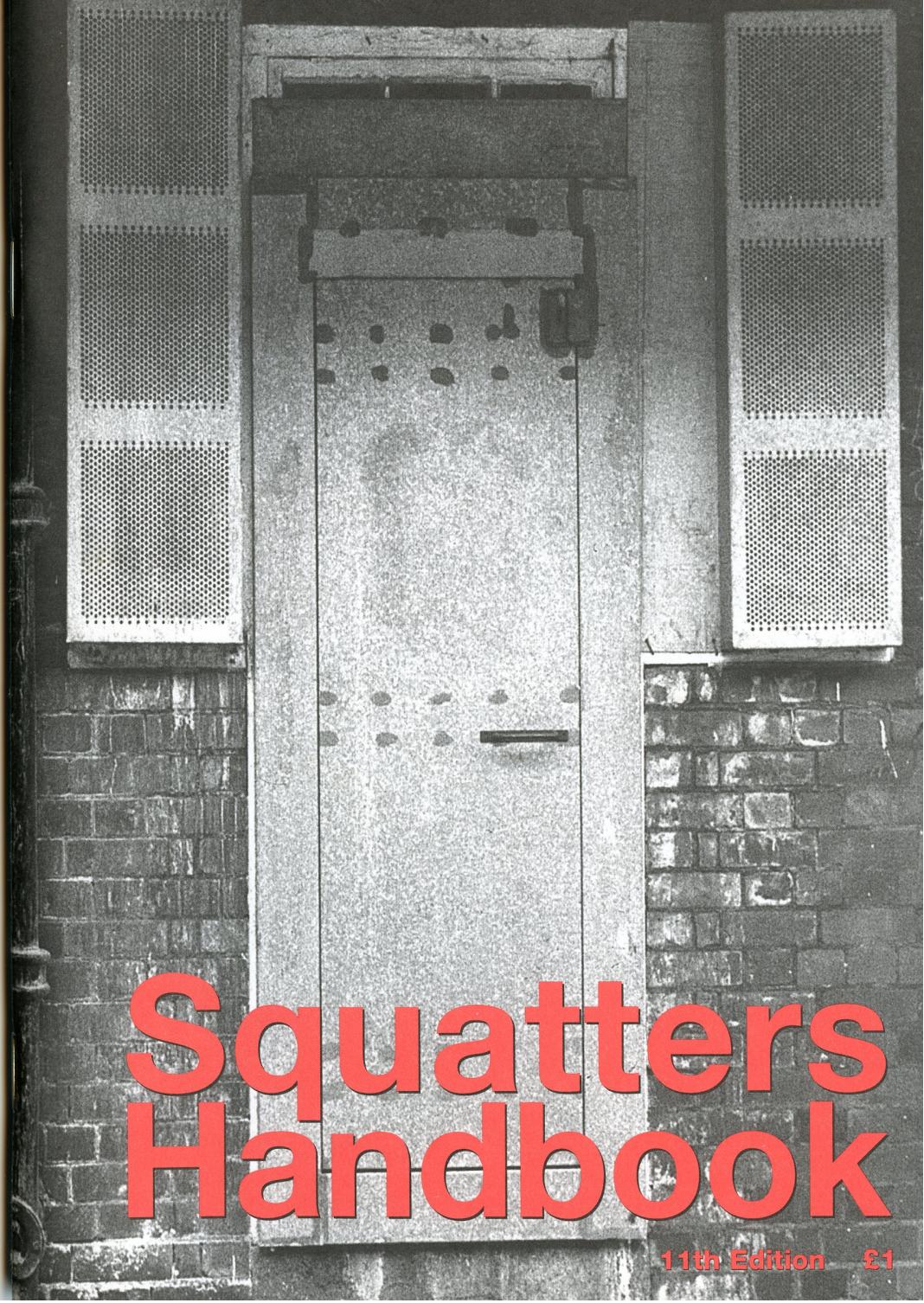

Squatters Handbook

11th Edition £1

Contents

ASS: 020 7359 8814

This is the 11th edition of the Squatters Handbook, dated January 2001. All the information is accurate at the time of printing. It is written by, and based on the experience of, Advisory Service for Squatters (ASS). The Handbook gives comprehensive information on how to go about squatting and fully explains the law on squatting. If you are in any doubt about any part of the Handbook, or want information, call ASS on **020 7359 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 25 years. Donations and volunteers are always very, very welcome.

Most of the information in this Handbook, particularly on the law, applies only in England and Wales. For sources of squatting advice in Scotland and the north of Ireland see Contacts on page 60.

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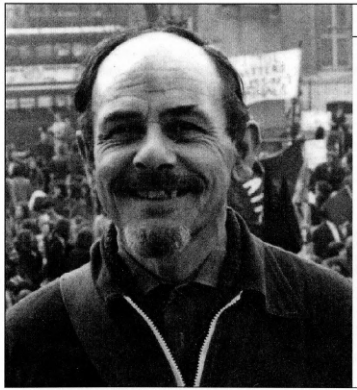
Published by **Advisory Service for Squatters, 2 St. Paul's Road, London N1**

This handbook is dedicated to Eric Mattocks and Kim Spicer, two members of the ASS Collective who have died since the last edition was published.

KIM SPICER 1964-97

Kim hadn't turned twenty when she first joined ASS in the early eighties. So she was involved in the Collective on and off for all her adult life. She was active in squatting in Tower Hamlets and Hackney, helping to set up local squatting groups, social centres and squat cafes. You can see an example of her subvertising on page 34. At ASS she became adept at helping squatters to defend court cases and she'd just begun studying to be a solicitor when she died.

Kim packed a lot into a short life, and knew how to live well. She was big, extrovert and wild. She was always the first to see through bullshit but quietly surprised many people with her patience and practical support for some of the most difficult and damaged people we met. Losing Kim at such an early age was a big shock to ASS, her friends and her family, leaving a huge gap in our collective and many people's lives.



ERIC MATTOCKS 1928-99

Eric was a squatting activist for 25 years. He started as an expert cracker due to the skills he'd acquired in a previous career as a burglar. *("Rich people's houses mate. You don't want to nick off the working class".)* He was the treasurer of ASS from its beginning and of the London Squatters Union. That ASS is still advising and supporting squatters in 2001 and producing the Squatters Handbook is due to Eric's nurturing of minute resources, improvisation and recycling. Eric met his partner, Catherine, through squatting struggles in the '70s and he became a dad late in life. His children Dorothee and Phillipe lost him too soon. We all did. Eric had infinite cheerfulness and patience and a rough, roguish kindness forged in pre-war Hackney which made him an unforgettable character.

"Everyone talks of freedome, but there are but few that act for freedome. If thou wouldst know what true freedome is, though shalt see it lies in the community in spirit and community in the earthly treasury."

Gerrard Winstanley (a 17th century squatter) – A Watchword to the City of London (1649)

Squatting is still legal!

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

The 1994 Criminal Justice and Public Order Act made some changes to the laws about squatting (see under PIOs and Evictions), but squatting is still as legal as it is necessary. You will almost certainly be evicted eventually, perhaps very quickly, but you have many of the same rights as other householders: eg the right to privacy, rubbish collection, postal delivery, social security and essential services like water and electricity (there may be some problems with electricity and gas - see page 24). 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. **Mon to Fri 2 - 6 pm 020 7359 8814**

HOMELESS ?

YOU MIGHT HAVE SOME RIGHTS

Many squatters have a legal right to housing under Part VII of the Housing Act 1996, 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 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!

Successful homeless applicants used to be offered a council or housing association flat at the end of the process. The 1996 Act changed this - the only way now to get a council or housing association tenancy is to wait your turn on the Single Housing Register (the council waiting list). Applying as homeless will only get you temporary housing while you wait for an offer from this Register. On the plus side, a successful homeless application will guarantee you priority for rehousing from the Register, and in practice a council or housing association flat should be offered to you in the end.

The Basic Rights

You can apply to your council for housing if you are homeless. "Homeless" means not having a place to live where you have a legal right to stay in the UK or abroad for at least 28 days. Or it means living somewhere it is not reasonable for you to remain. Squatters by 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 claim for possession has been issued. This is a gross misinterpretation of the Act and should always be challenged.

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

Hostel residents action group march

Are you eligible?

Some people are not eligible at all for help under the homelessness legislation, even if they meet all the requirements detailed below. These are certain 'persons from abroad' who are subject to immigration control. The rules on eligibility are very complicated and there is not room here to explain them. Basically if there are any restrictions on your stay in the UK at all (eg no recourse to public funds) you should seek advice before applying as homeless. You should also remember that council housing staff may contact the Immigration Authorities to check your status.

"Reasonable to remain"

You are homeless if it is not "reasonable" for you to remain in your home ie you are experiencing racial harassment, domestic violence, the roof is falling in... What you may consider intolerable conditions may seem perfectly reasonable to the council. So always get advice before 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 helped?

If the council think you may be homeless and you may qualify under one of the following conditions, you (and your household) should be given suitable 'interim' accommodation, whilst the council make further investigations into your case:

1. You have a dependent child under the age of 16 or still at school living with you. (You may 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.)
2. You are a pregnant woman (as soon as the pregnancy is confirmed in writing).
3. 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.
4. You run the risk of violence if you stay where you are (eg a woman assaulted by a man that she lives with).
5. 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.)

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

Even if you fall into 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 provide any long-term housing for 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) lead 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 eg after a rent rise, housing benefit restriction, redundancy etc.

Many people squat when it is the only way to get out of an intolerable situation quickly, sometimes even leaving secure tenancies. This won't ultimately solve the problem as all squats get evicted eventually, but it can offer a temporary refuge while you fight 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 A REVIEW OF THIS OR ANY OTHER DECISION ON YOUR HOMELESSNESS APPLICATION. The council must put their decision and the reasons for it in writing. This is called a

Family move into a squat after fleeing racial violence

Section 184 Notice - and it's important to get it if the council refuses to house you. You only have 21 days to request a review of a homelessness decision and the best people to advise you on how to do this are law centres or independent housing aid centres. Shelter may be able to help or put you in contact with someone who can. (see CONTACTS).

