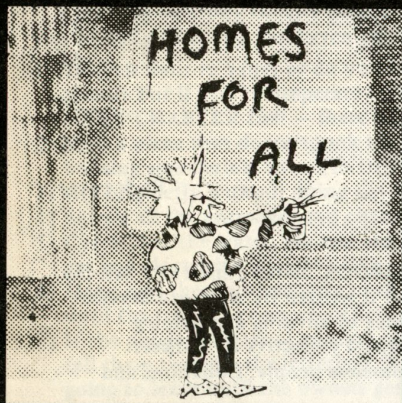


SQUATTERS HANDBOOK



9th edition

60p

H.R.W.

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This is the *ninth* edition of *SQUATTERS HANDBOOK*, dated June 1987. All the information is accurate at the time of printing. It is written by Advisory Service for Squatters (ASS) and is based on our experience of advising and helping squatters over the last twelve years. ASS is an unpaid collective of workers running a daily advice service for squatters and homeless people. Donations and volunteers are always very welcome.

We have tried to give comprehensive information on how to go about squatting and the way the law applies to it. *If you are in doubt about anything in SQUATTERS HANDBOOK or want more information, call ASS on 01-359 8814 between 2 and 6pm, Monday-Friday.*

Most of the information in this *HANDBOOK*, particularly about the law applies only in England and Wales. For sources of squatting advice in Scotland and the North of Ireland, see **CONTACTS** on the back cover. It also applies to squatting in *buildings* and not necessarily to occupying open land. For material on rights of travellers and land occupation see **REFERENCES**, inside back cover.

THERE IS NO COPYRIGHT ON THIS WORK. Reprint it in whole or in part (though we would like to be credited). As it is very London-based, we hope local squatting groups, particularly outside London, will produce versions with local information and their own experiences.

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SQUATTING IS STILL LEGAL!

Squatting is not a crime. If you have heard rumours saying it has been made one, they are *wrong*! The Public Order Act has made some changes affecting travellers occupying empty land. (Festival Welfare Services or NCCL can give advice — see **CONTACTS**) *but they don't affect squatting in buildings.* With a few exceptions (see page 10), if you can get into an empty house or flat which nobody else is using, without doing any damage, you can make it your home. You have basically the same rights as other householders: the right to privacy, rubbish collection, postal delivery, social security and essential services like water, and electricity (there can be some problems with electricity — see page 23). Many squats last only a short time, but if you choose your place carefully you may be able to stay for years.

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

- 1) 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 a last resort read **THE NEXT CHAPTER** first — there might be an alternative.
- 2) Find a place that doesn't look too smart and is owned by the council or by a housing association. (See **FINDING A PLACE**.)
- 3) Get in quietly without doing any damage.
- 4) Secure all the entrances and change the lock on the entrance you are using.
- 5) Check that the water, gas and electricity are on or can be turned on; sign on for gas and electricity straight away.
- 6) Make sure there's somebody in all the time, especially during the day, at least until the owner or council officials come round.
- 7) 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.
- 8) 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 understand 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. (01 359 8814 2-6pm, Monday to Friday.)

This Handbook would not have been possible without the support of many people who gave us advice, help with production, free use of photographs and posters, and of course, money. Thanks to all of them.

HOMELESS? YOU MIGHT HAVE SOME RIGHTS

A new law may bring some improvement for those homeless people with a right to be housed by the council. You can now be considered 'homeless' if it isn't 'reasonable' for you to stay where you are (section 14, Housing & Planning Act, 1986). Unusually bad conditions or racial harassment are possible examples. The housing the council provides — even if it's temporary — must be 'suitable', which means in proper repair and not overcrowded. BUT this law still has to be 'tested' in the courts, which can mean the judges changing it. Meanwhile, standards may improve slightly but thousands of homeless people will still be left to rot in bed & breakfast, etc. It's not always that bad for everyone, but nowadays — especially in London — even people who are legally entitled to housing often have to weigh up the pros and cons of applying to the council or squatting instead. On the other hand, you can sometimes blow your rights by squatting, so it's best to think carefully before acting one way or the other.

The Basic Rights

Certain people have the right to be housed by their local council if they are homeless. 'Homeless' means not having a place to live where you have a *legal right* to stay for at least 28 days or where it is not reasonable for you to stay for one of the reasons explained above. These rights are set out in part III of the Housing Act, 1985, and you can claim them if:

- ★ You have a dependent child under 16 or still at school living with you.
- ★ You are a pregnant woman (as soon as the pregnancy is confirmed in writing).
- ★ You are old, mentally ill or have a physical disability.
- ★ You run the risk of violence if you stay where you are (a woman assaulted by a man she lives with, for example).
- ★ You have been made homeless as a result of fire, flood or other disaster. (Usually you will only get temporary housing until you can go back to your old home.)

Being housed under Part III of the Housing Act has nothing to do with any waiting list. You apply straight to a special department, usually called the 'Homeless Persons Unit' or something similar. The council must house not only someone who is in one of the 'priority categories' above, but anyone with whom they might reasonably be expected to live. (Your child's father, for example, or a close relative.)

Other people, the Act says, are not in 'priority categories' and will be given advice and 'appropriate assistance' which in the last few years has meant councils giving out lists of Bed and Breakfast hotels and hostels to single people. The DHSS regulations restricting 'Board & Lodging' payments means these lists

are almost useless. (HASSLL [CONTACTS] can give you information about these rules or see the *Benefits* book listed in REFERENCES.) The result is that growing numbers of single people have no alternative to squatting.

DRAWBACKS

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

'Local Connection'

Even if the council accepts that you are homeless, you will have to prove that you have a 'local connection'. If you have just moved to a new area, you may be referred back to where you used to live, if you can't show that you have a 'local connection'. There are several 'tests' involved in showing that you have a 'local connection' — for example having employment, relatives, or children at school in the area will help, but in most places you will have to have been living in an area for at least 6 months before the council will accept that you have a 'local connection'. Get legal advice if you are unsure about your position.

'Intentional Homelessness'

Also, the council won't house you if they decide that you have made yourself 'intentionally homeless'. What this means is a matter of very complicated and constantly-changing law. Real life and commonsense don't have a lot to do with it! Basically, though, you're likely to have problems if you've left a place in which you had a legal

right to stay, at least for the time being, unless it was 'unreasonable' for you to stay there. What seemed intolerable to you might strike the council as perfectly 'reasonable'! Racial harassment is about the only reason that many councils accept, though even then they often demand ridiculous 'proof'.

Reasons they won't usually accept include:

- ★ you are a council tenant needing a transfer
- ★ you are a private tenant facing eviction
- ★ you are a council tenant with rent arrears

If you are squatting when you apply to the council, but previously left a legally secure place for a reason like one of these, you'll still be 'intentionally homeless'. However, people sometimes squat when it's the only way to get out of a terrible situation quickly. This won't solve the problem, as all squats get evicted in the end, but it can provide a temporary refuge while you fight for rehousing through the council bureaucracy or the courts. There are usually ways to do this *without* making yourself 'intentionally homeless' — contact ASS for advice.

If you are declared 'intentionally homeless', get legal advice straight away. **YOU HAVE THE RIGHT TO APPEAL AGAINST THIS DECISION.** The council must put their decision, and the reasons for it in writing. This is called a 'section 64' notice — you have a right to this notice, and it's important to get it if the council says it won't rehouse you for any of the above reasons. The best people to give you legal advice about challenging the council are usually law centres or housing aid centres (provided they're independent of the council). In London, SHAC can help, and in other places Shelter Housing Aid will tell you who can (see **CONTACTS**).

Squatting Reaches the Parts . . .

If you need to move to a different part of the country or you 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 when your squat gets evicted. Different councils apply the law quite differently and you 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 Accepts You

If you are literally homeless the council will put you in temporary accommodation, which may only be for a few weeks, while

they consider your application. In most areas, though, you can expect to be there for much longer than that. More and more this has meant people being left in Bed and Breakfast hotels for months and sometimes years on end, waiting for suitable offers of permanent housing. You are entitled to only one offer of housing, unless you can prove that the council's offer is an **unreasonable** one. In that case, you should get another. For example, if it is in very bad disrepair, or you have strong medical evidence to show why you shouldn't live there, you may be able to prove that it is an unreasonable offer. Reasons for turning down an offer should always be put in writing. Never turn down an offer without getting legal advice.

Many people leave temporary accommodation to squat, and it's usually a vast improvement, at least while the squat lasts. But you will get evicted from the squat eventually and then you will have to start your application for housing all over again, or carry on squatting. In some cases you can be declared 'intentionally homeless' if you leave temporary accommodation, so always get legal advice before you think of leaving.

Even the limited rights that exist in this part of the Housing Act are sometimes ignored by councils, who tell people they have no rights or that they will have to sign on the waiting list, in the hope that they will 'go away'. It is possible to be prosecuted under the Act if you knowingly give the council false information when applying. Breaking the law is no sweat for some of *them*, however, who 'knowingly' refuse to house people who clearly qualify. You might have to make it plain to them, by being firm and persistent, that you know what you're entitled to and won't take 'no' for an answer. The contacts mentioned above should be able to help you with this.



First night in a new squat.

FINDING A PLACE

Finding empty property is not difficult. Most towns have large numbers of unused houses and flats. The main problems are first, to find out how long you are likely to be able to stay and secondly, whether the place is one from which you could be evicted rapidly without a court order under the 'Protected Intending Occupier' (PIO) provisions of the Criminal Law Act, section 7 (see p. 10). This Act has made it much more important to check out thoroughly any place you are thinking of squatting.

Squatting just anywhere that's empty, without checking out the available information, *might* get you a place which lasts a reasonable length of time. On the other hand, you might get evicted through the courts in a few weeks or, at the worst, be facing a PIO and have one or two days to move out under

threat of criminal charges. It's worth trying to avoid this unpleasantness by selecting a place where there is a good chance the owners will leave you alone until they actually want to use it. 'Lucky Dip' squatting is best left for temporary measures in really desperate situations. Opening a new squat is always a bit of a gamble, but it might as well be a *calculated* gamble in the light of all the information you can get, rather than a random shot.

Local Groups

As with all other aspects of squatting, it is better to work through a local squatting group. Although there has been a revival in local groups recently, often there won't be one in your area and you will have to manage

ABOUT THE LAW — MYTHS AND FACTS

SQUATTING IS STILL LEGAL — don't let anyone tell you otherwise. There are no 'new laws' about squatting in buildings since the **CRIMINAL LAW ACT, 1977** came into force. 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 p.10).

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

The criminal laws about squatting are in Part II of the Criminal Law Act (Sections 6 to

10). 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 18. **SECTION 7** is the one you have to be careful about — see page 10.

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

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!



without this kind of support — or start one! But don't try to squat on your own. Always have enough people with you to make sure that at least one, and preferably more, can be guaranteed to be in all the time. This way you can't be legally evicted under Section 6 (see page 18).

You should try to contact other squatters. In London, ASS may be able to help with this. You never know when you might need help or what information other local squatters may already have. Sometimes, local housing campaigns, community centres, tenants' associations or short-life housing groups and co-ops will have information about local empty property. If such groups are sympathetic to squatting, their information and advice can be invaluable.

GETTING INFORMATION

Start on the Streets!

Start by checking out empty houses. Make a note of the addresses of places which look OK from the outside. Check that entry is not too difficult and look for signs of the services being cut off from the street (like recent digging). See **GETTING THE PLACE TOGETHER** for ideas on alternatives if the house has been cut off but you like it otherwise. Obviously, it is important to be sure the whole house or flat is empty. If not, leave fast!

DISPLACED RESIDENTIAL OCCUPIER ('DRO')

Sections 7 & 12, Criminal Law Act, 1977

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

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

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

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

If a place needs a lot of work, you would be wise to make sure that it has a reasonable life. Otherwise you might get thrown out just as you've finished spending a lot of energy and money getting it together.

Next Stop — Town Hall

Armed with a list of possible places, the next step is to find out who owns them and what plans they have. Initially, you will need to look at the **STATUTORY REGISTER OF PLANNING CONSENTS**, which is kept by every borough or district council (usually called the statutory register or the planning register). Ask at the Town Hall or district council offices. It is a public document and you have 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 applications 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.

Who owns it?

The applicant for planning permission will usually be the owner except if it is a firm of architects or estate agents applying on the owner's behalf. These professionals are unlikely to be acting on behalf of the council which has its own legal and technical staff.

If you are fairly certain the council doesn't own the place, you can give the full address and ask to see the original planning application. 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 (but see 'Infiltrating' below). 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 (see 'Infiltrating' again). 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.

