisely. Stay off the moral and political points as much as you can. It is no use saying you are homeless and are making good use of the place etc., true as that is. Sticking to the legal issues is usually the way to win. However if the property has been empty for years or the owners are lying about their intentions for its use, it may be worth mentioning. If you are not confident about arguing verbally, you can just say all your arguments are in your affidavit and tell the judge which are the most important paragraphs to look at, then answer any questions you are asked.

The judge will then decide whether or not to make an interim possession order. The rules say that one should be made if certain conditions are met and the court is satisfied with the undertakings given by the owners. The conditions are, basically, points 2–5 under Restrictions, above.

If an Interim Possession Order is NOT Made

A "return day" will be fixed. This means a date when there will be a second hearing for a normal Order 24 possession order under Part I, just as if the owners had not applied for an IPO in the first place. You may be told this date there and then or you may be able to find it

out by going to the court office afterwards. You should be sent a notice of it, anyway. It must be at least seven days away, but will often be a lot more. The judge may also make "directions" about this second hearing. These are instructions to either you or the owners or both of you about information you should provide before that date. Write them down carefully.

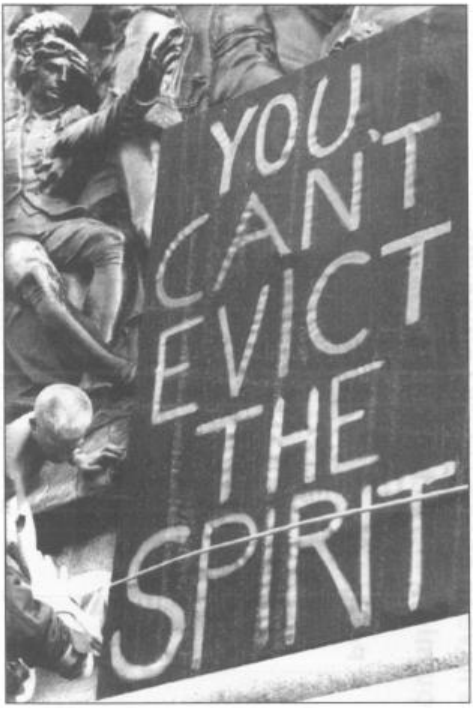
What you need to do before the second hearing is basically the same as for normal Order 24, Part I proceedings, explained above, except that you will have to comply with any "directions", and you have already filed an affidavit. You might want to file another affidavit, though, with extra information or arguments. This will be an ordinary affidavit, not "in the prescribed form", and would be a good place to make any moral or political points you want to get across. If you file it with the court, you should also serve a copy on the owners or their solicitors by hand or by sending it by first class post.

If an Interim Possession Order IS Made

A copy of the IPO has to be submitted to the judge for approval. It will usually be signed by the judge the same day or the following one. The IPO is then served to your squat, together with a copy of the owners' original application and their affidavit. This will usually be the first chance you've had to see the owners' affidavit. These papers must be served within 48 hours of the judge signing the IPO, unless – very rarely – the court has allowed the owners extra time to do it or said they must do it in less time.

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

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



Whether things will be that bad remains to be seen. In many cases they will probably not be. The owners will have to get the police involved to get you out. They can't use bailiffs at this stage. The police are not always keen on helping owners out, especially if it's the council, and they may not want to bother. They may come round but not arrest you straight away, giving you some further time to leave. Though this may be the reality in many cases, you can't bank on it. Anyone in the place 24 hours after an IPO has been served has already committed an offence and can be arrested.

Can You Appeal Against an Interim Possession Order?