The council should have given you interim accommodation when you first told them that you were in a priority homeless category. They cannot evict you immediately if you are found to be intentionally homeless. They must continue to provide you with accommodation for a period that would reasonably allow you to find somewhere else to live; generally 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 they consider, 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. You should not need to show a local connection if you are moving boroughs to escape domestic violence. If a council do not accept you have a local connection, again, request a REVIEW of their decision; the law is very complicated and many people are successful in challenging local council decisions of this nature.

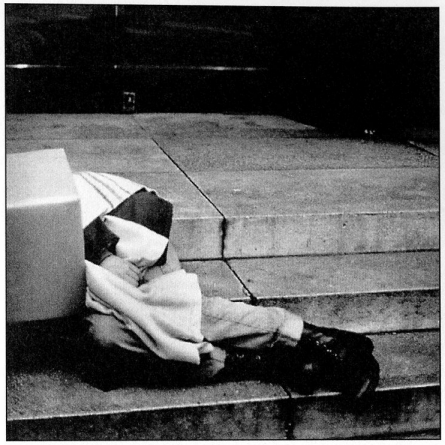
Squatting reaches the parts...

If you need to move to a different part of the country or have lost a battle over intentional 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 'interim' accommodation, which may only be for a few weeks, while they consider your application. In many areas though you can expect to be there for longer than that. This interim accommodation must be 'suitable' for you and your family. Depending on your circumstances, B&B may not be suitable and you should ask for somewhere more appropriate.

Once your application has been considered, the council must give you a decision. If you are found to be (not intentionally) homeless, in priority need and have a local connection you will be owed the full duty. Unfortunately this is not permanent accommodation (as it used to be under the old legislation), but 'suitable' temporary housing for two years. This should not be B&B (which



should only be used, if at all, during the investigation stage). Many councils use their own 'hard to let' stock or housing association properties, others use private landlords.

In addition to the 2 year duty, the council must also put you on the Single Housing Register for a permanent offer of council or housing association accommodation. You will be given priority points for being homeless. You will probably get a permanent offer from the register well within the 2 years, unless you have special needs (eg wheelchair adapted flat, four/five bed property, need to live in restricted area) and there is a scarcity of such accommodation in your area. If you are not rehoused within the two years, the duty to provide temporary accommodation is renewable and you can expect a further two years etc until a suitable offer comes up from the Register.

You will probably only be entitled to one offer of housing from the Register, unless you can prove that the council's offer is an unreasonable one. A flat in a very advanced state of disrepair, or one on the 10th floor when you have young children and there is no lift 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.

Warning

The Act includes a nasty section which allows councils to avoid providing you with housing if they can show that there is housing 'available' to you in their district and they have provided you with appropriate advice and assistance to be able to secure such accommodation - ie the council can send you off to view a private property and expect you to take it. Not all councils use this section - particularly in areas where private accommodation is scarce and too expensive for most homeless applicants. If this section is used in your case - get advice fast.

To squat or not to squat?

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

Other legislation giving rights to homeless people

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

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

Alternatives

Some councils rent out properties that are "Hard to Let" to people they don't have a duty to house, sometimes called a "Flatshare" scheme; 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 JSA or 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 owners attitude towards squatters, their plans for the building, the state of the property and 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 page 12) 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 simlar 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

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

However, recently many councils have sold or transferred a lot of their housing stock to housing associations or private landlords so the number of council empties has fallen. Also many councils have become increasingly hard-line in their attitudes towards squatters, and in fact to anyone living in council property, and consequently the incidences of false PIOs (see page13), illegal or heavy-handed evictions and trashing property have increased. Many councils no longer classify any of their stock as 'hard to let' as people waiting for a council property are normally only given one offer and can't pick and choose. As a result there is less empty council property than there used to be.

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

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

Letting stock: These are empties that the council consider fit and ready to allocate to a waiting list/transfer applicant or where the council have not relet them because they do not know that the tenant has left. It is not usually a good idea to squat letting stock flats, particularly those that have recently been renovated or decorated, 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 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.

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

ABOUT THE LAW - MYTHS AND FACTS

SQUATTING IS STILL LEGAL - don't let anyone tell you otherwise. Only squatting on embassy premises is a crime, though if you squat in someone else's home (or in some circumstances their intended home) you can be asked to leave and arrested if you don't (see page 12). 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 50). Other Possession Orders carry no criminal sanctions.

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

The main criminal laws about squatting are in part II of the Criminal Law Act 1977 (Sections 6 to 12). They mean that squatters need to take care not to commit a criminal offence, but they also provide some limited protection for squatters. Squatting is not a crime, but trying to evict squatters forcibly can be! It is important to understand these sections if you are going to squat. SECTION 6 may protect your home. You'll find an explanation of it on page 19. SECTION 7 is the one you have to be careful about - see page 12.

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!

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

Properties awaiting renovation or demolition: These are often the best ones to squat. Sometimes whole estates are decanted of their tenants for demolition. Some street properties may have in the past been licensed to short-life groups. These were 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. However most of the short-life groups have shut down as councils sell off or take back property. There are still quite a lot of street properties and flats on estates awaiting renovation that will be unused until work starts - unless they are squatted.

Properties waiting to be sold: These will not be relet and you will often be fine in these places until they are sold. The council should realise that the places will only be resquatted if they evict them before a sale and you may be able to deal with the new owners more sensibly.

Housing Associations and Trusts

These are government and/or charitably funded housing organisations. Increasingly, housing associations are becoming the primary providers of social housing as councils sell off (or give away) their stock. Housing associations used to be very unpredictable in their attitude towards squatters - some being quite reasonable and others downright stupid and vindictive. These days housing associations tend to be bigger,

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

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

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

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

This section does not apply if you have - or have ever had - a licence (permission) to be in the property. See WHEN IS A SQUAT NOT A SQUAT (page 56) for an explanation of what a licence is.

better-funded and similar to councils in their practices - ie generally unsympathetic - but will not routinely use violence or heavy handed tactics to evict. Like councils, they can and sometimes do use PIOs to evict squatters. The different categories of housing association property are basically the same as council property.

Other Large Organisations

Many government departments and newly privatised quangos own lots of empties. These include the MOD, the Police, Rail Companies, Water Boards etc as well as hospitals or schools. These organisations could theoretically use the Criminal Law Act to evict people though it is unlikely.

Many road schemes have involved houses being bought up under Compulsory Purchase Orders (CPOs) and then 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

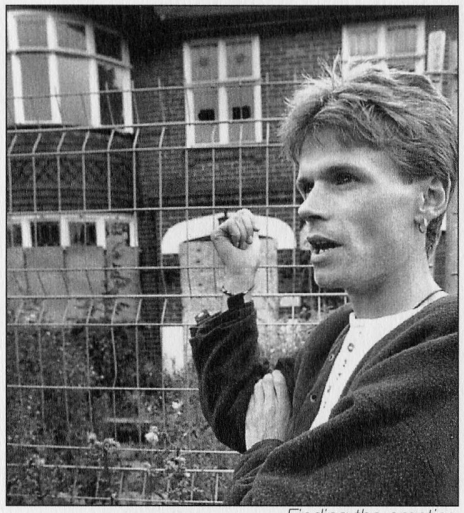
These are places owned by banks or building societies. The most attractive thing about them is that there are huge numbers of them. Also they are often in quite good condition. As long as the previous owners have been evicted and the warrant has been satisfied (see EVICTION), the owners will have to 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 non-residential 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. Empty factories, offices and warehouses are also increasingly being targeted for successful, if unconventional, squats.

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. Occasionally a private owner may have left the country, be so rich that they've forgotten about one of their 'investments', or have left the place to rot. In these rare circumstances, private houses may



Finding the empties

provide years of housing to lucky squatters. 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 15 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.

Who Owns It?

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. Councils can also grant themselves permission very quickly.

The applicant for planning permission will usually be the owner except if it is a firm of architects or estate agents applying on 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 "council's own application".

You can then give the full address and ask to see the original planning application. 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: This 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 (ie 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 Headquarters at HM Land Registry 32 Lincoln's Inn Fields, London, WC2A 3PH. Tel 020 7917 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 94)

If you do not leave a house or flat after being asked to do so 'by or on behalf of a protected intending occupier of the premises' (someone who 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, contractors or other organisations.

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

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

3. The third type of PIO is someone who has been granted a tenancy or licence to occupy a property as a residence by a landlord with either a freehold interest or a leasehold interest with at least two years left to run. Again the PIO must have a written statement sworn before and signed by a magistrate or solicitor. It must state that the PIO has been granted a tenancy or licence to occupy the property as a residence, that the landlord has the required interest in the property and must be signed by both the landlord and the tenant/licencee. The same penalties apply for making a false statement as above.

Again, there is no known case of this type of PIO being used. We feared that this type of PIO could be subject to abuse; ie private landlords granting dodgy licences to friends etc in order to avoid court proceedings to evict squatters. Our fears haven't been realised as yet - but watch out!

A genuine Protected Intending Occupier is a person who:

- Has either a certificate, (in the case of type 1) or a sworn statement (in the case of type 2 or 3) stating that s/he is the freeholder / leaseholder and intends to use the premises as a residence, or has been granted a tenancy or licence to occupy the premises as a residence. and
- Is excluded from occupying the premises by someone who entered as a trespasser (ie a squatter) "at that time" (ie they have to be able to move in immediately).

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:

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

- 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.
- The property was PIO'd previously and the tenant did not occupy within a reasonable time (eg 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.
- 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.
- There is a previous tenancy or licence still in existence (see page 42 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. If you think the PIO is false and the landlord is a local authority, go to the office where the PIO certificate was issued and see the person who signed it and argue your case with them. Inform them that if you feel that they have not dealt fairly with you and 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 commiting an offence.
5. Ask 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 the 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 authorisation from the PIO to act on their behalf.
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

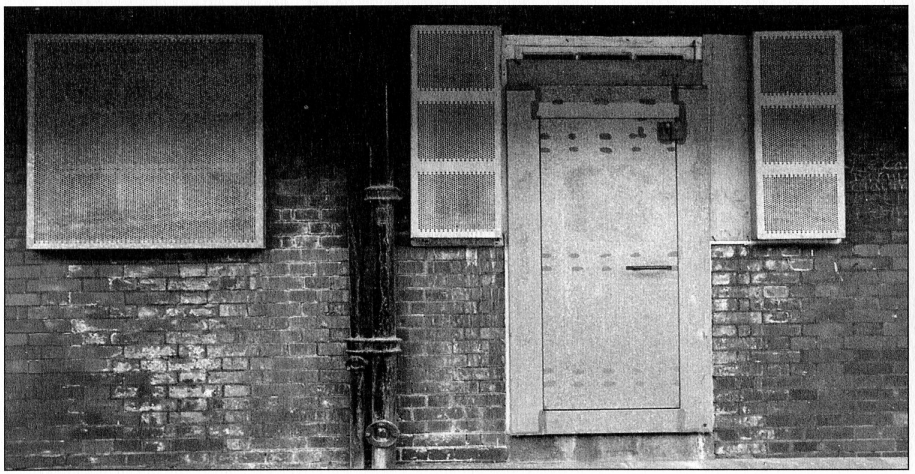
If you are unable to prove that the PIO is not genuine, there are now two ways in which you may be forced to leave the premises. The first is the threat of arrest by the police under section 7 which rarely happens, but if you resist you may be charged with obstruction, breach of the peace etc.