Other ways of finding the owner

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 contact with them or 'moles'.

The Council's Rates Department: They usually know who an owner is, but won't tell you. They might be prepared to say whether or not it is the council if you spin them a convincing yarn. 'Moles' come into their own if they work in rates!

Estate Agents: If a place has an estate agent's board outside, it's probably not worth squatting, but you could try phoning them. If they say it's been sold, ask who to as you 'want to make an offer'. If you do squat it, make sure it hasn't been bought by someone who is going to move in themselves or let it to tenants, or you could be facing a PIO.

The Land Registry: At present you can forget it. Only solicitors or conveyancers can consult it. However, there is a proposal to make it open to the public but it's not likely to happen for a year or two.

The Empty Property Unit (Shelter): (see CONTACTS): If you are considering squatting a whole group of houses or flats, the EPU may know about it or be able to find

out. They might also be able to help to negotiate its release to a short-life group or co-op, but this will take time.

THE OWNER'S PLANS

Once you have found out who the owners are, you will have to interpret the available information to find out what they plan and – more important for you – when they intend to carry out their plans.

When looking at planning consents, check whether full (detailed) or 'outline' consent only has been given. Full consent has to be obtained before work can start, but this is usually only a formality. Remember that planning consent is granted for a limited period specified on the form (normally five years). Work must start within that time or the consent is lost. Private owners are usually anxious to avoid this and are more likely to be starting work soon if the period has almost expired. Councils don't worry about it. You should also be wary of places where permission has been granted recently (say within the last six months) or where the application is still pending – work might be starting soon. Just after planning permission is refused is often a good time to squat.

Councils

Things are not so simple with council places, though. Because of the cuts, not many council developments will be started

in the next few years. That should mean that if they've bothered to get planning permission recently the place is one of the exceptions. But the government is constantly messing councils around, and they often have to back-track on their plans. Council minutes and local information should tell you the latest position. Some councils are finding new ways to get empty property into use when their long-term plans are stymied – and some of these don't need planning consent.

Councils which own housing stock are usually borough or district councils. County councils are not housing authorities. In London, the Greater London Council (GLC) used to be, but most of its huge stock was handed over to the boroughs in 1982-83 (1985 in Tower Hamlets). GLC properties which were not handed over, went either to local councils, or the London Residuary Body when the GLC was abolished, except for GLC properties held for the Inner London Education Authority, which stayed under ILEA control. Many of these bodies have since sold the places or passed them to Housing Associations.

It helps to do background research in your area. The main sources are the district and strategic plans held in the council's planning department and minutes of council meetings (see below).

The next section covers what you can expect from different types of owners.



Council Property

An advantage in squatting council property is that their plans and response to squatting are more predictable. They don't usually evict people under section 6 of the Criminal Law Act, though there have been some isolated instances of it. Some councils are

very keen on section 7. A few of them are so keen that they issue false PIO certificates. This can often be exposed and stopped in the long term, but there isn't time to argue about it until after you've been evicted, so it's best to choose a place where this can't happen to you.

PROTECTED INTENDING OCCUPIER ('PIO')

(Section 7, Criminal Law Act, 1977)

Once again, 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 two kinds of PIO:

1. The first type of PIO has to own the place concerned and has to have bought it or leased it with at least 21 years of the lease left to run. If the PIO inherited it or was given it, this section does not apply. PIOs also have to intend to live in the place themselves and not rent it or sell it. Therefore, estate agents can't be PIOs and neither can companies or other organisations.

When you are asked to leave, the PIO or person acting on their behalf has to have with them a written statement sworn before a magistrate or solicitor. This statement should say that the PIO has bought the house or flat and is intending to live in it. Making a false statement as a PIO is an offence punishable by up to 6 months in prison and/or a fine of £2,000.

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

2. The second type of PIO is someone who has been allocated a house or flat by a council or housing association. This is where the bother starts! The procedure is used frequently and is widely abused and fiddled 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.

A genuine PIO is a person who:

- (A) Has been 'authorised to occupy' the place 'as a residence'. This means they must have ACTUALLY SIGNED a tenancy agreement or been given permission (a licence) to live there. Councils sometimes try to pressurise homeless people into signing up for a place they haven't been able to see because it is squatted, telling them it is their 'only chance' etc, but many people aren't that easily conned and will refuse to sign. A PIO SHOULDN'T be genuine if they signed up for the place AFTER it was squatted, but it CAN be.
- (B) Has been issued with a certificate by the council or housing association. The certificate must say that it is issued by one of these bodies and that the person named on it has been 'authorised to occupy' the place as a residence.
- (C) Is excluded from occupation by someone who entered as a trespasser. This means that someone who previously had permission to live in the place, whether from the council, housing association or an earlier tenant cannot be got out with a PIO certificate. The procedure can be used only against people who have been plain squatters SINCE THE DAY THEY MOVED IN.

A person is a PIO only when ALL THESE THREE THINGS APPLY AT THE SAME TIME. This means that the PIO must be able to go into occupation of the place as soon as the squatters leave. There must be nothing

preventing them doing so except the presence of the squatters. So, if a place needs to have major repairs done on it before it is fit for letting then a PIO couldn't be genuine. The person named on the certificate wouldn't be excluded from occupation at the PRESENT TIME, but at some FUTURE TIME after the repairs have been done. Looked at another way, the squatters aren't immediately excluding the new tenant - they're immediately excluding the workers who will do the repairs, and they can't be PIOs. BUT you need to be careful about this. The repairs needed would have to be serious enough to prevent a new tenant moving in within a day or two after you have left. Most repairs can be done in that time and many can be done with a tenant in occupation. Things like broken windows, toilets, doors etc can be replaced quickly. Major problems with, say, the roof or dampness might be a different matter. If you are in doubt about whether a PIO is genuine for these reasons, get advice from ASS or a local squatting group.

Some councils try to fiddle the PIO procedure by claiming to have 'pre-allocated' derelict places which aren't going to be repaired for months or years to people who will live there after the work is done. Usually, it is the first the people concerned have heard about it! This won't work and should be challenged if it is tried - contact ASS.

GETTING YOU OUT:

The procedure is simple. The PIO or a person 'authorised to act on their behalf' comes to the place, shows you the certificate and asks you to leave. If nobody is in, they usually put a copy of the certificate through the door with a letter. If you don't leave, they can come back with the police and you can be arrested and charged with an offence under Section 7. You can be sent to prison for up to 6 months and/or fined up to £2,000. In practice, however, the police are usually very reluctant to get involved and will usually just take you away and release you without any charge. The law says nothing about giving you any time to leave, but you are usually given two or three days at least.

'AUTHORISED TO ACT'

The PIO must require you to leave themselves or else they can authorise someone else to do it for them. Usually, an officer of the council or housing association comes round on the basis that they are acting on behalf of the PIO. Very often, this isn't true. Always ask to see some form of authorisation signed by the PIO agreeing to the council or housing association acting on their behalf. You don't have a right to see this (unlike the certificate) but it must exist. If you are suspicious, a local law centre or advice centre may be able to put on pressure for the authorisation to be shown to them. It is a defence to any charge under Section 7 to show that you had good reason to believe that the person requiring you to leave was not acting on behalf of a PIO.

The point about this which is often forgotten by councils and housing associations is that the purpose of the law is to put the PIO into occupation in circumstances where NOBODY ELSE but the PIO is entitled to occupation. That means it is quite wrong for the landlord body to take possession themselves, which is often what they intend to do. If they do, they become trespassers too, and the PIO could evict them! Any officer of the council or housing association who asks you to leave is not acting on behalf of his or her employer, but as a 'TENANT'S AGENT'. They must be properly authorised to do that and must do what the tenant (or PIO) wants, not their employer.

FIGHTING BACK

Don't be conned by PIO fiddles. Always INSIST on being shown a proper certificate - you have a right to see this. Contact ASS or a local squatting group if you have any reason to be suspicious. Frequently, dodgy PIOs come to light only after you have had to leave (for example when the new tenant does not move in within a few days or the council secures the place and holds onto it). If that happens, action can be taken against the council or housing association. It won't get you the place back, but it will stop them using the same fiddle against other squatters.

Some squatters have pressured councils into giving them licences, but this is usually only possible through an established short-life group or co-op. If you choose a house the council isn't going to use immediately, they may let you stay – unofficially – until they need it, provided they don't get complaints from the neighbours and you aren't wrecking the place. Some councils get possession orders (see **EVICTON**) as soon as they find out you're there but don't actually use them to evict you until work is due to start.

Some councils still have a policy of 'gutting' houses to make them uninhabitable and prevent squatting. Whilst some have been forced to drop this practice because of public opposition, it still goes on unofficially. The fact that a place is boarded up doesn't mean it's gutted.

All council housing falls into three categories:

The letting stock: This consists of flats and houses which should be let within a few weeks of becoming empty. You should avoid

squatting in the letting stock, because if a new tenant has accepted the place, or does so in the future, that person will be the dreaded Protected Intending Occupier, and you could face a section 7 eviction (see pages 10 and 11.)

The fact that a place has been empty for many months does not necessarily mean it isn't in the letting stock. Frequently it just means the council is inefficient.

There is no definite way to identify places which are in the letting stock – you have to use your common sense. See if it could be in either of the categories below, and whether it is 'lettable' by council standards – that is, no major repairs are needed and all 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.

If you squat a letting stock place and don't get a PIO, you can expect to be evicted through the courts as soon as the council finds out about you. The procedure will take between six weeks and six months in big cities and much less in small towns.

Hard to Let: Many estates have become so run down or have such bad amenities that it is difficult for councils to let them to tenants from the waiting list. The upper floors of tower blocks as well as older estates are sometimes in this category. Although some councils offer hard to let places to people who wouldn't normally qualify for council housing, in practice they usually stand empty for a long time. It is not unknown for squatters in them to be offered tenancies – or to stay for several years! Two warnings, though: As people become more desperate for housing some hard to let places are now not so hard to let, and they are foisted on people who don't want them, but have little alternative. Occasionally, there are special schemes to get rid of hard to lets – say to students – and you should try to check this out. In either case, you might encounter a PIO.

Short-Life: Short-life property is housing from which the tenants have been moved out because it is going to be modernised or demolished. The process of rehousing tenants can take years and many places stand empty

waiting for the whole block or site to be cleared. These are the best prospects for squatting, especially as the cuts have forced the postponement of most housing schemes. Some councils hand such places over to short-life groups or co-ops, but for every one used in this way there are dozens waiting to be squatted.

If there is such a group in your area (the council will tell you), talk to them about any property you think might be short-life. These groups are a mixed bag. Short-life housing sprang from squatting, and the best of them don't forget their roots. Some newer groups, however, seem to think squatters are their enemy. Sometimes, this barrier can be broken down. Remember they are run democratically and the members won't necessarily have the same view as the people who work for the organisation.

If they are friendly, they will be able to give you accurate information and tell you whether squatting there would obstruct their plans. It is occasionally possible for short-life groups to get a licence on a squat after it has been occupied, so that the squatters become members of the group.

Council Minutes and Newspapers

To find out if a place has been designated short-life or hard to let, the sort of local information mentioned above and below is probably best. But if you haven't got time to develop these contacts, read through the minutes or reports to the full council of the relevant council committee(s). They can be found at your local reference library. For hard to let, look at the minutes of the committee responsible for housing management: for short-life, at the ones responsible for housing development. Often the same committee oversees both management and development but some councils divide the responsibility between different committees or sub-committees. Check with the council or the librarian.

In either case you may need to check back over several years. This will be hard work, but will provide you with a mine of information. If property has been designated hard to let, you will eventually find a record of it. Of course, the council may not have admitted officially that an estate has become hard to keep full, and then there will be no record.

For short-life, try to find out the council's plans for the area, and whether the place you have in mind is earmarked for redevelopment.



Camden steel door – the character armour of the Council

The major work done by councils on old property is part of their 'Housing Investment Programme' (HIP). Each year, the government sets a limit on the total they can borrow for this work and then requires them to submit each scheme for 'project control' (or 'PC2 approval') to see if it is 'too expensive'. Watch out for places which fail to get this approval – they are often good bets (but see the **Councils** section on p.9 above). When the council is applying for 'PC2' they have to advertise the fact in the local papers – keep an eye out for this.

The council will always be anxious to spend all its HIP money each year. Anything it doesn't spend will be knocked off next year's allowance. If they fail to get PC2 on a place they will either trim their scheme and try again or else drop it and put another empty house into the programme in its place.