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

Here are the questions the owners have to answer in IPO affidavits, together with what you might say in reply

Paragraph in Owners' Affidavit	What Owners Must Say	Paragraph in Your Affidavit	Your Reply
2	They must say what kind of building it is, that they have an immediate right to possession and since what date they have had this right. Owners often don't understand what this means. This is where they will usually have to say when and how the last tenancy has been ended.	6 or maybe 4	If you think there has ever been a tenancy or licence say it must be ended and anything you know about the last tenant or licensee. See page 39 above for more about this argument.
3	They must say what is their "interest" in the premises is (e.g. they own a freehold or a lease) and attach a copy of whatever it is.	6	If you have any reason to think they don't own it or have a tenancy or lease (same thing), say why and that they must prove their interest.
4	They must say when they found out you had squatted the place and give reasons why they couldn't have known about it sooner.	2 and 3	Give the date you moved in. If it was more than 29 days ago say how the owners should know that.
5	They have to say that you entered without their permission or permission from anyone who had a right to be there.	4 and maybe 5	If you were let in by a tenant say so. If you were ever given any sort of permission to be there (see When Is A Squat Not A Squat on page 53) explain it and attach copies of any documents there might be.
6	They must give the names of any occupiers whose names they know.	3	If the owners know any of your names which are not on the summons, say so and explain how they came to know them.

7 They must say whether there are any other people entitled to possession of any other flats, houses converted into parts of the same buildings. If so, they must say who they are.

8 They owners have to say whether they are willing to give a set of 5 UNDERTAKINGS. These are solemn promises to the court they will be in serious trouble if they break. They don't *have* to give any undertakings, but their chances of getting an IPO will be reduced if they don't, so they usually will

Roughly translated from the jargon, the undertakings are:

(a) To put you back in the place if the court makes an IPO, but it later turns they weren't entitled to it.

(b) To pay damages to you if this happens

(c) Not to damage the place between the date an IPO is granted and the date for the second hearing to decide if they will get a final possession order.

(d) Not to let the place to a new tenant or licensee or sell it between these two dates.

(e) Not to damage or dispose of any of your belongings left in the place between these two dates.

6 This will apply to blocks of flats, houses converted into flats, or any other case where you are squatting part of a building whilst other parts are occupied by tenants or licensees. Explain the layout, how many flats there are, etc. and say the owners must have accounted for that number of flats or other parts.

6 If you are arguing that they are not immediately entitled to possession (e.g. because someone else has a tenancy or licence which has not been ended) point out that they are not in a position to fulfill undertaking (a). It is not their place. It is the TENANT'S place. They have no right to put you or anyone else there. If they do this, they will be trespassers against the tenant themselves!

6 Any other defences you might have (as for normal summary proceedings Order 24, Part I – see page 38 onwards)

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

This section makes it an offence to resist or intentionally obstruct a bailiff or sheriff enforcing a possession order. This section in fact creates two new offences, as 'resisting' and 'obstructing' are taken as two separate things.

Of all the offences created by the Criminal Law Act, this is the only section which has resulted in conviction. It gives the bailiffs or sheriffs as well as the police the power to arrest people for resistance or obstruction. It is still unclear from the wording of the law whether building barricades and/or standing behind them could be an offence, and you could find yourself arrested for 'obstruction' even if you eventually get off.

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

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

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

The Second Hearing

If you lost the first hearing or didn't get your defence together in time, this gives you another chance to fight for your home. It might be worth it, even though you'll probably have had to leave by now. Contact ASS for advice if you're not sure. If you took a chance and didn't leave – which is not recommended – and the police didn't come and arrest you either, your worries on that score are reduced. The IPO expires on the day of the second hearing and it is no longer a criminal offence for you to be there. You've still committed an offence by being there for all but the first 24 hours of the time the IPO was in force, but it's not very likely you'll be arrested retrospectively.

An IPO is only temporary. This hearing is to decide whether to make a final possession order, so the IPO will either be confirmed or cancelled. It is now being dealt with under Order 24, Part I, so things are virtually the same as for normal summary proceedings in the County Court, explained on pages 38 to 46, above. The owners don't have to turn up for the second hearing, and often won't. If you turn up with a reasonable argument, the case will probably be adjourned to give the owners a chance to appear. What the owners must have done before the second hearing, though, is file an affidavit of service – a special affidavit to say they served the IPO on you according to the rules. A final possession order cannot be made unless they have done this, so point it out to the judge.