If the police are not used, the PIO or his/her agent now have the option to evict you themselves. In theory they would be able to use 'reasonable force' to get you out, as those excluding PIOs do not have the protection of Section 6 Criminal Law Act any more. (See page 19 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

1. Keep your local squatting group or ASS informed so they can keep track of PIO procedures carried out and so challenge false ones more effectively.
2. 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 embarassing for the landlord, result in cash compensation if you are lucky and discourage from using PIOs on others.
3. Squat properties that have remained empty.

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



MOVING IN

Getting In

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

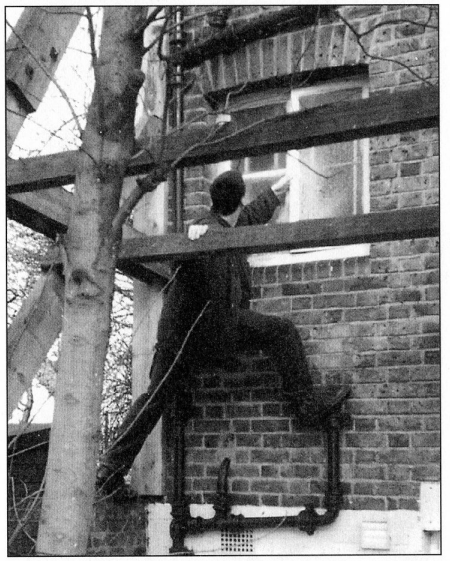
But don't let this make you too paranoid. Only a small minority of squatters ever get nicked - and with good legal advice, they often get off. The riskiest time is when you have just moved in - the police may come round and accuse you of having smashed windows etc. If any damage has been done, it's obviously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

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

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

If you are stopped in the street by the police, you could say you've borrowed the crowbar to 'clear the drains'. You don't have to give them any information except your name and address (see DEALING WITH THE POLICE page 20).

If you're just having a look at the place (which is a good idea before you decide to move in!) you can use a mains-tester (see GETTING THE PLACE TOGETHER page 24) to check whether the electricity is on. When you go back to open it up, you'll need a new cylinder for a Yale-type lock (if there is one fitted) and a screwdriver to put it on with. Check any post behind the door, it can provide invaluable information on the previous tenants and the situation with the electricity. Keep this post!



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

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

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

un-repairable - you'll be depriving other homeless people of a squattable house, and increasing the ammunition for the anti-squatter mob.

Be a good squatter!

Changing the Lock

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

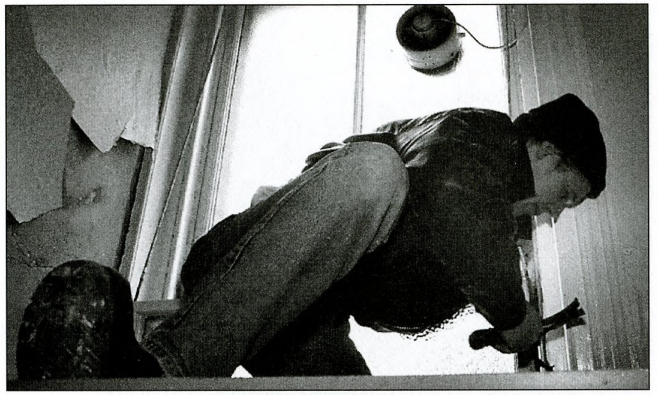
If there is one, take the old Yale lock off by unscrewing it. Replace the old cylinder with a new one and put the lock back on. Keep the old cylinder in a safe place in case you are accused of theft. The shaft of the cylinder and the screws which hold it in place will probably be too long, but they are 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, or sprung back with a strong screwdriver; otherwise you will have to chisel it out. Always chisel the frame, not the door, as it's easier to repair properly.

If you can get in at the back, you can fit a 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.

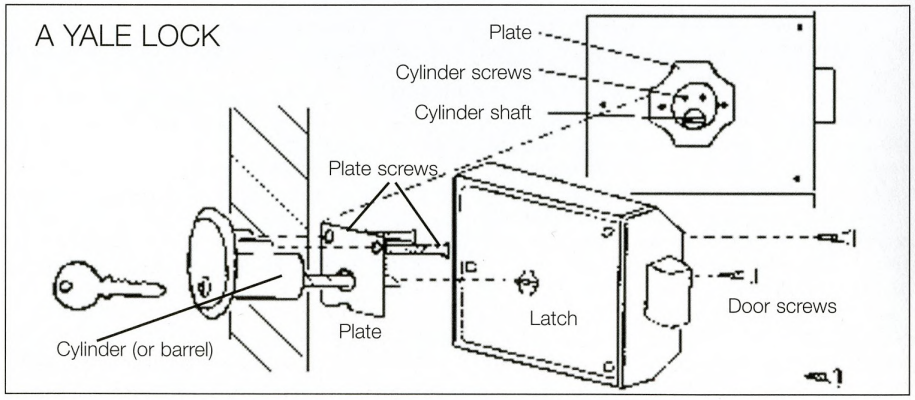
Legal Warnings

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



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

On page 59 is an example of what a legal warning should say. You can sign it with all your names (see EVICTION for why this might help you) but you don't need to.



After You've Moved In

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

Getting In Touch With The Owners

Because of the possibility of an Interim Possession Order (see EVICTION page 39) you should think carefully about contacting the owners. This procedure can only be used if the owner convinces the court that they have known about the squatters for less than 28 days.

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

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

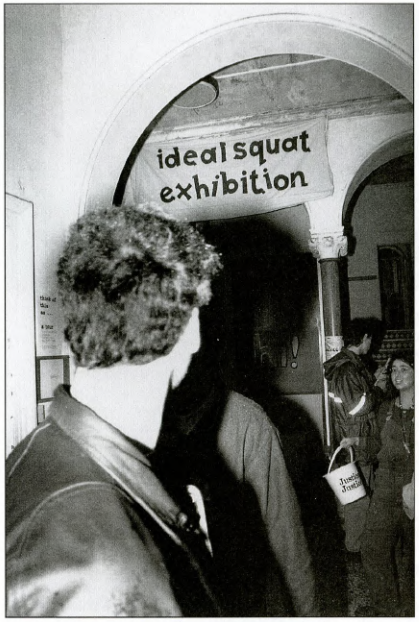
With all owners you should keep notes of dates and details of any contact with anyone who could represent or contact the owners, eg security guards, estate agents and even the police. These notes will help later when you have to fight any sort of possession order.

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. (see DEALING WITH THE POLICE for other powers of entry) You should tell the police something like:

"We have moved in here because we have nowhere else. We did not break anything when we entered and we have not damaged anything since. It isn't a criminal matter, it's a civil matter



between us and the owners, and they must take us to court for a possession order if they want us to leave."

In law this is essentially the case, unless there is someone actually living in the house (see FINDING A PLACE) or there is a 'Protected Intending Occupier' (see page 12).

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

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

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

Now You're There

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

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

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

Good luck!

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

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

This means that the owners or their heavies (agents) can enter by force 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 the 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 9 & 12) are excluded from this Act. However any attempt to use physical violence against people will still be an offence.

Eviction of long-standing squat centre in South London

DEALING WITH THE POLICE

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

Remember, squatting is still legal, the police should not involve themselves in what is essentially a civil dispute between you and the owners of your squat (unless there is a PIO / DRO - see pages 9 & 12). If they turn up on your doorstep, talk to them through the letter box or window, or door if you have a chain, only to state that this is your home, you are committing no criminal offence, and that if the owner wants to get you out, they will have to go to court to do so. Refer to your legal warning if you want (see page 59). Do not say anything else.

If they refuse to leave, it should be because they have a warrant or to deal with or prevent some other criminal activity (see below).

Search and Entry

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

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

The police can enter premises without a warrant in a number of ways. The important examples are entry to execute an arrest warrant, to arrest someone for an "arrestable" offence (such as burglary or criminal damage), to arrest someone for using threatening words or behaviour under S4 of the Public Order Act 1986 and to save life or limb or prevent serious damage to property. The police can also enter to deal with or prevent a breach of the peace. On top of this they can enter to search for evidence if someone was arrested for an arrestable offence inside the premises, or was occupying the premises prior to arrest.

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

There is huge scope for abuse and the cops protect themselves with phrases like "I had reasonable grounds to believe an arrestable offence had been committed". If you appear to be on the ball, this may discourage out-of-order behaviour. To protect yourself and others, note down as soon as possible what happens, officers' numbers, what was said and done, things taken away or broken and so on. Any injuries should be photographed and recorded by going to casualty or to see a doctor. It may be possible to take action against the police afterwards. The cops often get away with things because we let them. If they know there may be a complaint, they may act more carefully and it may put them off in the future.

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

On the Street

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

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

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

In public places, the police can stop and search people or vehicles before anyone is arrested, for stolen or prohibited articles eg offensive weapons, drugs or firearms.

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

Check the cops' identities. Ask to see their warrant cards and remember the details for any future complaint, particularly if you are being harasssed by the cops.

IF YOU ARE ARRESTED

Right to silence

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

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

"You do not have to say anything but it may harm your defence if you do not mention something when questioned which you later rely on in court. Anything you do say may be given in evidence."