Even if it is planned to use the site for non-housing purposes (like open space or a hospital) you should at least find references to the tenants' rehousing in the housing management minutes. The plans may have been postponed several times, but it is im-





portant to check the current position. If the council has planning permission, look out for references to contracts. Proposed start dates should not be taken too seriously unless contracts have been signed, in which case work may be starting soon.

Compulsory Purchase Orders (CPOs)

Another official notice to watch out for in the papers is inserted when the council is buying a place on a CPO. At that stage, the council won't own it yet, but the existing owner is unlikely to be bothered about squatting. When the council does get ownership, it will take them some time to formulate plans. There can be some problems with CPO houses, but if you can avoid them you might be onto a goodie:

1. The owner might fight off the CPO and become interested in the house again.
2. There might be tenants in the house. The council will often rehouse them, so wait until they've gone.
3. There is a nasty power for the council to get possession without going to court, at one stage of the CPO procedure. It's not aimed at squatters and is unlikely to be used.

Always contact ASS if you have a CPO place in mind.

If you have put the effort into getting the sort of 'paper' information described above, it is worth keeping abreast of developments. You can attend meetings of council com-

mittees or keep up with the minutes and local papers in the library. And you can start. . .

Infiltrating

However nasty your local council is, don't think of them as uniformly hostile morons. In urban areas the council will employ several hundred paid workers ('officers'). In London, some of these are likely to be ex- or even current squatters, or people whose friends are, or who are otherwise sympathetic. Some council officers who started out hostile to squatting have changed their minds because real experience of dealing with squatters has exploded the secondhand myths they accepted before.

Such people in Housing, Rates, Planning and even Legal departments are usually glad to help with information, provided they can trust you not to reveal their identities. They can become enthusiastic 'moles' for squatting and get their colleagues doing it too. They are often the most active people in the Town Hall NALGO branch, and in local housing campaigns and community groups. Short-life groups and co-ops deal regularly with the relevant bits of the bureaucracy and will know who is who and how to approach them.

In addition, every council is controlled by elected Councillors ('members'). They are not paid. Usually, there will be at least one or two who are moderately sympathetic to squatting – sometimes actively helpful. You can approach them more openly, but check out their reputation first with a local organisation. They can sometimes slip you huge dollops of information which can be used to check out hundreds of empty houses and be of value to many others. They can also intervene if squatters are being harassed or illegally evicted by council officers, but remember they are politicians and not all of them will be willing to go out on a limb politically for squatters. It is useful to join – or even start – any relevant local campaigns, say on empty property or single people's housing. That way, you can talk to both members and officers with a non-squatting hat on. This will help cover the backs of the most sympathetic people and will open up a further group who will tell you things they wouldn't if they knew you were squatters.

Yes! *You* can leave muddy footprints in the corridors of power! Find out what makes the Town Hall tick, who is on your side and who isn't. This will put you in a much better position to evaluate information – and you'll get more of it. It will also create a base from

which you might be able to negotiate for permanent housing – if that's what you want – and to defend squatting if it comes under attack in the area. (See ORGANISING.)

Housing Associations and Trusts

These are funded by the government and in most ways can be regarded as similar to the council. Most of their squattable property will be in the same position as council short-life (that is, waiting for modernisation). Housing Associations don't have the same problems with PC2 so events can move more quickly. There is no equivalent of council minutes, so it is more difficult to check their plans, but sometimes their annual reports can be revealing – try the reference library. Some of them are more reasonable towards squatters than even the most enlightened councils, while others are real nasties. It's worth checking the reputation of a Housing Association with a local housing group or ASS. Most of them have the power to use section 7 in the same way as councils, so don't squat anything 'lettable'.

Other Authorities

Hospitals, British Rail, education and government departments all have empty property dotted about, often for a long time. Their response to squatting varies considerably. In areas surrounding schools, education authorities have sometimes bought up houses for expansion schemes which have since been cut – check the planning register. This group of owners has been known to give licences and normally can't use section 7.

Private Landlords

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 under section 6 if you leave the place empty. Section 7 gives individual landlords the chance to pretend that they are DROs or PIOs (see p.7 and 10).

With landlords who are having difficulty selling, there may be a chance of coming to an agreement to use the house. Since landlords are so variable, try to check their reputation locally before taking the risk of squatting one of their houses. Remember that this sort of property can change hands very quickly.

The best squats in privately-owned properties have been in commercial buildings awaiting development, mostly belonging to

property companies. Make sure you really can live in the building and that you have thoroughly checked the planning position. It is worth consulting ASS in these cases for advice on tackling the owners.

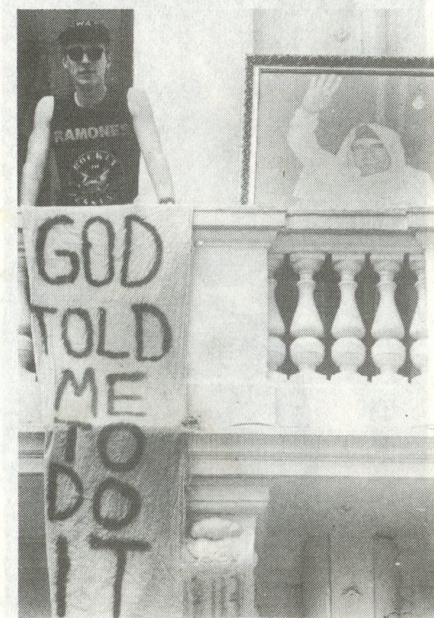
Privately Owned Houses

If the owner has only recently moved out, these are unlikely to be a worthwhile proposition, unless the house has been bought by the council or a housing association. A new private owner is able to use the PIO provisions of section 7, and is highly likely to do so. Unless you can be fairly sure the owner has no immediate plans for it you should leave it alone.

It is unsafe to squat second homes, or indeed any furnished house. If a house is occupied, however infrequently, the DRO provisions of section 7 apply.

Don't Waste Information

You will probably discover a great deal of useful information in the process of selecting the best squat. Make a note of everything that might be of use to other squatters. If there is no squatting group or other organisation which can use this information locally, consider starting one yourselves, or pass the information on to ASS.



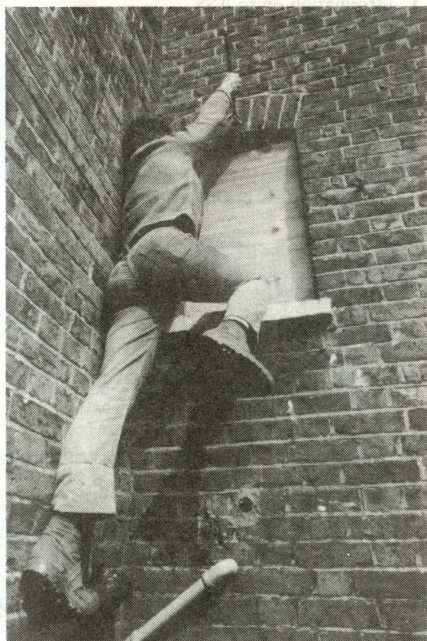
Libyan Embassy squatted – April '80

MOVING IN

Getting In

The most difficult part of squatting is actually gaining possession. Landlords and councils often try to make their empty buildings squat-proof by using corrugated iron, steel doors and window grilles and padlocks. Squatters are sometimes arrested — or threatened with arrest — for criminal damage. Criminal damage, taken in its strictest possible interpretation is an offence which almost all squatters commit. Removing steel doors, boards, damaging the front door when changing a lock, even taking out broken parts of a house, can be considered to be criminal damage (see page 20).

But don't let all that make you too paranoid. Only a small minority of squatters ever get busted — and with good legal advice, they often get off. The greatest time of risk is when you have just moved in — the police may come round and accuse you of having



smashed windows etc. If any damage has been done, it's obviously important to make sure it is repaired as soon as possible. Don't forget, boards can be taken off after you have moved in, and padlocks can often be unbolted from the inside without causing any damage.

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

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

Once you've got in, hide the tools or get a friend to take them away.

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

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

Never open up a squat by yourself — get in touch with local squatters or ASS, to get other people to squat with. 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 anyone 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 job deciding who to charge.

Some places are virtually impossible to get into without making a noise and alerting the neighbours. In this case, do it at a sensible

time of day — most people get a bit jumpy if they hear sounds of breaking and entering at night. It can be a good idea to try and enlist the support of neighbours. Explain why you're homeless — you may get a surprisingly sympathetic response.

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

Changing the Lock

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

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

This type of lock will do for the time being as it's quick to fit, but you'll need to add a stronger lock, such as a mortice, later on. This is fitted into the door and will stop the owner from entering 'without violence' by

slipping the lock. An old (locked) mortice lock can sometimes be removed from the inside with a hacksaw blade; otherwise you will have to chisel it out. Always chisel the frame, not the door, as it's easier to repair properly.

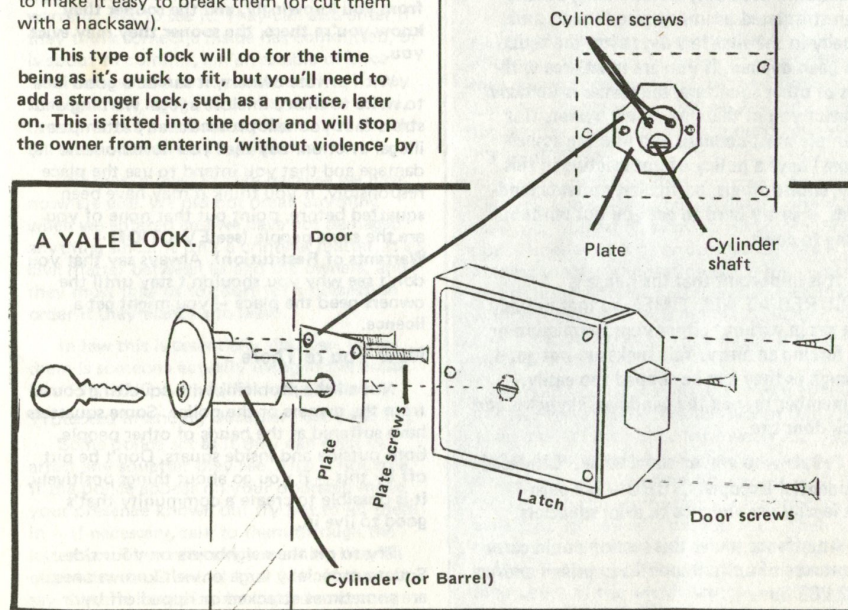
If you can get in at the back, you can fit a security chain before you change the yale-type lock. A chain is a good idea for a squat anyway, as it gives you a way of seeing who is at the door.

Secure all possible entrances — doors, windows, skylights etc. Many 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 windows 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 the place *all the time* to back it up. A legal warning will not stop you being evicted on its own.

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



in case there's trouble.

On page 53 is an example of what a legal warning should say. You can sign it with all your names (see **EVICTON** for why this might help you) but you don't need to.

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 out on the street if you are all out or if they don't know you are there. In one prosecution brought by squatters against a landlord who had evicted them in this way, the landlord claimed he 'hadn't heard' the squatters shouting inside the house — and the magistrate believed him.

In principle this means that someone should be in all the time. In practice this type of action is used only occasionally, usually against isolated or unorganised squats and usually in the first few days after the squat has been opened. If you are in an area with lots of other squatters, the owner is unlikely to evict you in this way. Some owners (for example most councils and housing associations) have a policy of not evicting in this way, whilst others, particularly private landlords, 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.

People who are, or claim to be, 'Displaced Residential Occupiers, (DRO — see page 7) can legally use violence to evict squatters.

An offence under this section could carry a sentence of up to 6 months in prison and/or a £2,000 fine.

After You've Moved In

When you move in, put curtains up and try to make the place look generally lived in. Move all your furniture in straight away, but not valuables until you're sure it's safe. Go down to the local gas and electricity boards quickly — before the owners do. If the services are on, take a note of the meter readings and take them down to the boards when you go to sign up for an account (see **GETTING THE PLACE TOGETHER**). If you use gas or electricity without paying for it, you can be done for theft. You are also liable for paying rates (to the council) and water rates, but you can safely wait until they ask for them.

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

If the owner comes round, try to explain why you are squatting and offer to pay rent. They will probably refuse, but it is just possible that they will give you a licence — that is, permission to stay (see **WHEN IS A SQUAT NOT A SQUAT**).

If the place is owned by the council or a housing association, don't contact them yourselves. They will almost never accept rent from you knowingly, and the sooner they know you're there, the sooner they may evict you.