If you won the first hearing and no IPO was made, you still have to win the second hearing to save your home. The arguments which won the first hearing will often be enough to win the second one as well, and you might want to introduce some new ones. Again, contact ASS for advice if you need to.

After the Second Hearing

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

If an IPO was made, but you win the second time and a final possession order is NOT made, the owners' undertakings should now come into play. If you have left, they should put you back into occupation, and you can apply to the court

for the owners to be made to do this. Contact ASS for advice about it. But what if you just decide to put yourselves back into occupation? If you won the second hearing because you established some right to be there (such as a licence), there is no reason why you shouldn't do this. If you won only because the owners didn't get the procedure right or because of some other technical point, this will, in theory, be a criminal offence because you will be re-entering "as a trespasser" within a year of the IPO, but you may be much less likely to get arrested for it.

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

A consolation prize?

If you're squatting in a block of flats, especially a council one, an IPO against you may produce a handy list of nice safe places for your next squat or which is useful to other people. In their affidavit, the owners will have had to say who else has a right to occupy different parts of the building. You get a copy of this affidavit together with the IPO. If you've already left, go back and collect it before the 24 hours is up. Look at paragraph 7. It should contain a list of the tenants in the block, or at least the tenants the council thinks are there because their tenancies have not been ended. In real life, some of these flats will be empty and the council may even have steeled them up. These are the flats to target for your next home! Because the council has said they have a tenant there, you can defeat another IPO if they try one (because they're not immediately entitled to possession) and they won't even be able to get you out with normal summary proceedings unless they end the tenancy before starting the court case.

WHEN IS A SQUAT NOT A SQUAT?

...when you've got a licence

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

However, it's important to think carefully before using this sort of licence as a defence in court, as it may affect other squatters in your area whether you win or not. For instance, if there is a friendly official in the housing department who is known to tell squatters how long they're likely to have in a place, it may be best to keep this useful information flowing. Bringing something they said out in court as an argument for a licence will probably mean they get told to stop, and they'll be less inclined to be helpful to squatters in future.

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

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

Who Can Grant a Licence?

Of course, permission from just anybody doesn't amount to a licence. The people who are entitled to grant licences are those who own, control or manage properties or are

tenants of them. So, a Council or housing association lettings officer, an estate manager, the chairperson of a housing association or the Council Housing Committee, or a private landlord can all grant licences. So can a tenant as long as their tenancy still exists – which is often the case even if they have moved away or even died. Not all employees of a Council or housing association can grant a licence. Building workers, caretakers etc. will not usually have that power as part of their jobs. On the other hand, the people Councils or housing associations normally send round to check out squats usually have the power to end licences, so it follows they must have the power to grant them as well.

You can't argue a licence from payment of fuel bills or even council tax (or poll tax, in the past). You are supposed to pay all these anyway! Even if the owner is the Council, acceptance of council or poll tax doesn't imply a licence.

What Type of Licence?

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

Secure Licences Under the 1985 Housing Act

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

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

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

Ending a Licence

If you pay money or money's worth (such as doing repairs) in return for a licence, it can only be ended by a notice to quit which is a formal legal document which must contain various statutory words. It is usually on a printed form. It must give you at least 28 days' notice, after which the owners can take you to court.

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

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

CONTACTS

ADVISORY SERVICE FOR SQUATTERS

2 St Paul's Road, London N1 2QN. Tel: **0171 359 8814** (Fax: 0171 359 5185). Legal and practical advice for squatters and homeless people, plus contacts for local groups. Open Monday to Friday 2-6 pm, but always phone first.

RELEASE

Tel: 0171 729 9904 (Monday - Friday 10am - 6pm) 0171 603 8654 (other times) Emergency 24-hour service which can put you in touch with a solicitor and give basic legal advice about police problems, but not about squatting or housing.