In practice most charges connected with squatting end up before a magistrate in the Magistrate's Court rather than a jury in the Crown Court. This often means that a "No Comment" interview will have less of an impact on the outcome of your case than if the case was before a jury.

If you are arrested, you will be taken to a police station and they must decide whether to charge you with an offence, release you (maybe on bail to go back to the police station at a later date) or detain you without charging you (to get further evidence by quest-ioning you 'in interview' or to 'protect' evidence). If this happens, they must give 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 can't be held without charge for more than 24 hours if it is an 'arrestable offence'. If it's a 'serious arrestable offence' (unlikely in most squatting cases), this time can be extended by up to 36 hours by the police or 96 hours by a magistrate. Whatever happens you are likely to be in the police station for some time. Most offences are "arrestable offences", but there are a few that aren't e.g. common assault, disorderly conduct, obstructing a police officer and abstracting electricity etc. You can't be

held without charge for one of these.

You have a number of rights, whilst in police custody, so make sure you use them. Some of the most important rights are:

- The right to consult the Police and Criminal Evidence Act 1984 Codes of Practice. These set out your rights while in the police station.
- The right to have someone informed of your arrest. You should be allowed a phone call. Sometimes the police make the call for you. They may also listen in on the call.
- The right to consult a lawyer of your choice privately. This is free. A senior police officer can delay this right only if s/he has a good reason. The reasons for any delay must be recorded, and the delay cannot be longer than 36 hours. Always ask for a sympathetic lawyer that you know or trust - if you don't know one - you have the right to a solicitor from the 24 hour duty solicitor scheme. Ask to see the list - they may or may not be any good.

You can be searched on arrival at the police station. The custody officer can authorise a strip search without your consent, which involves the removal of the outer layers of clothing, and they can use 'reasonable' force to do this. The search must be carried out by an officer of the same sex, in a private area and with at least 2 people present.

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 Superintendent. Again, 'reasonable' force can be used. If you are cleared of the alleged offence or are not prosecuted or cautioned your fingerprints should be destroyed.

Similar rules apply to photographs, but force cannot be used, and you can refuse to co-operate but in practice they may take a quick photo when you're not looking.

Since the CJPOA 1994 came in the police can also take DNA samples without your consent. After charge you may be asked to provide a saliva sample (a swab - not an invitation to gob on the nice police officer) and the information will be put on the Police National Computer (PNC) for a speculative search. Other personal data may be put on the PNC such as eye colour, distinguishing marks etc. You don't have to answer ANY questions to assist with this.

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. It's always a good idea to have an address lined up, for example, at a friend's house. This need not be your own address, but see below.

The police should give you bail unless there are specific reasons for holding you (eg not satisfied with your address, very serious offence). They they may attach conditions to your bail, eg to reside or live and sleep each night at a particluar address. This means that you can be arrested for breach of bail, eg you are found not to be staying at the address you were bailed to.

If you are offered a "caution" by the police (not the same thing as the police caution read to you on arrest), do not be conned into thinking this is a let off. You may get out of the police station more quickly, but if you accept a caution you are admitting guilt. A record of the caution will be kept for the next five years, making it more likely that you will be charged next time round.

Finally, if you are, or appear to be under, 17 you are a juvenile and will be treated slightly differently, eg an "appropriate adult" should be contacted. This need not be a parent or guardian and could be a social worker or even a "responsible adult" over 18.

In practice you have few enforcable 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.

If You Come Up In Court

If you were refused bail, you will appear in court the next morning. The alleged offence will be read to you and you may 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. Don't ever plead guilty for convenience, you may have a defence to the charge, and if you don't you can always change your plea later.

If the court isn't ready to take a plea, the case may be adjourned to a later date, and the magistrates will have a chance to reconsider whether to grant you bail.

Whatever happens, it will be very rare for a trial to be heard that day. It is more likely that a future date will be set for trial. You will have time to prepare your case, sort out witnesses and get legal advice.

The most likely offences that you may face are criminal damage, burglary, theft, threatening words and behaviour or obstructing a police officer. Even if you are charged with what appears to be a serious offence, eg burglary, the prosecution often reviews the charge and reduces it to a less serious one.

The charge against you may just be a try-on. In particular, any charge relating to squatting under Section 7, Criminal Law Act 1977 (see page 12) or under section 76 of the CJPOA (IPO's see page 50) 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.

If you were charged and released on bail, you will have been bailed to attend court in few days time. At the first hearing, administrative matters are dealt with and you may be asked to enter a plea (see above). The case will then be adjourned to a later date and there may be one or two hearings before the actual trial.

Whatever happens, you should tell the magistrate that you want time to discuss the case with a lawyer, want to apply for legal funding (the new name for legal aid) and, if refused bail by the police, that you want to be bailed.

Most of 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.

A properly defended case can be won, even if the case is heard by magistrates and the only prosecution witnesses are the police!

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 ELECTICITY 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 companies, 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 Company 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 it's best if you can claim to be a council tenant, but flats have been bought by tenants and sold/rented out, so it is possible to claim to be a private tenant/subtenant. Alternatively, it might be better to go to another showroom nearby where they have less experience of squatting - say you're working in that area so it's easier.

These days you are most likely to be offered a pre-payment (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 (see box opposite). 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.

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 - ie 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 company 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 back-door evictions. This argument is more effective if there are children in

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 (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 V 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 to supply squatters, some companies 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.

In general you'll encounter less hassle if you don't tell the Gas or Electricity company that you are a squatter. If you've had an account with the company before there is normally no problem with opening another account. If you had an account immediately prior to moving into your new squat, you can ask to have your account transferred to the new address and normally no further questions are asked. If you've never had a gas or electricity account you can expect to be asked more questions and to have to pay a deposit or accept a key meter or direct debit. Some squatters are refused an account altogether (see GETTING THE PLACE TOGETHER for ideas on alternatives to mains supply).

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 application form.

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 company. 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 cut-off 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 either a voltage probe (£10-£15) or a screwdriver type circuit tester, often called a mains-tester, (£2-£3) to check for current

If you have a voltage probe, test the bottom (incoming fuse) terminal inside the company head, by placing one probe onto it and the other onto the earth terminal or cable end. TAKE GREAT CARE, IF THE SUPPLY IS ON IT WILL BE LIVE. Don't use a screwdriver circuit tester to do this. The company head is usually situated inside the front door or in the basement.

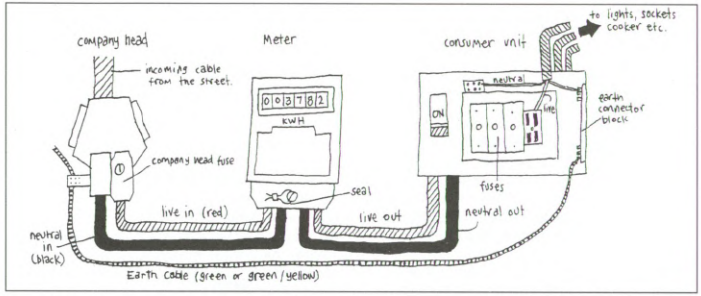
In newer houses the company head may be in a locked cupboard somewhere outside and the company head is not live. In flats, the company head may be in a box in the stair-well or, if you live on the ground floor, behind a door.

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

If the company head and/or consumer unit is not live, it may be due to one of the following reasons:

1) 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 voltage probe, as described 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 an electricity company. 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, preferably between the meter and the consumer unit (fuse box). The switch will need to have the same rating as the cable (either 30 or 60 amps). If the house is next door you can simply run the cable through the wall. If the cable is to be laid outside it must be at a specified depth underground (the connection will not be recognised as legal by the 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 by-pass the company head and simply connect to the consumer unit. Both houses can easily split the bills, but if you want to keep separate accounts, connect up a meter before the consumer unit. The ends of the cable (like the cable leading into a company head) should be sealed off with black tar so that damp doesn't get down it.

2) Fuse removed from company head

In the company (or supply) head there is a 60 amp cartridge fuse (3" version of the sort in an ordinary plug). These are often removed to cut off supply. You may be able to buy one 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.

3) 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 100 m^2

Getting turned on

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

Things to check:

- No bare wires sticking out (even with insulating tape on them).
- Replace/remove light cords if they look old.
- If the metre and its cables have been removed, make sure you provide 16mm^2 double insulated meter tails that are connected to the consumer unit. They can be purchased at any electrical wholesaler in metre lengths.
- The earthing system should be satisfactory and all cables should be the correct size. 16mm^2 from the earthing terminal to the consumer's unit and 10mm^2 from the earthing terminal to the gas and water pipes (main equipentential bonding).
- If there have been any drastic changes to the

installation since the Electricity company was last around. They will want to see a test certificate before they will turn you on. They can arrange for a worker to carry out the test for you but this costs so it is better to ask a friendly electrician to do it instead.

Repairing the system

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

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

- Lights require 5 amp fuse and 1.5mm wire.
- Ring mains sockets require 13 amp fuse and 2.5mm wire.
- Cookers require 30 amp fuses and 6mm wire (although Electricity companies 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 the pipe or fitting you are adding to stop it moving)
- Hawk white should be used - not Boss white which is for water only - to seal threaded joints
- PTFE tape (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 (also called a manometer). Most common areas for leaks are gas cookers and fires, or if there is a gas fired boiler and the pilot light has gone out it will show up as a leak on the U-gauge.

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

To connect a cooker

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

ALTERNATIVES TO MAINS GAS AND ELECTRICITY

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

Calor gas

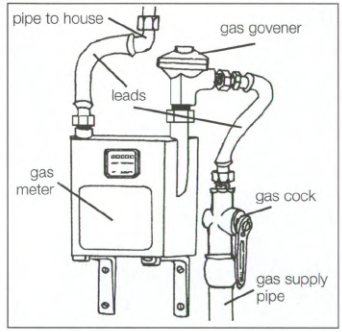
This is an economic form of gas which can be used for cooking and heating, though fires would have to be bought specially. Some cookers can be converted - check with Calor Gas Ltd, look in your phone directory for local suppliers. The main hassle is that the bottles it is supplied in are large and have to be transported, though you can normally arrange deliveries (around £1.30 local delivery charge). A standard domestic bottle costs £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 company.

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, 020 8743 2976, BT Cullum Outdoor Leisure, Wandsworth 020 8874 2346 or other camping suppliers for between £35 and £40.