With private owners, it can be a good idea to write to them. Enclose a legal warning and stress that you will prosecute any attempt at illegal eviction. Say that you have done no damage and that you intend to use the place responsibly. If you think it may have been squatted before, point out that none of you are the same people (see **EVICTON — Warrants of Restitution**). Always say that you don't see why you shouldn't stay until the owners need the place — you might get a licence.

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 (see p. 32).

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 otherwise be locked up in repressive institutions like mental hospitals. Think carefully before you exclude anyone. Everybody has the 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.

What To Do if the Police Arrive

After you've changed the lock, it's 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. They can also enter if they think someone inside has committed, or is about to commit, an 'arrestable offence' (this means most serious offences) or if they suspect theft, drugs, firearms, violent crime, breach of the peace or terrorism. You should tell the police something like this:

'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 10).

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 letterbox. They may say something like 'all out under the Criminal Law Act'. If they do, say that the house is unoccupied except by yourselves, and that if there is a 'protected



intending occupier' you won't leave until you see written proof; that is, a certificate under section 7. This is the law about which squatters are told more bullshit by police and council officers than any others, so it's important that you understand it better than they do. (Not usually very difficult — see page 10). 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 charges. If you're really unlucky, they may just break down your door and move you out.

Should you be evicted or arrested in any of these ways, think carefully about bringing a case against the police (or owners if they sent heavies to evict you). To do this, you must make the fullest possible notes — as soon as you can afterwards — of what happened, police officers' numbers etc. Then contact your nearest law centre, sympathetic lawyer, Release or ASS. It's up to us to get their abuse of the law down to a minimum by prosecuting them when we can.

DEALING WITH THE POLICE

1. You do not have to say or sign anything at any stage — in the street, at home or in the police station.
2. You have the right to refuse to answer all police questions (though if you are stopped when driving it is an offence not to give your name and address). Under the **POLICE AND CRIMINAL EVIDENCE ACT, 1984**, the police can arrest you if you refuse to give them your name and address or if they suspect you have given them a false one. They can take you to a police station and hold you until they have found out the information. It doesn't cover other information which the police might ask for, such as your date of birth.
3. Check their identity. Ask to see their warrant card and remember the details. If they are uniformed, write down or remember their numbers.
4. If you are arrested, the police must decide as soon as you get to the police station whether to charge you with an offence, release you (maybe on bail to go back to the police station later on) or detain you without charging you. They can detain you without charge only if they need to get further evidence by questioning you or to 'protect' evidence elsewhere (for example, if you might destroy some evidence if they released you). They must tell you their reasons for holding you.
5. The length of time you can be held by the police without being charged depends on the kind of offence you have been arrested for. You cannot be held without charge for more than 24 hours if you have been arrested for an 'ordinary arrestable offence'. If you have been arrested for a 'serious arrestable offence', this time can be extended by up to 36 hours by the police or up to 96 hours by a magistrate. If an offence is not an 'arrestable' one, you cannot be held without charge, but in some circumstances you can still be arrested for it!
6. 'Arrestable offences' are ones for which you can be sent to prison for

- five years or more **PLUS**: taking motor vehicles, going equipped for stealing, offences against the 1936 Public Order Act such as conduct likely to lead to a breach of the peace, driving whilst drunk or disqualified, offences against the Customs and Excise and Official Secrets Acts and a few others.
7. Of these, 'Serious' arrestable offences are things like murder, kidnapping, rape and other sexual crimes, hijacking, firearms offences, certain offences under the Prevention of Terrorism Act and causing death by driving.
8. BUT an 'ordinary' arrestable offence can become a 'serious' one if it causes harm to the security of the state or public order or would lead to anyone's death or injury or cause large financial loss.
9. If you are held without charge under these rules, the police must review your detention after six hours and then every nine hours. You can 'make representations' at these reviews, which must be written down.
10. You have a right to see a solicitor while you are in custody. A senior police officer can delay this right only if it might lead to evidence of a 'serious' arrestable offence being covered up, someone suspected of such an offence being tipped off, someone else being harmed or if it would hinder the recovery of property. The reasons for any delay must be recorded, and the delay cannot be longer than 36 hours.
11. It is always best to ask for a sympathetic solicitor who you know and trust, but you have a right to a solicitor from the 24-hour duty solicitor scheme which has been set up under the Act. Always ask to see the list.
12. You also have a right to have a friend or relative notified of your arrest. This can be delayed only for the same reasons as apply to seeing a solicitor.
13. You can be searched on arrival at the police station, but only by an officer of the same sex.
14. The police can take your fingerprints only if you agree, if you have been charged or convicted, or if it has been authorised by a senior officer. If you

are cleared of the alleged offence or are not prosecuted or cautioned, you are entitled to have the fingerprints destroyed in your presence.

15. Similar rules apply to photographs, but they can also be taken without your agreement if you have been arrested at the same time as other people and the police reckon they need a record of who was arrested.
16. In practice, especially in London, the police are unlikely to release you without taking fingerprints and photographs unless you make a big fuss about it.
17. In order to get bail, you may have to satisfy the police that you have a fixed address. As a squatter, this can be difficult, particularly if you have been evicted while the police have held you, unless you can stay at a friend's house which isn't a squat. A 'satisfactory' address for the purpose of serving a summons on you for a non-'arrestable' offence doesn't have to be your own address. The police must give you bail unless there are very strong reasons for holding you.

IN PRACTICE YOU HAVE FEW ENFORCEABLE RIGHTS AGAINST THE POLICE. EVEN EVIDENCE OBTAINED BY THEM ILLEGALLY CAN BE USED AGAINST YOU IN COURT.

IF YOU COME UP IN COURT

Most likely you will appear in court the next morning. The alleged offence will be read to you and you will be asked to plead 'guilty' or 'not guilty'. Always plead 'NOT GUILTY' at this stage. The police or maybe a careless or arrogant lawyer from the Duty Solicitor Scheme may advise you otherwise, or you may think it will be less bother to plead 'guilty'. This is bad advice. Never plead 'guilty' without advice from ASS or a trustworthy lawyer. You can always change your plea later if it seems to be a good idea. The case will not be heard that day — a future date will be set.

The charge against you may be a police try-on. Many people get convicted for things which aren't crimes at all — just by pleading 'guilty'! In particular, any charge relating to squatting under part II, Criminal Law Act,

1977 (see page 6) will a bit of an experiment on the part of the police as this law hasn't been properly tested in the courts yet. It is important that each case is looked at carefully for possible defences and defended in court if there are any.

Tell the magistrate you have not had time to discuss the case properly with a lawyer, you want legal aid and you want to be bailed, whether or not you have already been bailed by the police. 'Legal aid' means that the state pays for your defence lawyer and it should be available for cases where you could be sent to prison.

All the offences under the Criminal Law Act 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 (see page 6), 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, put you in touch with reliable and sympathetic lawyers and make sure your case is publicised throughout the squatting movement.



GETTING THE PLACE TOGETHER

This section only covers basic 'first-aid' repairs to make your home habitable. For more advice on repairs, consult the various books on do-it-yourself house repairs, in particular *Self-Help Housing Repair Manual* (see REFERENCES).

GETTING THE GAS AND ELECTRICITY CONNECTED

Getting a Supply

1) Where the electricity supply to the house has been disconnected in the street (see Electricity) it is best to try and find another place as it costs about £500 to get reconnected. If the board discover you are squatters, they will probably refuse to connect anyway. If you are near or next to a friendly house, you can lay your own cable from it (see Electricity again). This is perfectly legal as long as you pay for it. If services (gas or electricity) are not disconnected in the street but are disconnected where they come into the house, when you've signed up for a supply (see below) you will be visited by a representative from the respective boards, who may check the condition of the wiring/piping. Make sure it is all right (see relevant sections) before the board calls, or it may be used as an excuse not to connect.

2) Before moving in, try to find out who the owner is (see FINDING A PLACE) and whether they have issued any instructions to the gas and electricity boards. This is not easy to find out, but local community centres, squatting groups (if you are lucky), friendly neighbours etc may have information. Also ask whether particular showrooms have a bad reputation.

3) Once you are in, it is important to sign on quickly, before the owner has time to contact the boards and tell them not to connect you. You can sign on in the usual way, by going to the nearest showrooms, but there can be problems with this 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 boards' staff. Just get one of the application forms (say it's for a friend if you're asked), fill it in at home and send it back in the post, or better still, put it through the letterbox after the showroom has closed – it's quicker. The form will ask for 'name of landlord'. If you have squatted on a council estate, the boards will know the council owns it, so put the council's name on the form. You will have to choose whether to apply for a credit account or a budget account; there are advantages and disadvantages whichever you choose.

You can sign on for a credit account (quarterly bill) if you have had a previous account (and paid the bills), or if one of you who has an account can act as a guarantor. Otherwise, you will have to pay a deposit, which can be £100 or more. (A banker's reference may help, but don't rely on this.) Pay a deposit if you can afford it, because once the boards have accepted your money, they have a contract to supply you, and must do so, even if the owner objects.

It may be simpler to sign on for a budget account, which is a fortnightly or monthly payment scheme. This way you do not have to pay a deposit. However, it is best to return your first fortnightly or monthly payment with the form to open the account. Again, once the board has accepted this payment, they will have to supply you.

Alternatively, you could ask for a pre-payment (slot) meter, but they can ask for a deposit, and they will also want to make sure it is 'safe and practicable' to install one.

4) However, if you do sign on at the showroom, don't tell the staff you are squatting if you can possibly avoid it. There are ways of getting round this (rent books can be bought at most stationers...). Don't volunteer to tell them whether the house is owned privately or by the council. If they do ask, you had better tell the truth – they may know the answer anyway. The difficulty with council places is that many councils give their tenants letters authorising them to open an account, so if you cannot produce this letter of authority, they will probably realise you are squatting.

5) Don't panic if they do work this out – all is not yet lost. Try quoting the Gas Act or

GETTING THE GAS AND ELECTRICITY CONNECTED

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

The most damaging case for squatters was that of **WOODCOCK AND ANOTHER 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 of 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 boards 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 of their empty properties. Also, in agreeing to supply squatters, some boards have a policy of asking for very large deposits.

Once you have been accepted as a consumer you are, in practice, rarely cut off for any reason except non-payment of bills.

Electric Lighting Act at them, as well as Benn's and Eadie's statements. If you have children, they can be more sympathetic. Tell them you know that their board's official policy is to connect squatters unless there are instructions from the landlord to the contrary. If you can afford it, offer a deposit, if they insist on it. If you have kids, this may be paid by social services, but they will need a lot of hassling.

6) 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 for 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 are trying this, you must have a meter to show how much you have used; electricity meters can be bought from electrical wholesalers.

7) Some people ignore all of the above and just connect the supplies 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). It is more advisable to try and get an account.

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

9) 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 or law centre to try and negotiate with the authorities. They can point out the misery that would be caused, the principal 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 will be more effective if there are children in the house and particularly if the owner is the council (which would have to rehouse people with children if they become homeless). It is illegal for children to be taken into care just because they become homeless in this sort of situation, but if you have had a bad experi-

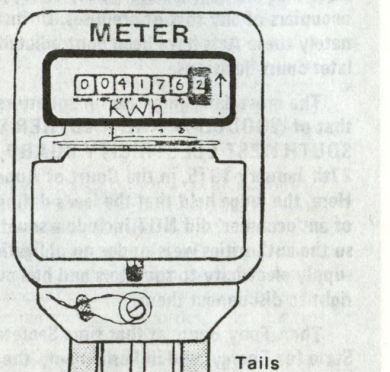
ence with the council, be careful that they don't use this as an argument to show that you are 'unable to take adequate care of your children'.

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.

10) Another move is to get together with other squatters and contact the local EPTU (electrical workers' union) or the GMBATU (gas workers) asking them to agree not to disconnect services to squats. You can even picket the hole that they dig, or fill it up with earth or water, but this will probably only delay your fate. If you do see anyone digging to disconnect, make yourself known to them and phone the relevant board. These workers are often told by foremen 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 actually manage to do

everything; digging the hole, cutting the cable and filling the hole in again in one operation.

You can also try organising an occupation of your local showroom to demand that they connect you or reconnect you. Direct action can be more successful and less expensive than using the courts, but like any occupation there's a risk someone may get arrested (see **ORGANISING**).



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

ELECTRICITY

Disconnected Supply

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

Touch the bare wire with the screwdriver end (1), holding the body of the mains-tester (2). Tap the metal cap (3) with a finger and, if the wire is live, the bulb (4) will light up. *Never touch the wire or the screwdriver end while doing this.*

You have to touch the company head (see diagram left), usually situated inside the front door or in the basement; with your mainstester. In newer houses the company head may be in a locked cupboard outside

somewhere; in flats the company head may be in a box in the stairwell or behind a door, if you live on the ground floor.

