

House of Lords Briefing Paper
*Opposition to squatting criminalisation:
Legal Aid, Sentencing & Punishment of Offenders Bill (Clause 130)*

FEBRUARY 2012

INTRODUCTION

SQUASH (Squatters' Action for Secure Homes) is concerned about the impact on homeless and vulnerable people of criminalising squatting in residential properties, as proposed by Clause 130 of the LASPO Bill.

We are joined by other organisations in thinking that Clause 130 is unjust, unnecessary, and unaffordable, and call on the Lords to oppose its inclusion in the Bill.

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

We oppose Clause 130 on the following grounds:

1. UNNECESSARY

People displaced from their homes by squatters are already fully protected by the existing law on squatting. The 1977 Criminal Law Act protects displaced residential occupiers (DROs) and protected intending occupiers (PIOs). Numerous groups, including the **Law Society**, the **Metropolitan Police**, and the **Criminal Bar Association**, have stressed that further criminalisation is unnecessary.

- "The current law is comprehensive and effective ... the proposals in this consultation are based on misunderstandings by the media of the scale of the problem and a misunderstanding of the current law" **Law Society**
- "Repeated inaccurate reporting of this issue has created fear for homeowners, confusion for the police and ill-informed debate among both the public and politicians on reforming the law" letter to *The Guardian* from 160 legal experts and lawyers.

The coalition government have committed to "preventing the proliferation of unnecessary criminal offences." **SQUASH** believe that the criminalisation of squatting, provoked by media scare stories, contradicts this commitment.

2. UNJUST AND UNENFORCEABLE

The criminalisation of squatting will exacerbate the twin crises of homelessness and empty properties.

- Research from homelessness charity **Crisis** shows that 40% of homeless people use squatting to avoid street sleeping. Whilst homelessness is rising rapidly, there are almost 1 million buildings lying empty.
- “We are concerned that the proposed new offence will largely affect empty or abandoned homes and will expose vulnerable homeless people to the criminal law. If passed, Clause 130 could leave individuals with no choice but to sleep on the streets” – **Liberty**.
- Establishing whether or not someone is breaking the law will be extremely complex, given the intricacies of tenancy contracts and of property classifications which designate a property as ‘residential’ or not. It is unjust to remove such disputes from the purview of the courts, increasing the likelihood of illegal evictions, and leaving the police open to complaints.
- **SQUASH** believe that Clause 130 is likely to be abused by landlords seeking to evict those with insecure tenancies quickly and cheaply. **Shelter** are concerned about the “undermining of legitimate tenant protection and other unintended consequences” of Clause 130 which could be “a gift to rogue landlords”.

3. UNAFFORDABLE

SQUASH have calculated that over the next five years the costs of criminalising squatting could reach £1 billion¹. This includes increased housing benefit and homelessness provision, policing costs, and costs to the criminal justice and probation system of prosecuting squatters. **SQUASH** believe these costs are unaffordable to the public purse.

- The government’s Impact Assessment does not adequately assess the cost of criminalising squatting.

It states that “there is no consensus on the true extent of squatting”. However, it does recognise that: “local authorities and homelessness (and other related) charities may face increased pressure on their services if more squatters are arrested/convicted and/or deterred from squatting.”

- “Criminalisation of squatting and subsequent enforcement would have an impact on policing, in terms of community relations, local policing objectives and cost.” – **Metropolitan Police**, response to Ministry of Justice consultation on squatting.
- **ALTER (Action for Land Taxation and Economic Reform)**, of which Nick Clegg is Vice President, said: “This change is contrary to the interests of UK taxpayers. It would provide a valuable state funded benefit to wealthy tax avoiders.”

OPPOSITION TO CLAUSE 130

Three amendments have been tabled. The first proposes that Clause 130 be removed from the bill entirely. The second proposes to insert the caveat that: “The offence is not committed where the building has been empty for 6 months or more and where there are no significant steps being taken to refurbish, let or sell the building at the time of the trespass.”, The third proposes that: “The clause is not commenced until the Secretary of State reports to Parliament with an assessment of its full costs to the public purse”. In addition, other amendments are in the process of being tabled.

For more detail, please view or download our 10-page briefing online at:

www.squashcampaign.org/laspo-lords-briefing/

For a printed copy please e-mail

parliament@squashcampaign.org

¹For the full research and methodology see:
<http://www.squashcampaign.org/cost-of-criminalisation>