WATER

The water company is increasingly giving squatters more and more hassle like the gas and electricity companies 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.

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

Once you find the stopcock, turning it anti-clockwise will open it (check to see if it's open already). If there is still no water, follow the line of the pipe towards the road where there should be another stopcock covered by a small iron plate set into the pavement or in the garden. You need a water key to open this one, as it can be as much as 20 inches below the surface. Check to make sure though as it may be reachable with an improvised tool. The valve may be covered with earth and debris which you may need to scrape out. Failing this, the Water company 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, polyurathane or Hep2O. There is a compression fitting for joining lead to copper, often called a 'leadlock' (Vicking Fittings) available from large plumbing merchants or from J&W Hinton, 124-128 Balls Pond Road, N1. Check the size before you buy one of these, the usual dimensions are 1/2" lead to 15mm copper.

If you chose not to use copper, be warned that some water companies don't like poly pipe used where there's mains pressure, but they don't usually make thorough inspections. You can either use Hep2O, a cheap plastic pipe with pushfit fittings or poly pipe. Hep2O has the advantage of being cheap, very flexible and available everywhere in lengths or coils. It comes in 15mm or 22mm sizes and can be connected to copper with compression fittings with special inserts. The poly pipe you need is a low-density Grade C, which is 1/2" inside diameter and 3/4" outside diameter. It is quite cheap but you'll probably have to buy it in coils of 20 meters or so. In London you can get it from: Stanley Works, Osbourne Road, Thornton Heath (020 8653 0691), South London, 45 Duckless Lane, Ponders End (020 7804 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. Cheap tools can often be found at Brick Lane (East London) and other markets. 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. Remember though, copper is much easier to work with so always try to convert to copper using an iron-to-copper adaptor (these are readily available from plumbers merchants).

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

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

Leaks

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

Toilets

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

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

Drains

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

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

Ascots

These are a common form of water heater. They can be bought second-hand, ask whether they are converted to natural gas. Old Ascots can be very dangerous. A re-conditioned 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

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

Problems

1) Slates missing. Replace and fit with wire or lead hooks or slip roofing felt under surrounding slates and nail onto batons underneath. Use aquaseal to seal nails.

2) Cracked tiles or pieces missing - replace tile. Otherwise cover with quick dry cement and then aquaseal.

3) 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.

4) Flashing (covering between roof and wall or chimney). Either cover with cement and aquaseal or remove and replace totally with cement and aquaseal.

5) 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 have the Self-Help Housing Repair Manual by Andrew Ingham (see REFERENCES) ignore the part on law at the back which is inaccurate if you have an old edition (pre1978).

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

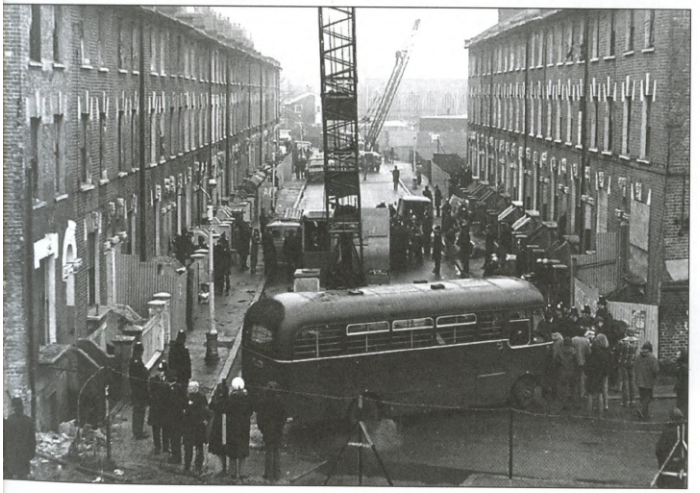
In England, squatting can be traced back to the Middle Ages, in particular to 1381, when the first Forcible Entry Act was passed after the Peasant's Revolt. There are records of squatters in all periods since then, up to the present day. Amongst the best known were the Diggers who squatted land in various 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 London or 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 everywhere. Large communal squats attracted sensationalist media coverage and disclaimers from the 'family' squatting movement, which was intent on acquiring a respectable image. This division between 'families' and 'single people' became 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 with their 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 (See 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 new 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.

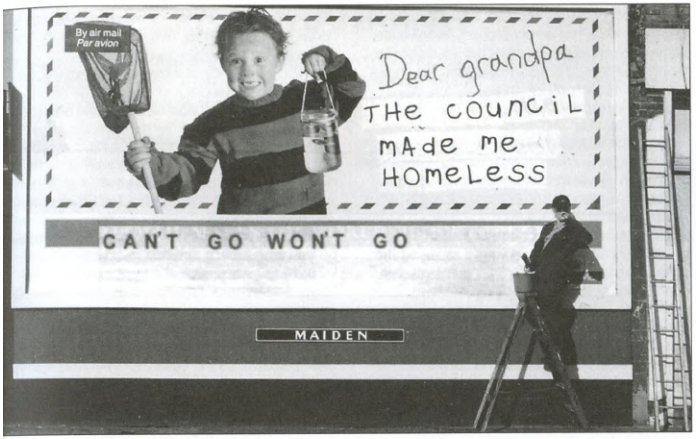
The early '90s saw persistent government threats to criminalise squatting, eventually incorporated into the 1994 Criminal Justice and Public Order Act. Though these turned out to be a fairly damp squib, they gave a new campaigning impetus to squatting groups and local centres. As it became clear that the more oppressive measures in the CJA were to be directed against other groups and struggles, the focus partly shifted away from squatting as a housing issue. Instead, squatting has become an integral part of more general issues and struggles, environmental issues, refugee support, anti-cuts campaigns...

Some objections you may meet, and some possible answers:

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

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

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



while housing as an issue has become fragmented through the destruction of council housing and rights, and a more general individualised attitude imposed on conceptions of needs and rights. This is not to say that squatting for housing is no longer relevant, but that it is both harder and more important, while its strength comes from a wider attempt by people and communities to control their environment and lives.

With thousands on the streets and housing security diminishing rapidly, with constant attacks on benefits and the removal of all benefit rights from asylum seekers and others, the right to decent affordable housing for all, and the right to take it when necessary, should be on the agenda.

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.

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 actions 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 sometimes 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. With so many people on mobile phones or pagers these days organising a

DEMONSTRATIONS AND THE LAW

Under the 1986 Public Order Act 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 can 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 suited 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 carries 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 further information contact Liberty (See CONTACTS).

phone tree can be a lot easier, so demos and resistance can be got together more quickly. But because mobile phones are mobile, people aren't necessarily in a position to help - the first Hackney squat activist to hear about a council clampdown recently was in Berlin at the time.

Making Links

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

Tenants associations should always be contacted, especially if squatting on estates, even if some are unrepresentative busybodies and bureaucrats. Many are ex-squatters (though this doesn't necessarily make them sympathetic) or have worked with squatters in the past. Some TAs are involved these days in fighting sell-offs, and welcome people into flats deliberately left empty by the council, particularly those who make the effort to contact them first. But more importantly, TAs, and other local groups and centres, have a knowledge of local history and politics that can make our struggles and activities more effective and more understandable to other local people. Too often squatters acting on their own repeat the mistakes of previous struggles, attack the wrong targets and can be easily marginalised as "outsiders".

One of the best ways that squatters have made real links with others has been through bringing their skills and knowledge to other people's struggles; occupying hospitals and other services threatened with closure, squatting in the way of unpopular developments, opening up space for refugees... If squatting is to be meaningful these days to more than just a marginalised community, and if it is to be more than a desperate measure for homeless people, to be escaped as soon as possible, it has to involve the needs and interests of others in our communities, and has to express possibilities of other, more human, uses of space, in our world.

Previous issues of the handbook have given advice on campaigning, media work, but the best advice is to seek out and talk to others who have the skills and experience in your area and in your communities. ASS will happily help out with our experience, and with advice on making contacts, but it's up to you.

TRAVELLERS

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

Who is a traveller?

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

What rights do they have?

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

WHO OWNS THE LAND?

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

Highway land

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

Common land

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

Local authority land

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

Private land

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

Railtrack, or other rail network land

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

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

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

Local authority powers

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

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

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

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

You will be committing a criminal offence if you don't leave (with your vehicle) as soon as 'practicable' after receiving the direction. You will also commit an offence if you return with a vehicle to the same land within 3 months. The maximum fine for either offence is £1000. If you can't leave, or have to return within 3 months due to 'illness, mechanical breakdown or other immediate emergency' you can raise this as a defence.

Removal orders

If you don't leave the local authority can apply to a magistrate's court for a removal order. This will allow them to enter the land and physically remove you, your vehicle and your property. You will be summonsed to appear in the magistrates court but may get very little notice. You may well receive the summons on the same day as the hearing. If the land is 'occupied land' eg part of a working farm, the local authority must give 24 hours notice of their intention to enter to the owner (and occupier if not the same person - eg tenant farmer). You will commit a criminal offence if you obstruct anyone carrying out such an order. Again the maximum fine for such an offence is £1000.

Guidance

The DOE issues guidance regarding the offences outlined above. It urges councils to tolerate, for short periods, gypsy encampments that do not cause a nuisance. It also says that councils should not evict needlessly and should use their powers in a humane and compassionate fashion(!). As an absolute minimum, local authorities should make enquiries with social services, health and education authorities, visit the site to gather information about the occupiers' needs and ensure that social services do the same before issuing a removal direction.

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

It may even be possible to challenge other government departments decisions to evict under this guidance - eg the Highways Agency.

Public order provisions

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

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

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

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

Trespassory assemblies

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

COMMON LAW

If you are lucky enough to avoid being evicted or even arrested under the CJPOA, the owners can still get an eviction order under the provisions of Order 24 or Order 113 (see EVICTION chapter) in the civil courts. These procedures are normally used to evict squatters and ex-licensees, but also apply to trespass on land. The only difference is that Interim Possession Orders (Order 24 Pt II) cannot be used where the trespass complained of is on open land and not in 'premises'. Exactly the same defences can be used by travellers as squatters - see EVICTION chapter for further details.

PLANNING LAW

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

In restricted circumstances temporary planning permission for a caravan is deemed to have been

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

Where there is a breach of planning control, an enforcement notice can be issued by the planning authority. The notice will probably require you to stop using the land as a caravan site and you commit a criminal offence if you do not comply with the notice.