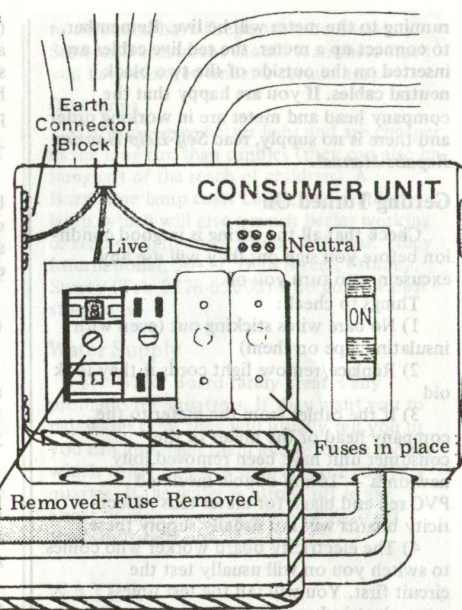
If the company head is not live then the electricity will be cut off in the street.

There are three ways disconnection may have been done:

1) Cut Off In The Street

Signs of this are freshly laid tarmac a few feet into the pavement in front of the house. In London, 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. Do not 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 with a mains tester, as shown above. If the company head

is off you can run a cable from a nearby house (next door is obviously best); this is perfectly legal as long as that house has an account with the electricity board. You will need armoured 16mm cable which costs £3-£4 a metre and is generally only available from the manufacturers (your local supplies shop should know who your nearest manufacturer is). Take the cable from beyond the company head in the supplied house and fit another junction box with a switch, preferably between the meter and the consumer unit (fuse box). The switch will need to have the same rating as the cable (either 30 or 60 amps). If the houses are next door you can simply run the cable through the wall. If the cable is to be laid outside it must be at a specified depth underground (the connection will not be recognised as legal by the board if it is not): the depth below the ground which is under cultivation is one metre; under a concrete roadway or path – 300 mm. 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 accounting, 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

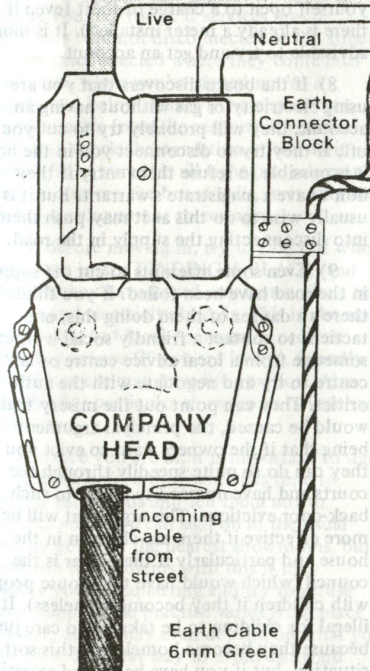
In the company (or supply) head there is a 60 amp cartridge fuse (3" version of the sort in an ordinary plug). These are often removed to cut off supply. You can buy them at electrical dealers (£2.50), although you may have problems getting the holder to go with it. If there is space for three fuses you have a three phase supply – get advice before you work on it. At least look at *Self-Help Housing Repair Manual*. Have a good look round in case the fuses are lying around.

In blocks of flats, there is often only one company head serving the whole block. If there are distribution boxes on the landings, the fuses probably will have to be 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 *Self-Help Housing Repairs Manual*.

Getting Turned On

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

Things to check:

- 1) No bare wires sticking out (even with insulating tape on them)

- 2) Replace/remove light cords if they look old

- 3) If the cables from the meter to the company head or the meter to the consumer unit have been removed, buy new ones — '16mm double insulated PVC red and black for meter tails'. Electricity boards will not usually supply these.

- 4) The electricity board worker who comes to switch you on will usually test the circuit first. You will fail the test unless every electrical appliance is switched off, so check before they come. If you connected up the supply whilst waiting for the board to do it officially, make sure you have disconnected it (by removing the company head fuse) before they arrive.

- 5) If everything was intact when you moved in, and you signed on by post, they will want to read the meter so it's worth checking everything.

- 6) Do not let the police catch you using electricity when you first move in — you will be liable to arrest for theft.

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.

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

A Short Circuit

This happens when a red or brown wire (positive) touches a black or blue wire

(negative). Normally it will just cause a flash and blow a fuse. Replacement wiring and switches can often be found in derelict houses as they have little value, or can be picked up second-hand.

Temporary Supply

If you have electricity as far as the meter but all the wiring from there looks hopeless, or the lights don't work, you can wire up several plug boards with fuse boxes to take extension leads throughout the house.

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.

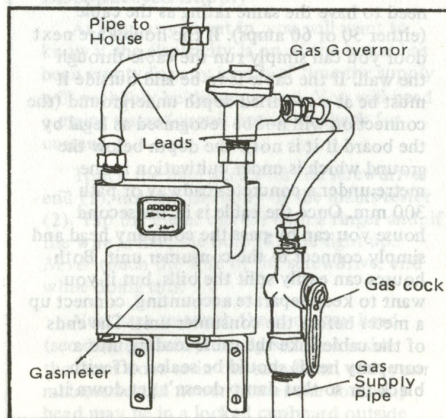
The first thing you need to do is to see whether the gas is on. On the ground floor (or basement if there is one) you will find a meter — or a gap where one was — and a gas cock.

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

Tools

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

- 1) Two stillson wrenches (one to hold against).
- 2) Boss white or PTFE tape to seal threaded joints.



Gas meter

- 3) Washing-up liquid to test if joints are leaking.

New piping can be in iron or copper; adaptors can be obtained. Do not use polythene. Use copper or iron only. You can then assemble as water pipes (see **WATER**).

To Connect A Cooker

You will probably find that there is a pipe in the kitchen which has been capped — this should be the gas pipe. If this is the case, all you need is a flexible rubber connecting hose (cost about £6.00) and boss white smeared on the threads to seal. Always test with washing up liquid before use; smear each joint with slightly diluted washing-up liquid. If it bubbles, the joint is not safe.

Alternatives to Mains Gas and Electricity

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

Calor Gas

This is an economic form of gas which can be used for cooking and heating, though fires would have to be bought specially. Some cookers can be converted (check with Calor Gas Ltd, Appleton Park, Riding Court Road, Datchet, Slough, Bucks. Tel: Slough 40000). The main hassle is that the bottles it is supplied in are large and have to be transported, though you might be able to arrange deliveries. A standard domestic bottle costs £11 for the gas and about £20 for the deposit. The advantage is, once you're converted, you are independent and can move your equipment from house to house without having to worry about getting connected by the board.

Generators

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

Paraffin Stoves

Paraffin heaters are a cheap form of heating, but make sure you have the more recent models which have safety mechanisms. In particular, if there are children in the house, make sure that heaters are inaccessible

to them and have fireguards (the Social Services Department should loan these free if you have children under a certain age).

Oil Lamps

Oil lamps give better light and are cheaper in the long run than candles (they can also be hung out of the reach of children). A Hurricane lamp costs £6-£8, and a Tilley lamp, which will give a much better working or reading light costs around £30. Ask Tilley International, 30-32, High Street, Frimley, Surrey (Tel: 0276-65600) who your nearest stockist is.

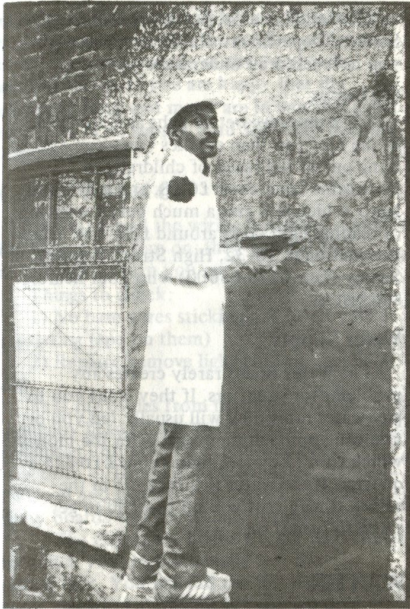
Water Supply

The Water Board rarely creates any problems for squatters. If they want you to pay water rates they will usually tell you or you can approach them and offer the money which won't be more than about £10-£15 a quarter. If the water is turned off in the street, it may cost you up to £100 to get them to turn it on.

WATER

If the water isn't on already, it may be turned off by a stopcock where the mains supply enters the house. This is usually in the hall or in the basement under the front door. Turning this anti-clockwise will open it (check to see if it's open already). If there's 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" below the surface. Check to make sure though as it may be reachable with an improvised tool. Failing this, the Water Board will turn you on for a fee. They will sign you up for water rates if they come and they may contact the council to sign you up for ordinary rates.

Once you've got the water on, check that there aren't any leaks, as lead pipes have often been ripped out. If you need to replace lead piping, you can change to copper or polythene. There is such a fitting as a lead to copper compression (Viking fittings), available from Smith and Sons, Matthias Road, Stoke Newington, London N16 at about £6; alternatively you can do a lead to copper wiped joint (soldering a piece of copper inside the lead). If you choose to use polythene, you will probably have to do the wiped joint anyway (it is best to get somebody experienced to do it for you or at least show



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 adaptor connectors to fit it to the newer metric piping.

Copper Piping

Copper tube is about £2.50-£3 per three metre lengths for 15mm ($\frac{1}{2}$ ") and a bit more for 22mm ($\frac{3}{4}$ "). 15mm is fine to use unless it's for 'down' services from a water tank. Fittings can be 'compression', which you screw up (expensive but only two spanners needed), 'Yorkshire' which you heat up and are cheap, or 'end feed' which you feed your own solder into (cheapest). You will probably have to use a mixture of Yorkshire or end feed and compression.

Threaded Iron Pipe

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

Lead Pipe

This can be difficult to get and is very difficult to work in. If you have a pin-hole leak in a lead pipe, a sharp tap with the hammer should stop it.

Plastic Waste Pipe

This comes in sizes 1" upwards with simple push-in fittings, or better, solvent glue ones.

Leaks

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

Toilets

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

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

Drains

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

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

Ascots

These are a common form of heating water. They can be bought second-hand — ask whether they are converted to natural gas. The *Self-Help Housing Repair Manual* has a good section on what goes wrong with them and how you can put it right.

ROOFS

These can be fixed much more 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.

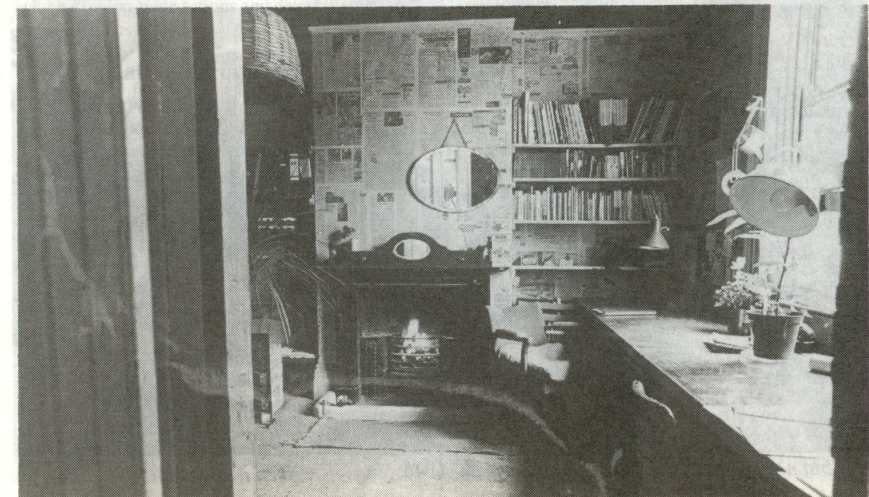
6) Copper wire or 1" lead strips.

Problems

- 1) Slates missing. Replace 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 the *Self-Help Housing Repair Manual* by Andrew Ingham (see REFERENCES). If you have an old edition (pre-1978) ignore the part on law at the back which is inaccurate. There will also be other handyperson books at the library.



What can be done — a former derry.

you how) as you might have to go via copper. Some water boards don't like polythene used where there's mains pressure, but they don't usually make thorough inspections. The poly pipe you need is low-density Grade C, which is $\frac{1}{2}$ " inside diameter and $\frac{3}{4}$ " outside diameter. It is quite cheap but you'll probably have to buy it in coils of 20 metres or so. In London you can get it from:

StanleyWorks, Osbourne Road, Thornton Heath (01 653 0601) (South London) 45 Ducklees Lane, Ponders End (01 804 7121) (North London).