SHAC – HOUSING ADVICE LINE

Tel: 0171 404 6929 Monday - Friday 10am - 1pm. Helps anyone in London with housing problems. Elsewhere contact local housing aid centre, advice centre or Citizens Advice Bureau.

WOMENS AID FEDERATION

Tel: 0171 251 6537. 52-54 Featherstone Street, London EC1.
Temporary accommodation for women and their children suffering physical or mental abuse from men. They usually refer callers to local refuges or groups, but you can also ring them for advice or just a chat.

LIBERTY (formerly NCCL)

Tel: 0171 403 3888. 21 Tabard Street, London SE1.

SHELTER NIGHTLINE

Tel: 0800 446 441. Takes calls from 6pm - 9pm, help with emergency housing advice, and advice to homeless, will put you in touch with hostels etc.

TELEPHONE LEGAL ADVICE SERVICE FOR TRAVELLERS

Tel: 01222 874580 Monday - Friday 9am - 1pm.

LEGAL DEFENCE AND MONITORING GROUP

Monitor police and arrests on demos and co-ordinate defences etc. C/o BM Haven, London WC1N 3XX Tel: 0171 837 6687. e-mail: LDMG@phreak.intermedia.co.uk

HOUSING CO-OPS

For information on setting up and registering housing co-ops contact: Catalyst, P.O. Box 5, Lostwithiel, PL22 0YT.

***For Scotland and the north of Ireland**, where the laws about squatting are different to those set out in this handbook:*

EDINBURGH SHAC

Tel: 0131 229 8771. 103 Morrison Street, Edinburgh, EH3 8BBS.

BELFAST COMMUNITY LAW CENTRE

Tel: 01232 321307. 62-66 Bedford Street, Belfast BT2 7SH.

REFERENCES AND PUBLICATIONS

SQUATTING – THE REAL STORY

Nick Wates & Christian Wolmar (eds). Published by Bay Leaf Books (1980). Celebration of squatting and its history, by squatters for everyone. Still the best but not many copies around – try the library. ISBN 0-9507259-1-9 / 0-9507529-0-0.

SQUALL

Quarterly magazine about squatting, 'alternative' politics and 'DIY' culture. 1 year's subscription: £10 from P. O. Box 8959, London N19.

HOUSING RIGHTS GUIDE

Geoffrey Randall produced by SHAC (now part of Shelter). Try your local reference library.

NATIONAL WELFARE BENEFITS HANDBOOK

Child Poverty Action Group. Updated annually in two parts – means-tested and non-means-tested. Again your library should have it in.

THE LAW

Legal news from a campaigning perspective. Free from selected outlets or available by subscription from P.O. Box 3878, London SW2 5BX.

NO COMMENT

The Defendant's Guide to Arrest produced by London ABC c/o 121 Railton Road, London SE24 0LR. Send donation/postage.

SchNEWS

Anti Criminal Justice Act Newsheet with squatting and other news. Send donation/ postage to SchNEWS c/o on the fiddle P.O. Box 2 600 Brighton East Sussex BN2 2DX Tel: 01273 685913.

e-mail: Justice@intermedia.co.uk Web site: http://www.mistral.co.uk.cbuzz

CONTRAFLOW

Bimonthly free radical newsheet, also distributing news, views and info through the European Counter Network and worldwide. c/o 56a InfoShop, 56 Crampton Street, London SE17.

e-mail: contraflow@phreak.intermedia.co.uk

Without whom ...

Cover photo by Nick Cobbing.

Inside photos and graphics by Norman McBeath, Nick Cobbing, Nick Fielding, Victor, David Hoffman, Mark and Sarit.

Squat Now While Stocks Last

Squatting can be a solution to the housing problems of people who don't qualify for public housing and can't afford to buy a place or pay the extortionate rents charged by private landlords. It can also help if you DO qualify for public housing but have been refused it, can't get housing benefit to pay the rent, or have spent years on council waiting lists. Squatting helps some people to choose ways of living and relationships with others which would not be possible otherwise and it can provide space for important social, cultural and community projects.