Further Guidance

As a result of various conflicting High Court decisions on eviction of travellers, further guidance was issued in 1998 by the government. It states that "Local authorities must consider welfare issues when deciding whether to proceed with eviction whatever the powers being used". This means that decisions to evict using powers other than the CPJOA - e.g. planning law or a possession action in the civil courts - can be challenged if welfare considerations have not been properly taken into account. The guidance also comments on when it may or may not be appropriate for a police officer to use his/her powers under section 61 CPJOA (see above). They must have regard to 'considerations of common humanity' and only get involved in evictions where certain 'triggers' such as serious breaches of the peace, criminal activity etc. have occurred.

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

SECURITY OF TENURE

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

Travellers school project

HOMELESSNESS

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

EVICTION

Unless you are evicted under Section 7 of the 1977 Criminal Law Act or the owners have evicted you when you were out (see page 19), 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 out an illegal eviction. Most squatters are not evicted until a possession order has been made by a court.

The owner can take one of three types of proceedings in the County Court or go to the High Court to get their possession order. The options in the County Court include the notorious INTERIM POSSESSION ORDER (IPO) which came in with 1994 Criminal Justice and Public Order Act. It can be nasty, but is complicated for owners and cannot be used against the majority of squatters. Since the law was introduced, there have been very few IPOs and most of those which squatters have defended have flopped with the owners forced to use the normal 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 and see the following pages.

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 56) They may also give you some bullshit about the IPO procedure and say the police could come and arrest or evict you at any time. Make sure YOU understand the facts about IPOs so that you can explain them and 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 give a lot of names - particularly in a big squat - and they forget to give formal notice to all these people of a court hearing, 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 may need to claim public funding (the new name for 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. If doesn't necessarily even mean they're going to take you to court soon - that will depend on how urgently they want the place, how efficient they are and how well you've chosen it.

They don't have to visit or write to you before issuing a claim for possession, so it's possible that the first warning you will get is the claim form. (Claim forms replaced Summonses in April 1999 when new court rules were introduced.) A claim form is a summary of the claim and remedy sought and will include or be accompanied by a formal notice of the court hearing. You have a right to these documents. The claim will be heard in a civil court, not a criminal one, so you don't have to go if you don't want to. It's more like an invitation, but one you should 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 claim form and accompanying documents away. Even if you don't fight the case, leave the papers there for the next bunch of squatters.

HOW TO RECOGNISE THE DIFFERENT TYPES OF CLAIMS

There are FOUR types. The most common are still the familiar summary "squatters procedures". These procedures have been superficially altered by the new court rules but remain much the same. They are called Order 24, Part I in the County Court or Order 113 in the High Court. The two procedures are virtually identical and are explained on the next page. The IPO procedure can only be brought in the County Court and is called Order 24, Part II. It is covered on page 50.

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

Very rarely, you might receive a claim 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 50).

All possession actions are started by the owner issuing a claim form under 'Part 8' of the new court rules.

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. If you want to consult a lawyer - be careful to make sure that they know what they are doing (at the very least they should be experienced in housing law). 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

Public Funding is available to pay for a solicitor, if you are on benefits or very low wages, but is given only if you have a strong defence. You apply for it through the solicitor or law centre. Law centres do all their work free, but they're under heavy pressure and have to make priorities - which may not include squatting.

THE NORMAL SUMMARY PROCEEDINGS AGAINST SQUATTERS

These 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

Claim Form
(CPR Part 8)

In the LAMBETH CLEAVER STREET, KENNINGTON ROAD LONDON SE11 4DZ	
Claim No.	LB023376

A CLAIM FORM FOR A SUMMARY POSSESSION ORDER IN THE COUNTY COURT (ORDER 24, PART I) (See page 40)

Claim Form
(CPR Part 8)

In the High Court of Justice Queen's Bench Division	
Claim No.	HQ000 6131

IN THE MATTER OF ORDER 113
Claimant

A CLAIM FORM FOR A SUMMARY POSSESSION ORDER IN THE HIGH COURT (ORDER 113) (See page 40)

7th OCT 2000

Notice of application for interim possession order

Claim No.	CK013657
In the CLERKENWELL County Court The court office is open from 10am to 4pm Monday to Friday	

Applicant's full name address: LONDON BOROUGH OF ISLINGTON
TOWN HALL
UPPER STREET
LONDON
N1 2UD

AN APPLICATION NOTICE FOR AN INTERIM POSSESSION ORDER (ORDER 24, PART II) (See page 50)

Summons for possession of property

Claim No.	BO 050462
In the BOW County Court The court office is open from 10 am to 4 pm Monday to Friday 98 ROMFORD ROAD, E15 4EG . DX 97400 Telephone 0181 - 536 - 5800	

Claimant's full name address: MR. MF RASHID - MR. M. AHRAM
ALL SEASONS FOOD & WINE SHOP
799-801 COMMERCIAL ROAD
LONDON E14 7HG.

A CLAIM FORM FOR AN ORDINARY POSSESSION ACTION IN THE COUNTY COURT (USUALLY AGAINST A TENANT) (See page 50)

able to evict you at all. If they contact you, do not deal with them directly, go through a lawyer who understands the principles of 'adverse possession'. 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 claim for possession 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. You may even have been granted a tenancy. See WHEN IS A SQUAT NOT A SQUAT on page 56 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, sometimes, a licence) doesn't end just because the tenant\lessee\licensee moves away or dies or because the landlord says it has. Two decisions by the Court of Appeal in 1982 said that Order 24 and Order 113 can be used only by someone with an immediate right to possession (Wirral Borough Council vs Smith & Cooper and 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. Many councils and housing associations never bother to end their tenancies properly. If they can't prove the legal ending of the previous occupancy, they'll have to serve a Notice to Quit, let it run for 28 days and then start again. It is not enough for them to get the case adjourned while they serve it and then come back. It's always worth finding out who lived in your place before you did, what was their status and the circumstances in which they left. Neighbours can often help with this. 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 repossessed the place from the borrower before they can evict you. Usually, this is done on paper, by getting a possession order from a court against the borrower, but the lender is allowed to simply go along and take the place back if it is empty, without having to go to court. If they are relying on this sort of physical repossession, they will have to prove how and when they did it. If they are relying on a court order against the borrower, they should produce it.

Squatters with a Right to Housing

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

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

A more recent court case says you can't use this argument if you were squatting in the place before you asked the council to house you. The argument will now only work if it was the council's refusal to house you that forced you to squat. It is sometimes possible to get round this problem, and it can also lead to a useful twist. If the council

Stamford Hill before eviction.

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 a 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, and will probably need to apply for public funding. 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.

Where you are able to raise one of these real defences, you may also be able to argue that your case should not continue as squatters proceedings. Where necessary, the judge should give directions for further evidence to be produced and further argument to take place, and set a hearing date.

TECHNICAL DEFENCES

If none of the above applies, then your only defences are technical ones; in other words they got the procedure wrong. Most irregularities can be ignored by the judge if everyone knows about the case and no-one has been 'prejudiced', but sometimes they are taken seriously and you can use these "technicalities" to gain time 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 claim forms to be re-served, which will mean an adjournment. Obviously, anyone who turns up at court isn't prejudiced in this way.

Failing to name someone

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

Service

Your notice of the hearing will come with the claim form. Every person who is named as a "defendant" (or sometimes "respondent") 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 or procedure the owners have decided to use.

For normal squatters proceedings in the County Court (IPOs are different - see page 50 for details) you should receive a notice telling you where and when the case will be heard together with the claim form (a formal document stating what the owner's case is) and at least one witness statement (a signed statement by an individual) or affidavit (a sworn statement by an individual).

You should get at least five full days between the day you receive the claim form and the day of the hearing, unless the judge has decided it is urgent. The day the claim form arrives and the day of the hearing don't count but Saturdays and

Sundays do. For instance, if you get the claim form on a Wednesday the earliest the case could be heard is the following Tuesday.

In the High Court, you should receive a claim form together with one or more witness statements or affidavits. Notice of the hearing should be incorporated into the claim form. You're entitled to slightly longer notice as Saturdays and Sundays don't count. If the claim 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 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'. 'Other land' can be - and often is - interpreted to include buildings 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 claim form must include a statement of whether or not the premises claimed are residential, but there is no equivalent rule in the County Court.

The witness statement(s) or affidavit(s) in both courts should state the following:
(a) That the claimant owns the place or has a lease or tenancy (which are the same thing).
(b) Why they are entitled to possession. If the owner is not the person making the statement or affidavit, but an organisation such as a council, the person (usually an employee) must say what their position is and that they are an employee of the claimant. They should indicate which of the statements are made from their own knowledge and which are matters of information or belief.
(c) Why you are trespassers. (Either you entered as trespassers or your licence has been ended.)
(d) That they have named everyone in occupation whose name they know.

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 "Claimants" (or sometimes "Applicants" in the county 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. The notes to Order 24 state that mere assertion of title is not sufficient and those to Order 113 go further, suggesting that copies of the relevant entries on the land registry should be available at the hearing.

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 claim form (not the witness statement or 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.

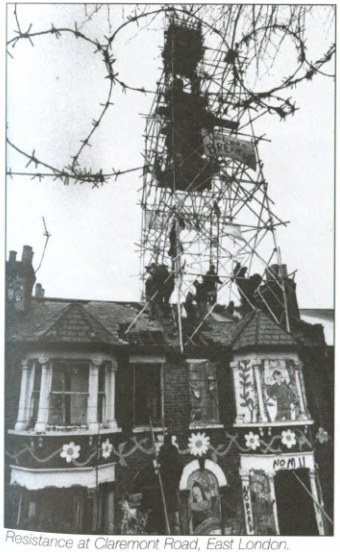
Other Technicalities

A simple failure of an owner to follow the rules or relevant order to the letter in the drafting of their

papers is unlikely to lead to a dismissal or adjournment by itself, but if you have one of the other technical or real defences, pointing out such failures is likely to help your case. For example, the Part 8 rules say that a claim form must state that Part 8 applies to the case. Another example is the requirement for a claim form in the High Court to be endorsed with a statement as to whether the land claimed is residential. Many landowners' lawyers will miss these requirements and their claim forms will be defective - point this out to the judge but don't expect to win a case on these sorts of arguments alone.