Specify British Standard 1972 Class C as they have hundreds of different kinds.

Tools and Materials

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

ORGANISING

SOME HISTORY

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.

In England, squatting can be traced back to the Middle Ages, in particular to 1381, when the first Forcible Entry Act was passed after the Peasants Revolt. There are records of squatters in all periods since then, up to the present day. Amongst the best known were the Diggers who squatted land in various places when the 'revolution' of 1649 failed to make any difference to the lives of the poor. 'Cottars' and 'borderers' were ancient English names for squatters, and some of the houses they built in the last three centuries 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 Squatters 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 illegal evictions, an agreement was reached to licence the houses. Meanwhile, similar struggles in other London boroughs led to the setting up of a number of groups which obtained short-life licences to house families. Some of them still exist, but they have now abandoned squatting.

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

The movement of the 1970s achieved a number of things—in addition to providing housing for thousands of otherwise homeless people. Squatters have struggled successfully against property speculators, prevented destruction of good housing and, simply by their existence, have confronted authorities with their inadequacies. For a history of squatting from ancient times up to 1980, see *Squatting—the Real Story* (REFERENCES).

Three All London squatting organisations have existed, though they are no more: All London Squatters (1973-75); Squatters Action Council (1975-77); and London Squatters Union (1977-80), which was based on individual membership and produced a newspaper (*Squatters News*). Squatting organisation then went quiet but it didn't stay that way. Since about 1982, the emphasis has been more on local groups which help to make squatting more organised, supportive and accessible. London Squatters Network exists as monthly social/discussion meetings from which London-wide actions and demonstrations are sometimes organised.

Local Squatting Groups

At present (April 1987) there are probably about 35,000 squatters in London and several thousand more elsewhere in Britain. Many squatters have no contact with squatting organisations, but some have formed local squatting groups, based on boroughs or towns. This is how we can get to know and support each other, share our skills, resources and information on empty property and give advice and help to people new to squatting. Several of them produce regular papers.

There are eight such groups in London and five in other places at the moment, as well as several others based on estates or streets or particular people (students, for example). These groups are growing in number and importance. Helping

other people to get a home once you've got yours, and organising into groups, is increasingly necessary as more people need to squat and pervasive myths about squatters lead to harassment from police, landlords and councils. Working together and supporting each other increases our strength and confidence. ASS can put you in touch with local squatting groups and would be glad to hear and pass on information about what's going on in your area. Contact and communication between squatters is essential for political organisation. The more contact, the more ideas are spread and the more we learn from our experience.

PREPARING THE GROUND

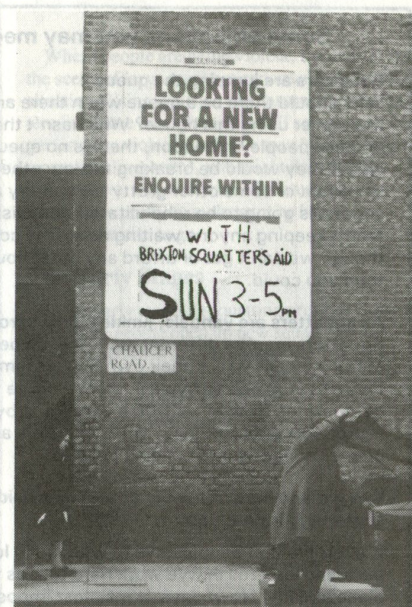
Political organisation is not something we can describe in practical terms, like rewiring a house. What is appropriate will depend on the time, the place and the people involved. The suggestions in this chapter have all been tried and are worth thinking about.

Sooner or later the owner of your squat will try to get you out. While some squatters are prepared to move on when this happens, others will want to fight, either to stay where they are or for rehousing. Usually, opposing possession orders in the courts will be only a delaying tactic, giving you more time to organise politically to defend your home. In any case, the owner may try to illegally



Out but not down. Evicted squatters moving on, 1946.

Keystone/Bay Leaf Books



Some objections you may meet, and some possible answers:

Squatters are jumping the queue

Why should there be a queue when there are at least 850,000 empty homes? Why isn't the owner using this house? Why hasn't the council bought it on compulsory purchase to rehouse people? In London, there is no queue anyway—councils usually house people only if they would be breaking the law otherwise, and then they only put them in bed & breakfast or some other grotty 'temporary accommodation'. This place, like most other squats, is going to be rehabilitated/demolished/repainted sometime in the future, so we aren't keeping anyone waiting now. The council refuses to take responsibility for us and though we can't get or afford any other housing, we can't sleep on the streets any more than you could.

All squatters are vandals, junkies, dole scroungers

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

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

It's terrible that people have to work such long hours to pay rent to others who just sit back and let it roll in. We work hard too, as you can see from what we've done to this place already. Nowadays, it's almost impossible for anyone but the rich to rent a place privately. Some councils pay 90% of their rent income to city financiers, not on building more homes. In a more just society, nobody would pay rent, homes would be built for people's needs, not profit. The only fair rent is no rent at all.

evict you almost immediately, so it is a good idea to start organising as soon as you have opened up your place(s), if you haven't done so before.

As soon as you move in, try to establish friendly contact with your neighbours and people in the area. Explain to them what you are doing and why. Start work on things like cleaning windows or clearing up the garden straight away.

Later on a bit of paint or some window boxes would be good. All this helps to dispel myths about 'vandal squatters' etc. and may prevent neighbours from calling the police or alerting the owner. They will realise you want to live in the place, not vandalise it. Most people would rather live next door to an occupied home rather than a derry.



Forming A Group

If you are opening a large squat like a block of flats or if you find that there are several squatted houses in your immediate area, it is a good idea to form your own squatting group, even if there is already one in the borough or town. Some close-knit groups feel able to operate without formal meetings, though this arrangement can break down if there are disagreements or a crisis. Others prefer to have regular meetings.

It is important to try, right from the start, to involve everyone in the squat(s) so that decisions made are by a consensus of the people who will be affected by them. If this means very large meetings, it would be possible for some of them to consist of representatives from each house (or in flats, floor or staircase) though it is essential for everyone to know what is going on. Representatives should not be 'leaders', but answerable to the people who nominated them. It may be helpful to rotate representatives and put out leaflets or an internal newsletter. To prevent elites forming, though, it is important that there are still large meetings aiming to involve everyone, particularly for major decisions.

It's essential right from the start to prevent divisions occurring amongst squatters. Outside forces, such as the council and social workers will try to divide 'families' from 'single people', and it is important that these divisions are not duplicated inside squatting communities. Families and single squatters are sometimes wary of each other. Frequent personal contact and respect for each other's (maybe different) reasons for squatting and long-term aims can overcome this, as can organising a creche or babysitters so that people with children can take a full and active part in meetings and actions. Other divisions of race or sex may appear as well. Fighting racism and sexism is a long hard job which needs a lot of patience and discussion, but it can be done provided we keep talking to each other.

Another occasional problem is people stealing or behaving in other anti-social ways within squats. The fact that you are squatting does not mean you have no control over who comes into your home. On a practical level, always maintain landing lights and doorbells as well as having good locks on your door and think about installing a 'spyhole'. You can expect little or no protection from the police, so it is up to you to build up a community of people you know and trust, and work collectively to overcome these problems. Confronted by a group from a street or local meeting, most thieves can be persuaded to stop ripping off.

Where people are being violent, the arrival on the scene of large numbers can usually defuse the situation. Using whistles can ensure this if squatters live close enough together. If someone is persistently violent (such as a man beating up the woman he lives with), you might decide to get him to leave, but remember the situation is less likely to recur if you make sure he has somewhere else to go.

The Early Stages

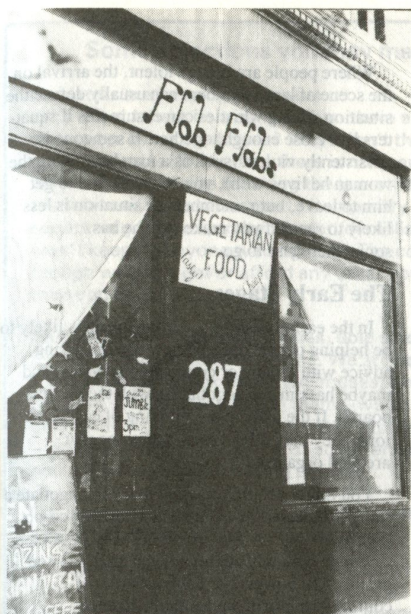
In the early stages, a squatting group is likely to be helping people open up new squats, giving advice with repairs or connecting services, and maybe hassling or negotiating with the various boards. If the owners are thinking of early evictions, they may think twice if they see you are well organised.

You might decide you want to try to negotiate a short-life licence or even form a housing co-op. (See **WHEN IS A SQUAT NOT A SQUAT**). Councils will only negotiate with an organised group. You will end up paying 'rent', of course—usually in the form of a licence fee—whilst having the same responsibility for repairs as you would as squatters. The advantages are greater security, the possibility of progressing to permanent housing and increased freedom from harassment.

It might be a good idea to set aside a room, flat or house as a meeting place and contact point for new people and supporters, where furniture, tools



Squatters' bookshop and organising centre
—East London.



Outside and...

etc. can be stored. Many squatting groups have gone further than this, and opened up disused shops, pubs, or offices for these purposes. They have often developed into centres for social activity and political struggles, including cheap community cafes, bookshops, creches, nightclubs or studios. In London, such places have greatly strengthened organised squatting and attracted support.

It is useful to keep lists of squattable places and copies of this handbook at hand, as well as local information, leaflets on what to do in case of arrests or police harassment (such as the NCCL *Know Your Rights* wallet—see **REFERENCES**) and names of sympathetic lawyers.

When squats come under threat of eviction, you will want to keep copies of correspondence with the owner or council (if any), details of legal proceedings and a press list. If at all possible, get a phone installed. A pay-phone avoids being landed with big bills. Don't forget to tell ASS and other squatting groups the number!

For many of us, squatting is not just a way of getting a home, but also provides a base for other projects. In addition to the activities mentioned above, claimants' unions, food co-ops, bakeries, womens centres and refuges, community printers and papers and peace campaigns have all been set up in squats. These kind of projects can serve a

double function: they are worth doing in themselves and help create links with people in the area who are not squatting. Sometimes it is hard to break down the walls between squatters and other local residents. Obviously, one way is if squatters make a positive contribution to the life of the community.

Much of this will be difficult for people in isolated squats, and many people who are the only squatters in a street or estate prefer not to advertise the fact. Sooner or later, though, you are likely to need some support and it is a good idea to be in touch with other squatters before (rather than during) an emergency. ASS tries to keep an up to date list of local groups and active contacts, but it needs to hear from squatters frequently if this is to be accurate.

Making Links

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

Obviously, local housing co-ops and short-life groups who support squatting are a good place to start. They will probably have experience of dealing with the council and useful information and may be able to help publicise your struggle.

Get in touch with tenants' or residents' associations and community or neighbourhood centres. The council's information department or the reference library should have lists of them. Remember, squatting does not exist in a capsule or just amongst certain groups of people! It is part of wider struggles for decent housing and control of our own lives and it is in all our interests—squatters' and tenants'—to fight together for what we want. Although there may be negative attitudes to be overcome, don't forget there is also a lot of goodwill and support for squatting in the community. Some tenants may be ex-squatters, and other will have friends or relatives who are. Recently, some tenants' associations have become active in squatting themselves, opening up flats on their estates for homeless people, and it is now quite common for squatters to be welcomed as members. Squatters should support tenants in their struggles, for repairs and against rent increases, as well as looking for support from them for squatting struggles.

Whether you are in council or private property, you can write to or meet your MP or the councillors for your ward or circulate the councillors on the housing committee with details of your campaign—some may be willing to take up your case. Sometimes, you can table a question at meetings or ask the housing committee or council to listen to a deputation to put your point across. Contact the Town Clerk/Borough Secretary to find out the correct procedure. If your points or questions are not conceded or answered, you might want to think about more militant action.

Links with local Trades Union branches can also be important. Branches of the ETU (electricity board workers), GMBTU (gas) and UCATT (building workers) have in the past refused to cut off squats or wreck empty houses when approached by squatters. Many Trades Unionists may also be suspicious of squatters at first, and it may help if initial approaches are made by squatters or supporters who are TU members.