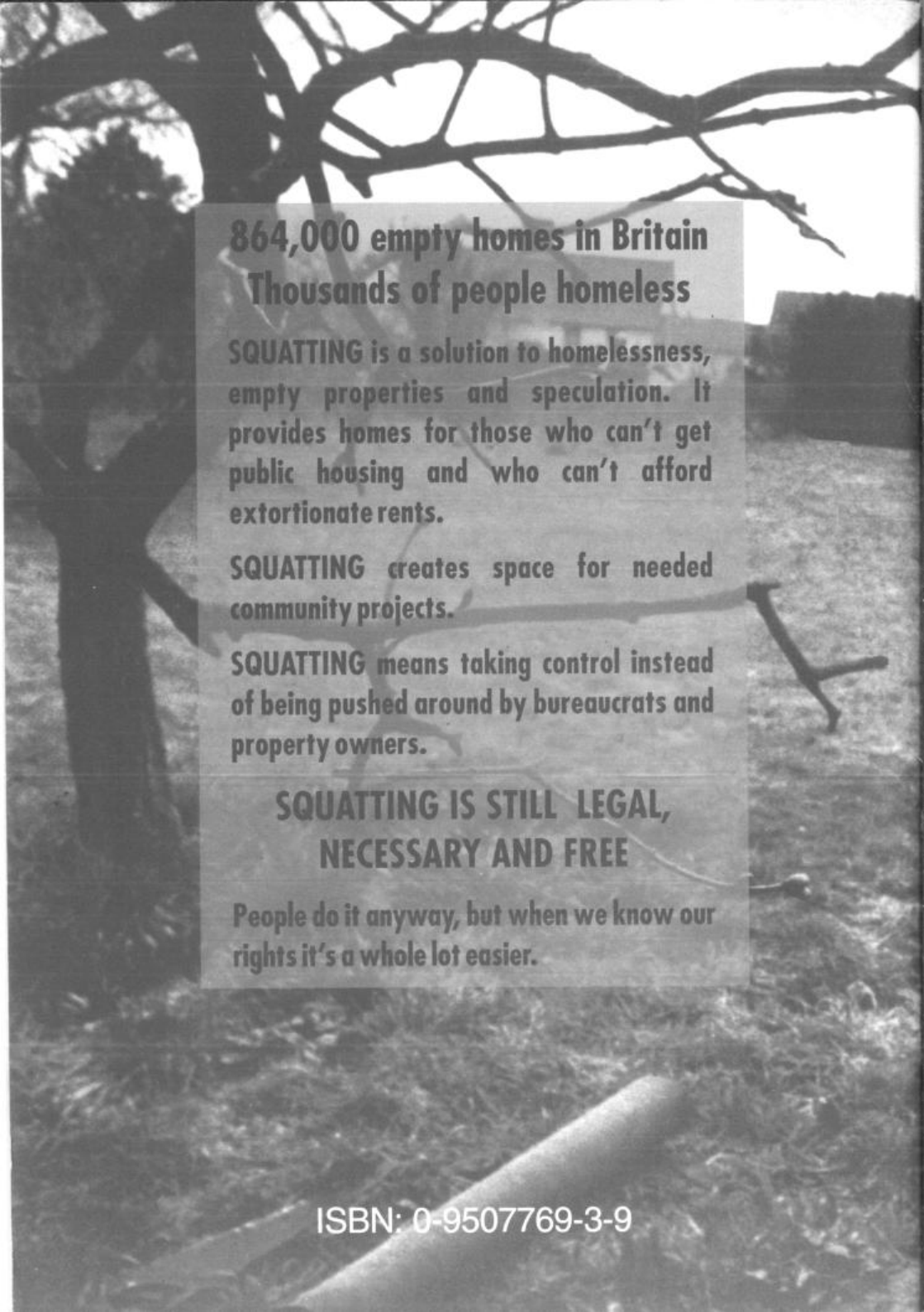
Housing Is In Chaos

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

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

Direct action is better than any waiting list

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



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