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



Resistance at Claremont Road, East London.

soon as they know a place is squatted but don't necessarily use them immediately. Don't move out just because you get a claim form - 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. If you haven't been able to persuade them to give you a licence (see WHEN IS A SQUAT NOT A SQUAT on page 56), 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 claim form, especially if you only have a weak or technical defence, but start working on your defence at the same time. If they say "no", you go along to court and run your defence anyway. If you get an adjournment, you might find they 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 occasionally do is delay things a bit. They can't refuse to grant the possession order unless you have one of the defences mentioned above. Most judges come from the property-owning classes and will inevit-

ably see the case from the owner'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 one or more witness statements 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 witness statement(s) can also include the legal arguments you want to use. Strictly speaking, witness statements 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 witness statement 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 witness statements and copies of relevant cases available to help you. Otherwise, copy the owner's witness statement to get the form and headings right and type it up. Witness statements must be endorsed by a 'statement of truth' which is simply a line at the end saying 'I believe that the facts stated in this witness statement are true'. You then sign and date the document below this statement. There is no longer any need to swear or affirm an affidavit or affirmation as the new court rules allow witness statements instead. You will need to make at least two extra copies of your witness statement. Any documents you want to show to the court should be attached to the statement as "exhibits".

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 and sign a statement too, especially as oral evidence may not be admitted.

If the owners mention or refer to documents in their witness statement or affidavit or claim form without exhibiting them, you have the right to see (or inspect) these documents. Where you have a strong defence, the judge may make directions at the first hearing for inspection of each side's papers. However if this does not happen or you think it unlikely, you need to write to the owners formally asking to be provided with copies (or to be given access to the originals) within 7 days. If they refuse to comply, make an application to the court. If the documents you are after are not specifically mentioned but their existence is inferred (eg the council has an internal memo saying "don't evict these people" and you are claiming a licence), you can make an application to the court for specific disclosure or inspection of the documents. You must give good reasons why they will help your defence. The owners can then be ordered to give you copies. Contact ASS for advice about this.

Contacting the other side

Each case is different - sometimes it is definitely worth contacting them in advance of the court date - and to comply, at least in spirit, with the rules, you should write stating that you will be

Breakfast at 75A Squatters Cafe

defending their action and why. But sometimes you'll be better off using surprise tactics. Contact ASS for advice on your case.

Your evidence (witness statement) should, in theory, be filed at the court and a copy served on the other side as soon as possible after you receive the claim. However, for both practical (lack of time) and tactical (you want to surprise them) reasons you may not want to do this. Instead, take the witness statement and any other documents with you to the court on the day of the hearing and have an excuse ready for not having filed them earlier.

In Court

The court is a civil, not a criminal one, but can still be 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 claim form that doesn't stop you fighting the case. Anyone who is or has been in occupation can turn up and be 'joined'. (Note that cases involving rent or mortgage arrears in the County Court are also heard 'in chambers' and not in open court).

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 friend" and can be very useful, because they might be a trained lawyer acting without pay, someone in the squatting movement who understands the law or just a friend to consult before you open your mouth.

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 claim form. You can object to this, as there is no automatic right to amend. Contact ASS if you expect this point to come up.

THE RESULTS YOU CAN GET

Case Dismissed

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

Case Adjourned

Most cases are not dismissed first time. It is more likely to be adjourned to give the owners a chance to sort themselves out. In the High Court, the case may be adjourned and transferred 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 an appointment with the judge to decide how the case will proceed. 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!

Case to proceed to Trial

The last possible good news is that the case is adjourned, directions made and a date set for trial. This means the judge thinks your argument is good enough to have a full trial instead of being decided in summary proceedings. The judge will order the case to proceed as a 'multi-track' or 'fast track' case and issue "directions" - a list of instructions to both you and the owners about documents you must prepare within certain time limits. A date will have to be fixed, usually quite a long time away, when a much longer hearing with oral evidence will take place (the trial). Get advice from ASS or a lawyer if this happens.

Possession Order Granted

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 (delay) the order unless you are ex-licensees (see WHEN IS A SQUAT NOT A SQUAT). If you have always been trespassers, the order can't be suspended unless the owner agrees. Occasionally, a genial judge will invite the owners to do this if s\he felt you made some good points.

Appeals

You may be able to appeal against the decision.

In the High Court: You can appeal to a Judge against the decision of a Master. You must do it within 5 working days of the decision. There is a fee of £50 and a lot 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. (Note that in the County Court, weekends and bank holidays are counted.) There is a fee of £50. 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.

Fees

If you are in receipt of Job Seekers Allowance or other means tested benefits, you may be able to avoid paying court fees by completing an exemption form and getting confirmation from the benefits agency of your income. If you aren't on benefits you can argue 'exceptional hardship'. Exemption forms are available from the relevant courts (and ASS).

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. In theory a possession order lasts for twelve years if it is not used, but in reality it will be hard for an owner to persuade a court to allow enforcement of an order that was made more than 6 years previously. A warrant or writ cannot be issued more than three months from the date of the order without the permission of the court. Once

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

issued, a warrant or writ can be renewed from year to year.

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 a "Warrant of Restitution" (or "Writ of Restitution" in the High Court). 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 claim form 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 notice of the original hearing you could apply to have the order set aside for bad service and maybe get a new hearing. (But remember the hearing could have been months ago.) If 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. Basically, a judge will normally agree to set aside a possession order if it was made without you being at the original hearing, you had good reason to be absent (eg you weren't served with a claim form), you acted promptly and you have a reasonable prospect of defending the action (ie you have one or more of the defences listed above). A warrant will normally be set aside if there has been an 'abuse of process'. Get a form from the court office (called an "application notice" or N244 form) and contact ASS or a law centre for advice on filling it in. The application will cost you £50 unless you are exempt (see FEES above).

ODDITIES

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

Ordinary claim for possession

This is normally used only against tenants or licensees and can only be used in the County Court. As with squatters proceedings, you will receive a Part 8 claim form and particulars of claim (the claimant's summary of his/her case). In addition you'll get a form for defending the action. It can't be used against unnamed people and you must get three weeks' notice of the hearing. If is issued against you, all the "real" defences explained above will apply, and most of the technical ones. Claims for damages (often called 'mesne profits' or damages for use and occupation) or an injunction can be added to this kind of action. If the claim 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.

You can get further advice on the procedure for defending ordinary actions from ASS.

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 proceedings 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 claim form including such a claim, contact ASS straight away.

Compulsory Purchase

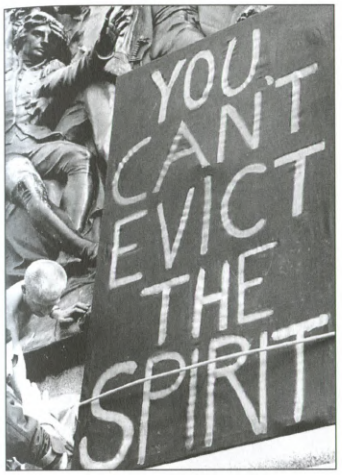
When a council or government department compulsorily purchases a place from the owner, there is a complicated procedure allowing the owner to object or appeal. If, at the end of all that, the owner has lost but doesn't hand the place over, there is a power for County Court bailiffs to be brought in to 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 - £500 or even more if the case is a long running and complex one. 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 proceed-



ure 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 owner must issue the application for an IPO within 28 days of the date when they knew "or ought reasonably to have known" that you had squatted the place. Remember, it is not necessarily within 28 days of when you actually moved in, but within 28 days of when they found out, or ought to have done so. When squatting a new place, it is always worth considering whether to try to reduce the chances of an IPO by making sure the owner knows straight away and the 28 days starts running. See previous pages 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 they can't be used against ex-licensees, anyone who was let in by a tenant (even if the tenancy has since ended) or anyone who has ever been given any kind of licence or permission to be there (see WHEN IS A SQUAT NOT A SQUAT on page 56).

4. The applicant/claimant 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/claimant 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 above for more about what this means. As it takes at least 28 days to end a tenancy, it will usually be too late for the owner to end the tenancy and then go for an IPO once they have found out you're there.

THE PROCEDURE

Service

You will normally be served with only two pieces of paper; the application notice telling you when the hearing is (see page 41) and a blank form on which to write your witness statement. You do not normally see the owners' witness statement at this stage. 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 application notice is some "advice". Amongst other things, it says "If you have no right to occupy the premises you must leave". This is not 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 application notice must be served by the

owners, not the court, and it must be served within 24 hours of it being issued in the court. Look at the bottom, where it says "For this notice to be valid, it must be served before..." and it then gives a time and date. If it 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. It must be addressed to "the occupiers" and be in a transparent plastic envelope. It should also name anybody whose name is known to the owners.

Organising your Defence

If you want to go to the hearing, you must write a witness statement. If you don't, you will not be allowed to attend. Your witness statement 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 witness statement "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 file a claim form and witness statement or affidavit in support, but these do 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 a claim and witness statement 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 witness statement 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 witness statement, you can be prosecuted and sent to prison for up to two years, or 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 witness statement and reply to it, then add on any other arguments you might have one or more of those mentioned Restrictions, above, or on page 54.

At The Court

If you have time, take your witness statement the day before the hearing or earlier 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. (Have a good excuse ready for not filing the statement earlier.)

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 witness statement 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 witness statement 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 a witness statement. You might want to file another witness statement, though, with extra information or arguments. This will be an ordinary witness statement, not "in the prescribed form", 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 claim and their witness statement or affidavit. This will usually be the first chance you've had to see the owners' case in writing. 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. 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 **[level 5 standard scale - CHECK]** 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.