Council office workers will usually be members of NALGO. Don't assume they're *always* hostile! (See **'Infiltrating'**, p.14) Social workers or housing advice officers often make use of squatting by sending people to squatting groups or ASS when the Housing Department has refused to help. Point out that such help can be mutual, particularly when it comes to opposing evictions. Ask them or their Union branch to make public statements supporting squatting and admitting they have no choice but to refer people to squatting groups.

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

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

DEFENDING YOUR HOME

If you have managed to get well organised before there is a threat of eviction, you should be

in a position to defend your home(s).

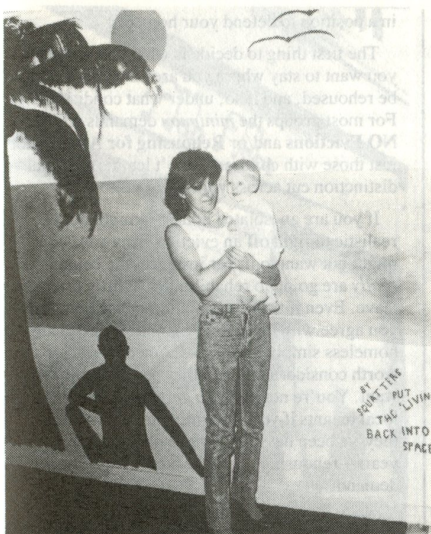
The first thing to decide is what you want. Do you want to stay where you are? Do you want to be rehoused, and if so, under what conditions? For most groups the *minimum* demands will be **NO Evictions** and/or **Rehousing for All** (i.e. not just those with children—don't let this artificial distinction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

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

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



... in. Two Islington squatted cafes.



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

Letting People Know

As well as the ideas suggested in **Making Links**, now is the time to publicise your struggle as much as possible. How long was your place empty before you squatted it? How long will it stay empty if you are evicted? Is the council saying you are holding up development at the same time as it has houses standing empty? Is it 'gutting' houses? What can you find out about other places owned by the landlord, speculator or housing association? Who is likely to make a profit from your eviction (financial or political) and why? A trip to Companies House (see **REFERENCES**) may be useful. This information, plus details of who you are, what you're doing and what you want can be publicised in three different ways.

Within the Squatting Movement

Send leaflets to other squatters and ask ASS for contacts. This is vital if you need support from other areas for actions or demonstrations.

On the Streets

Keep the neighbourhood informed. Door to door leafletting, noticeboards outside your home(s) and flyposting or graffiti are all ways of doing this.

You will probably need to print something. For leaflets, photocopying is fast, but gets expensive over about 50 copies. Duplicating is cheap and quick up to 500 sheets if you have access to a typewriter and duplicator. Offset printing may be cheaper for bigger runs. Silkscreen can be used for making posters. A community press or resource centre should have these facilities, and libraries, student unions or community bookshops may also be able to help.

Other effective ways of communicating are videos, tape-slide shows, photographic exhibitions or theatre. These can be the focus for an indoor meeting. Street theatre can be a powerful way of communicating, but keep it short, simple and loud—and bear in mind it may be a 'public assembly' (see **PUBLIC ORDER ACT**—next page).

The Media

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



Forming a media group: Find three or four people who are interested in this work. It's best if the same person actually speaks to journalists as a known voice on the phone can get stories accepted more easily, but the job of writing press releases can be rotated once the broad outline of what will be said has been agreed.

Remember that anything reported in the media can have a tremendous effect on squatters *everywhere*, not just your own struggle, so keep any wild talk until the reporter's gone home. Obviously, a media group should be answerable to the whole group of squatters, must stick to the policy agreed by everyone, and put themselves forward as spokespeople, not 'leaders'.

Listed below are some of the national or London papers which have sometimes given good coverage to squatters. The Press Association is an agency which puts out instant information to the press. It is worth phoning through any press release to them. For addresses of other papers see *Benn's Press Guide* in your local reference library.

For national and local TV and radio, look in the relevant phone book. Don't neglect your local papers. They will give you the most (but not necessarily the best) coverage and will be more responsive to any stunts or actions you organise. It is worth checking if there is a reporter there who has done good articles on squatting in the past and approaching her or him.

Press Releases: Generally, keep them below 400 words. Type clearly using double spacing. Include an address and a phone number, giving

times when you're there or a message can be left, and the names of your media group. Don't forget to date it.

It's a good idea to prepare and attach a background release, which can be longer and should include who you are (how many adults, children etc.), why you're squatting and all the issues mentioned at the beginning of this section. You might need to update this as things develop. Include one with every press release, not just the first. Further releases can be put out: for any court hearings; if there is any fresh information; to counteract anything said by the owner; or to announce any action you are taking (unless it might be illegal or depends on surprise).

Copy your release and send it by post (or, better still, bike it round to the papers' offices). It's often a good idea to phone it through *as well*. Either way, follow it up with a phone call a day or so later. Until you know individual reporters, ask to speak to the News Desk. Carry extra copies of it every time you are likely to meet reporters, such as court hearings or actions.

To call a press conference: Put out a short press release several days in advance and follow it up with a phone call the day before. Arrange a room where about a dozen people can sit comfortably. Have copies of all press releases, leaflets, photos etc. to hand and several people from the squat(s) prepared to tell their own stories.

If you are taking direct action (such as occupying the Town Hall), which you'd prefer the authorities not to get wind of, don't tell the press until the action is under way. As soon as it

Press Association	85, Fleet Street, London EC4	01-353 7440
Fleet Street News Agency	68, Exmouth Market, London EC1	01-278 5661
Guardian	119, Farringdon Rd., London EC1	01-278 2332
Observer	8, St. Andrews Hill, London EC4	01-236 0202
News on Sunday	31, Corsham Street, London N1	01-253 7876
London Daily News	3, Thavies Inn, London EC4	01-822 2323
Time Out (London)	Tower House, Southampton St, London WC2	01-836 4411
City Limits (London)	8/15, Aylesbury St., London EC1	01-250 1299

This list is not comprehensive. There are many other papers, especially local ones, which might cover your story. For photographic coverage contact. Report, 411, Oxford Street, London W1 (01-493 7737).

Squatting papers

Crowbar (Brixton) c/o BM Hurricane, London WC1N 3XX
The Wire (Southwark) 362, Old Kent Road, London SE1

Others who will be interested:

Community Action	27, Clerkenwell Close, London EC1	01-251 3008
Monochrome (London)	52 Acre Lane, London SW2	01-274 2288
Peace News	8, Elm Ave., Nottingham, NG3	0602-503587

THE PUBLIC ORDER ACT

It is now 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 is still a new law, and its exact meaning will not become clear until it has been interpreted in court cases. In practice, the police are liable to arrest people for organising a march or for not complying with 'directions' given during or before it regardless of the letter of the law. They are keen to experiment with their new powers and find out exactly where the courts will draw lines. On the other hand, they have ignored several illegally-organised marches when it suits their political purposes.

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 new 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 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. Police harassment is almost certain if you picket a home.

For further information on the Public Order Act, marches and pickets contact Campaign Against Police Repression or NCCL (see CONTACTS).

is, someone should ring them with the details and be ready to talk to them when they arrive. **This is every bit as important as the more 'militant' part of the action—don't let anyone tell you otherwise.** Don't forget to let people in the street outside know what is happening with leaflets and placards.

Letters: The letters page of any paper is the best read and most influential. You can write in, but letters from other people supporting you are more effective. This can panic politicians in a way nothing else will!

TV and Radio: Unless it's a major news story, you'll only get coverage from local stations. As with the press, send or phone in a press release to the news editor or the producer of a particular programme likely to cover your campaign.

Action

Even if you are going through all the 'normal channels' by negotiating and so on, remember that most successful struggles to defend squats or get rehousing have been backed up by action which the owner will consider 'unreasonable'—in other words political.

You can call a public meeting, maybe jointly with other local organisations who support you. You'll need to book a local hall well in advance. Posters advertising it a week or more ahead are a good idea, and it's even better if you also do door-to-door leaflets a couple of days before.

If you go to meet the owner or sign on at the council housing department, why not go as a march with banners and leaflets to give out on the street? Picket any court hearings with placards and leaflets explaining what's happening inside. You can even do these things *regularly* at the owner's office or Town Hall. It will show them you're not just going to leave quietly.

Another successful action has been occupation—of the Town Hall, housing department, owner's office, etc. It's important to plan this sort of action carefully. It's possible some of you may get arrested for things like 'breach of the peace' or obstruction, so make sure it's worth the risk and you have lined up a solicitor or experienced person to deal with the police after arrest. Decide beforehand precisely what your demands are, who you are prepared to talk to (they'll try to fob you off with a minor bureaucrat), and how long you are prepared to sit there. It is important that everyone has agreed the strategy *before* the police arrive or you may end up getting chucked out or arrested without achieving anything. Don't occupy to get something—say a meeting—you could get a safer way.

Barricading houses or even whole streets (which is, of course, 'obstructing the highway') has been an effective part of some squatting struggles—but only a *part*. Barricading will not hold the bailiffs off for ever, but it may delay them a little. They have been used for publicity, as part of a wider campaign; as a symbol/threat to

back up negotiations; or simply to give more warning of the bailiff's entry. Don't build them without thinking through the reason for them and the effect they will have in your own case.

It is possible, under Section 10 of the Criminal Law Act, (see opposite) that any resistance to bailiffs or sheriffs could be illegal, and this might include barricades, even though you don't intend to actively defend them. Some people may be prepared to risk arrest regardless, but what really counts is winning our struggles before eviction day comes. It's also worth thinking about how you will *live* behind barricades. In the '70s Villa Road squatters had to do it for 16 months! It's straightforward in some buildings, but others would be misery to be bolted up in, particularly if services had been cut off.

Barricades have been used as one part of active campaigns for rehousing, including legal arguments, negotiations, marches, stunts, occupations, and sympathetic media coverage. Elgin Avenue, Villa Road and Huntley Street squatters won this way in the '70s, and Pullens Estate did it in 1986.

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

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

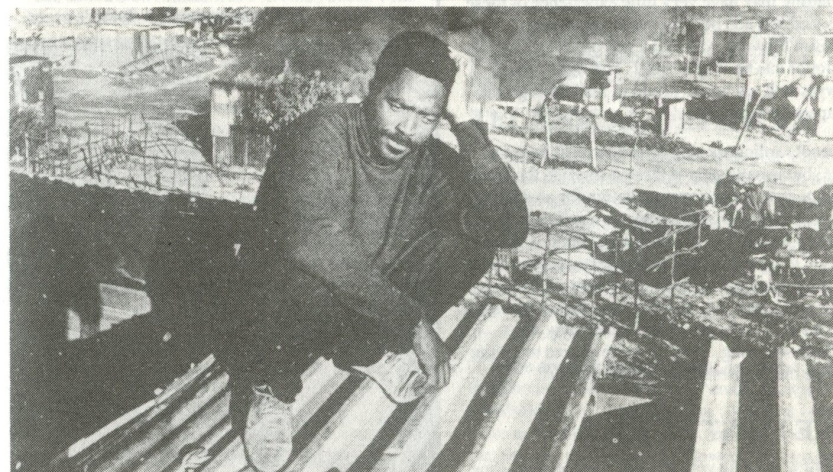
This section makes it an offence to resist or intentionally obstruct a bailiff or sheriff enforcing a possession order. This section in fact creates two new offences, as 'resisting' and 'obstructing' are taken as two separate things.

Of all the new offences created by the Criminal Law Act, this is the only section which has resulted in convictions. 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 £2,000.

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.



Crossroads, a big squatted town in South Africa. There are millions of squatters in the world. Most of them have to build their own houses and services and many are constantly harassed by the authorities.

EVICTIION

Unless you are evicted under Sections 6 or 7 of the Criminal Law Act (see p.18 & 10) or illegally by the owner or police, the usual way is for the owner to apply to the courts for a **possession order** under the summary 'squatters procedure'. It is called **Order 24** in the County Court or **Order 113** in the High Court and can also be used against student and factory occupations, travellers, ex-licensees and 'unlawful' sub-tenants. It is a quick procedure with such simplified rules that even the stupidest lawyer should get it right first time. The High Court is even quicker than the County Court, but it costs the owner more. However, many lawyers are even stupider than the government thinks and the courts reinterpret the rules to cover up for landlords' mistakes.

Most cases are not worth fighting as there are very few real defences. You may be better off finding another place than putting energy into a court case which will go against you sooner or later, but even technical defences may give you a little more time.

If you want more advice on the law, especially if you think you have one of the defences described below, contact ASS or, if you have one, perhaps a local law centre. Most ordinary lawyers know nothing about squatting and don't care either. Even a capable one who supports squatting may have very little experience of these proceedings and be pessimistic about them. Liaison between ASS and a law centre or friendly solicitor can be very helpful. The *right* sort of lawyer will not be too proud to read through this chapter for basic ideas!