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

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

Paragraph in Owners Statement: What Owners must Say	Paragraph in Your Statement: Your Reply
2: They must say what kind of building it is, that they have an immediate right to 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 42 for more about this argument.
3: They must say what their "interest" in the premises is (eg they own a freehold or 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.
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 56) explain it and attach copies of any relevant documents.
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 application notice, say so and explain how they came to know them.
7: They must say whether there are any other people entitled to possession of any other flats or parts of the same building. If so, they must say who they are.	**6:** This will apply to blocks of flats, houses converted into flats, or any other case where you are squatting part of a building 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.
8: The owners have to say whether they are willing to give a set of 5 UNDERTAKINGS. These are solemn promises to the court; they will be in serious trouble if they break them. They don't have to give any undertakings, but their chances of getting an IPO will be reduced if they don't, so they usually will. 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 out they weren't entitled to it. (b) To pay damages to you if this happens. (c) Not to damage the place between the date an IPO is granted and the date for the second hearing to decide if they will get a final possession order. (d) Not to let the place to a new tenant or licensee or sell it between these two dates. (e) Not to damage or dispose of any of your belongings left in the place between these two dates.	**6:** If you are arguing that they are not immediately entitled to possession (eg because someone else has a tenancy or licence which has not been ended) point out that they are not in a position to fulfil undertaking (a). It is not their place. It is the TENANT's place. They have no right to put you or anyone else there. If they do this, they will be trespassers against the tenant themselves! **6:** Any other defences you might have (as for normal summary proceedings Order 24 Part I - see page 40 onwards). Stress that procedures must be followed to the letter because of the criminal sanctions attached to an IPO.

are reduced, in theory anyway. The IPO expires on the day of the second hearing and simply being there is no longer a criminal offence. However if you have already committed the offence of being there for all but the first 24 hours of the time the IPO was in force you could be liable to arrest for that if the police want to get you out. In this way this offence differs from that created by Section 7 of the 1977 Criminal Law Act. (See page12)

You have committed the offence whether or not you subsequently leave whereas under Section 7 the offence is only if you fail to leave when asked to do so.

In practice, with a tiny number of exceptions, people have not been arrested or charged under this law.

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 above. The owners don't have to turn up for the second hearing, and often won't. If you turn up with a reasonable argument, the case will probably be adjourned to give the owners a chance to appear. What the owners must have done before the second hearing, though, is file a witness statement or affidavit of service - a special document to say they served the IPO on you according to the rules. A final possession order cannot be made unless they have done this, so point it out to the judge.

If you won the first hearing and no IPO was made, you still have to win the second hearing to save your home. 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 witness statement, 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 statement 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 'tll 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 subsequently died. Not all employees of a council or housing association can grant a licence. Building workers, caretakers etc will not usually have that power as part of their jobs. On the other hand, the people councils or housing associations 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.

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.

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.

GOOD LUCK

CONTACTS

ADVISORY SERVICE FOR SQUATTERS
2 St Paul's Road, London N1 2QN.
Tel: 020 7359 8814. Fax: 020 7359 5185
email advice@squat.freeserve.co.uk
web www.squat.freeserve.co.uk
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: 020 7729 9904 (Mon-Fri 10-6)
020 7603 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.

SHELTERLINE
National Free Housing Advice Line
Tel: 0808 088 4444 - 24 hour help with emergency housing advice, and advice to homeless people, will put you in touch with hostels etc. Will also advise on any other sort of housing related problems. Covers England, Scotland and Wales.

WOMENS AID FEDERATION
52-54 Featherstone Street, London EC1. Tel: 0345 023 468
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.

REFUGE
Tel: 0990 995 443 - 24 hour domestic violence helpline - can make referrals to refuges.

LIBERTY (formerly NCCL)
Civil Rights Organisation
21 Tabard Street, London SE1.
Tel: 020 7403 3888

TRAVELLERS ADVICE TEAM
Tel: 0468 316 755 - emergency 24 hour helpline. Solicitors firm with specialist travellers team at *The Community Law Partnership, Ruskin Chambers, 191 Corporation Street, Birmingham B4 6RP - Tel 0121 685 8595*

NATIONAL GYPSY COUNCIL
Tel: 01928 723 138

ROMANY RIGHTS ASSOCIATION
Tel: 01945 780 326

FRIENDS AND FAMILIES OF TRAVELLERS
Tel: 01258 453 695

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

SHELTER SCOTTISH HOUSING LAW SERVICE
Tel: 0131 466 8053 Ground Floor, Unit 2, Kittle Yard, Causeway, Edinburgh EH9 1PJ

FOR MORE ACTIVIST INFO IN SCOTLAND:
Autonomous Centre of Edinburgh
17 West Montgomery Place
Edinburgh EH7 5HA
0131 557 6242

LAW CENTRE (Northern Ireland)
Western Area Office
9 Clarendon St
Londonderry
BT48 7EP
028 7126 2433

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 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.12 A Criminal Law Act, 1977 (as inserted by Criminal Justice and Public Order Act, 1994).

THAT it is an offence under S.12 A (8) Criminal Law Act 1977 (as amended) to knowingly make a false statement to obtain a written statement for the purposes of S.12 A. 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

REFERENCES AND PUBLICATIONS

SQUATTING - THE REAL STORY
Ed. Nick Wates & Christian Wolmar. Published 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 or 9507529 0 0

HOUSING RIGHTS GUIDE
Produced by 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 but from a more campaigning perspective. Free from selected outlets or available by subscription from PO Box 3878, London SW2 5BX

NO COMMENT
The Defendant's Guide to Arrest produced by London ABC available from HAVEN Distribution, BM Haven 27 Old Gloucester Street, WC1N 3XX

SchNEWS
Anti Criminal Justice Act Newsheet with squatting and other news. Send donation/postage to SchNEWS c/o on the fiddle PO 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

DO OR DIE
Eco and activist news and analysis - well worth a read. c/o Box 2971 Brighton, East Sussex BN2 2TT

Without whom...

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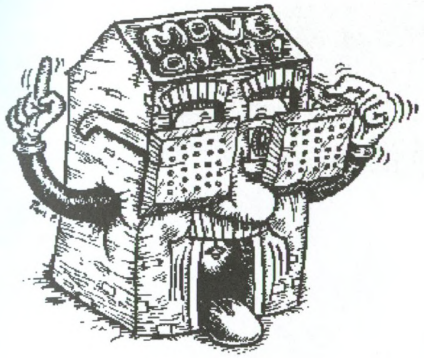


SQUAT NOW WHILE STOCKS LAST!

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

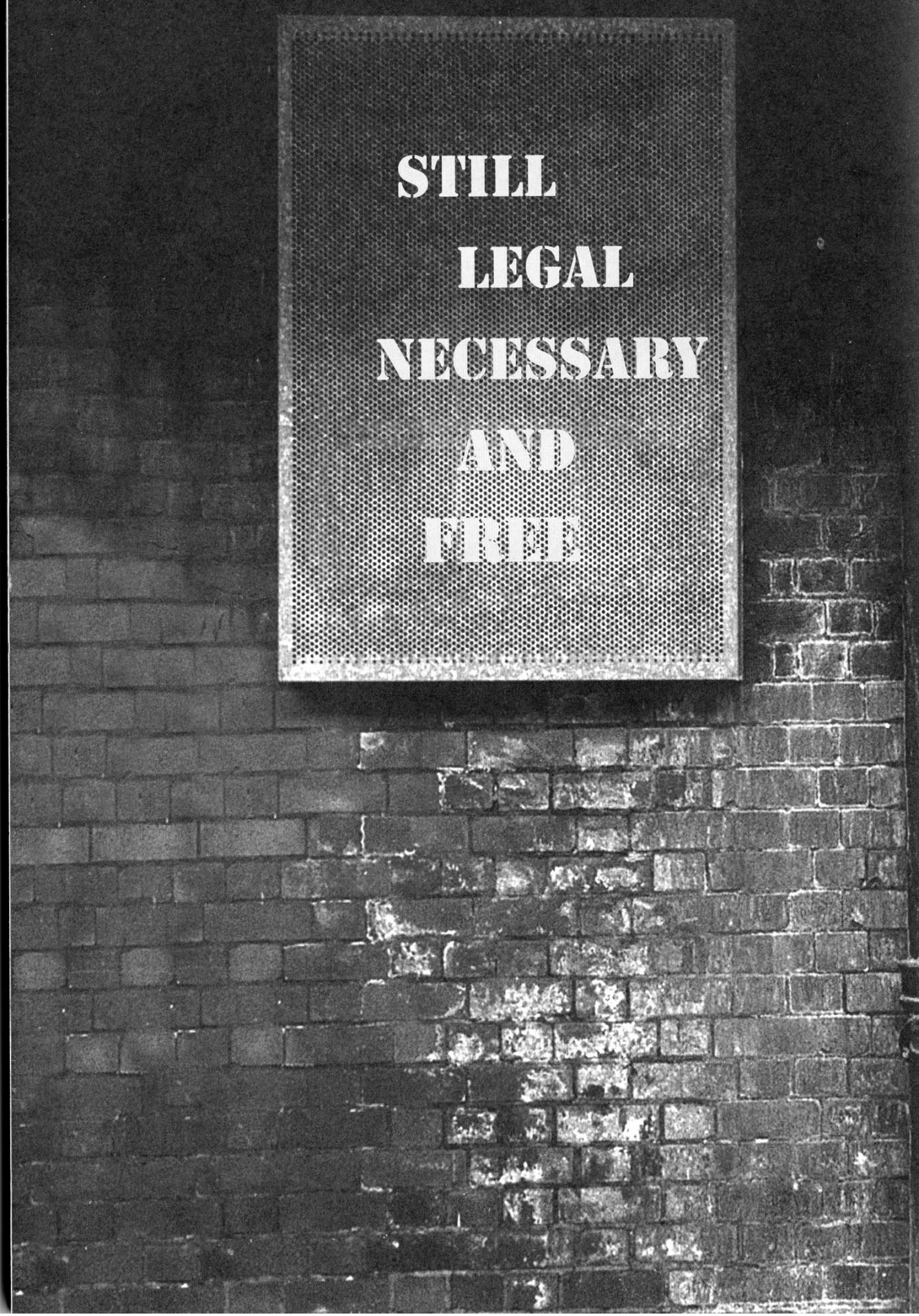
Housing is in chaos

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 houses, flats and other buildings which would otherwise be left to rot or sold off to speculators, while politicians quibble over statistics and people stay homeless.

Most people have no experience of doing house repairs when they first squat, but it's something everyone can learn. The same goes for negotiating with owners, defending 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 in dealing with officialdom and show us how to question the power of those in authority. Often, we discover they only wield as much power as we let them have.

Direct action is better than any waiting list

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


STILL
LEGAL
NECESSARY
AND
FREE