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

THE FIRST WARNING

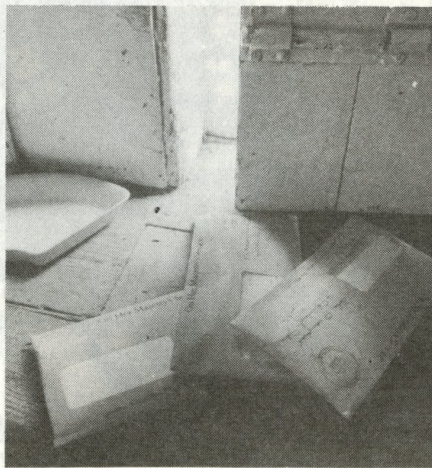
The first warning you may get is someone calling at your squat saying they are the owner or acting for them. Ask to see their identification and note

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.**)

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 keep a copy.

They will probably ask for the names of all the people living in the house. Nowadays, there is no advantage in withholding names. In fact, if you volunteer a lot of names—particularly in a big squat—and they forget to send summonses to all those people, you may have a defence in court (see below). You don't have to give your real or full name if there's a reason why you'd rather not.

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 it's the council, it doesn't neces-**



Here comes the summons

sarily even mean they're going to take you to court soon—that will depend on how urgently they want the place and how well you've chosen it.

They don't *have* to visit or write to you before issuing a summons, so it's possible that the first warning you get *is* the summons. It's important to start organising as soon as possible (see **ORGANISING**). If you haven't already, it may now be too late! A summons is the formal notice of the court hearing, and you have a *right* to get one. If you are hoping to fight the case do not throw it away. Precisely what documents you get and how you get them depends on whether you are named or not (see **Service**).

DO WE HAVE ANY DEFENCE?

There are two kinds of defences squatters may use: 'real' defences and 'technical' ones. 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. See **WHEN IS A SQUAT NOT A SQUAT** for what makes a licence, but if you are in doubt about your status check with ASS.

Other People with a Right to Possession

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

This is the most useful defence in holding up evictions. Most councils 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. The defence won't work if previous tenants have been rehoused by the same landlord.

If a building society or mortgage company is claiming because the mortgagee has defaulted on the mortgage, they should already have a possession order against the mortgagee.

And a New One.....?

The possibility of a new 'real' defence has been created by another decision in the Court of Appeal called West Glamorgan County Council vs Rafferty (1986). If it is the council which is trying to evict you **AND** they have a *duty* to house you but have refused to do so (see **HOMELESS...YOU MIGHT HAVE SOME RIGHTS** for who this applies to) **AND** it could be argued they have therefore made a mistake in 'administrative law' in taking the decision to go to court against you, then the court might refuse to evict you. A mistake in 'administrative law' means the council must have refused to house you because of some illegal *policy* they are trying to apply to everyone in your circumstances or they must have failed to properly investigate the facts about your individual application or taken some irrelevant fact into account.

This is a complicated argument! It's also a new one, and the courts have not yet made any final decisions on it in relation to anyone squatting (the case itself involved travellers). If you think your dealings with the council fit the description above, contact ASS for advice.

TECHNICAL DEFENCES

If none of the above applies, then your only defences are technical ones; in other words they got the procedure wrong. Nowadays most judges say irregularities can be ignored if everyone knows about the case, but you can sometimes use these 'technicalities' to gain time for any political action you are taking. 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', 'service', 'entitlement to possession' and 'rateable value'. The first two of these are two-part arguments. In both cases, the fact that the owner hasn't followed the rules isn't enough to delay the proceedings. It is necessary to suggest that someone has suffered as a result,

that they have been 'prejudiced' and 'injustice' is likely. So you must give evidence that someone is unaware that proceedings are going on because the owner failed to let them know and you believe they would have come to court to defend the case. The court might then order the summonses to be re-served, which will mean an adjournment. Obviously, anyone who turns up at court isn't prejudiced in this way.

Failing to name someone

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

Service

Your notice of the hearing is a *summons*. Every person who is named as a 'respondent' (or 'defendant' in the High Court) should receive a notice of the hearing together with the other documents. In addition, a copy should be posted through the letterbox addressed to the occupiers and another one pinned to the door. The documents will be slightly different depending on which court the owners have decided to use.

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

(a) Why they are entitled to possession. If the owner is not the person making the affidavit, but an organisation such as a council, the person (usually an employee) must say what their

position is, that they have been authorised to make the affidavit, and how they know the facts they are stating.

(b) Why you are trespassers. (Either you entered as trespassers or your licence has been ended.)

(c) That they have named everyone in occupation whose name they know.

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

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

Recent changes in the procedure have confused the position about how much notice some squatters are entitled to. The government *said* they were making changes to distinguish **open land** from **buildings**, so that travellers could be evicted quicker. But the new rules say there must be five days' notice in the case of **residential premises** (unless the judge decides the case is urgent for some special reason), but only two days in the case of **other land**. This could be interpreted to include buildings which are not residential, such as cafes, warehouses etc., but there have not yet been any court decisions to clarify the issue or to define what 'residential' means.

If you actually 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.

Entitled to Possession?

To obtain a possession order the 'applicants' (or 'plaintiffs' in the High Court) must prove that they are entitled to possession of the land claimed. This means they must be either the owners, leaseholders or tenants of the premises and there must not be an existing lease, tenancy or licence granted by them to anyone else. The premises 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.

If the people claiming possession 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 Orders 24 or 113—contact ASS.

If they claim to own it, they should produce evidence that they do, such as details of the land registration. If there was a tenancy or licence before you moved in, they should show that it was ended properly *before* they issued the summons against you.

If the affidavit doesn't state their right to possession very clearly or you have good reason to think it isn't true, ask for an adjournment for them to prove it, or prove yourself that they haven't a right to possession by submitting your own affidavit and ask for the case to be dismissed.

Rateable value in the County Court

A County court can grant a possession order only for a place with a *rateable value of less than £1000* 'Rateable value' isn't the same thing as the amount of rates charged—it's usually less. You can find out the 'R.V.' by ringing the Rates Department of the council. It's up to the applicants to prove the R.V. is within the County Court limit. If they don't say it is in their affidavit, ask the judge to refuse to grant the order until they prove it. If you're asked for your reason, draw the judge's attention to Section 21 of the County Courts Act, 1984.

If you're in London, don't let a judge tell you this figure is out of date and is now increased to £1500. That applies to 'rent actions' not Order 24.

Applications to Amend

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

SO YOU WANT TO FIGHT?

Courts exist to administer law, not to dispense justice. They protect property—and squatters are some of the people they protect it from.

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

If you decide it isn't worth fighting the case, it's still worth going along to find out what is happening. You can ask the owner's lawyer when the eviction will actually take place. Sometimes you can even make a deal after the case is over to stay longer in the place if there are no immediate plans for it. Some owners automatically get possession orders as soon as they know a place is squatted but don't necessarily use them immediately. **This is particularly true of some councils in London, who get routine possession orders but have no intention of actually evicting people until they are about to do something with the place. Don't move out just because you get a summons—find out what's going on.**

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 before the case. There are two types of evidence—verbal and written—and three types of witness who might give it—occupiers, applicants (the owner and people acting for them) and third parties.

1. If you want to give evidence yourself you should make an **affidavit**. Copy theirs to get the form right and type it using *both* sides of the paper. If you don't want to 'swear by almighty



Jenny Matthews/Format

god' you can *affirm* it instead, and it will then be called an **affirmation** but will have the same effect. Contact ASS for the correct form of words. You will need to make at least two extra copies. You can swear/affirm it at the court offices on the day of the hearing or get it done at a law centre or friendly solicitors. An unfriendly solicitor or the High Court office will charge you about £3. Any documents you want to show to the court should be added to the end as 'exhibits'.

You can give verbal evidence, but it's unusual and it's better to make any political points (the owner's record, lack of plans for the place etc.) in writing as the judge may stop you if you are saying them.

2. Sometimes you need evidence from the other side. For instance, do they remember your giving a name to them or did they say 'you can stay here till the spring'? If the witness has sworn an affidavit but the facts you're interested in aren't mentioned, write to the owner's solicitors saying you require that person to attend court for cross-examination. If they haven't, go to the court office and ask for a witness summons.

3. 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 without being forced to, you can just ask them. They can write an affidavit too, but should turn up anyway. If they wouldn't turn up voluntarily, or being seen to do so would make their position awkward (e.g. a friendly councillor or neighbour), then get a witness summons for them.

4. If you know the owners have documents which would assist your case, you can write to them formally asking to be provided with copies within 3 days (e.g. the council has an internal memo saying 'don't evict these people' and you are claiming a licence). If they refuse to hand them over, make an application to the court. You must give good reasons why the documents will help your defence. The owners can then be ordered to give them to you.

In Court

The court is a civil not a criminal one. Even so, it can be very intimidating. In the High Court, the case will be heard 'in chambers' which means a smaller room 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



Brixton squatters resist eviction

you're not named on the summons that doesn't stop you fighting the case. Anyone can turn up and be 'joined'.

The court doesn't *have* to listen to anyone who isn't an occupier speaking on your behalf, except a qualified lawyer, though judges will often agree to do so. An alternative is to say you want a friend beside you 'to quietly advise you but not address the court'. This person is called a 'McKenzie', and if the judge questions your right to such help mention *McKenzie vs McKenzie*, 1970, which was the case which established this right. It can be very useful, because the person beside you 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.

Giving Time

If the judge doesn't accept your defence s/he will probably grant a possession order 'forthwith' (at once). The judge has the power to suspend the order **only if you are ex-licensees (see WHEN IS A SQUAT NOT A SQUAT)**. If you have always been trespassers, the order can't be suspended unless the owner agrees. Occasionally, a genial judge will invite the owners to do this if s/he felt you made some good points.

A possession order itself doesn't get you evicted. It entitles the owner to issue another

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

In theory, a possession order can be granted, a warrant or writ issued, and an eviction carried out in one or two days, but this is very rare and 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 four months. Ask local squatters or ASS about the situation in your area.

Nowadays, 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. They'll probably tell you if they know, but if they don't try the owners themselves. Failing that, the information might be obtained for you by a social worker, probation officer or advice centre.

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

Warrants of Restitution

If a place is re-squatted after the bailiffs have evicted the former occupiers, and the owners think they can prove that at least one of the same people have gone back in, they can apply to the court for an 'warrant of restitution'. The re-occupiers will get no notice of this hearing.

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

Who gets Evicted?

Anyone who is on the premises when the bailiffs come round can 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 one 'of restitution') if the owners 'recovered possession' from the old squatters by, for example, boarding up or putting locks on after previous people left following a summons or possession order. They can't issue the warrant/writ just to get the second squatters out, because the possession order was 'satisfied' when the first squatters left. If this fiddle is tried, you can apply to have the warrant or writ set aside. Good evidence will be important. It won't work if the warrant/writ had *already been* issued when you moved in.





Setting Aside

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

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

Appeals

If you appeal and lose, the decision affects all other squatters. 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.

ODDITIES

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

'Ordinary' Possession Action (Order 6)

This is normally used only against tenants or licensees. The summons doesn't have an affidavit attached but 'particulars of claim'. It *can't* be used against unnamed people and you must get three weeks' notice. The 'real' defences explained above all apply. Claims for damages or an injunction can be added to this kind of action.

Injunctions

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

Damages or 'mesne profits'

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

WHEN IS A SQUAT NOT A SQUAT?

LICENCES

A licensee is someone who is midway between being a squatter (or trespasser) and a tenant. S/he has more protection under law than a squatter, but less than a tenant.

A licence is basically permission given by the owner (or someone entitled to act for them) to someone else to occupy premises. Sometimes it involves payment of money (licence fees) or some other recompense, sometimes not. It can be written or verbal. Obviously, it's better if it's in writing.

There are over a million licensees in Britain — including flat-sharers, people in bed and breakfast hotels or staying with friends and parents. However, the kind of licences we are concerned with here are the short-life licences granted to people who are already in occupation as squatters.

Who Can Grant a Licence

The people who are entitled to grant licences are the people who own, control or manage properties, or are tenants of them. So, a private landlord, a Council lettings officer, an estate manager or the chairperson of a housing association have the right. The builders who are working on the house next door who say 'you can stay there until we need to start work on your house' don't.

If local councils send someone round to a squat to see who's there (often before they start possession proceedings), that person generally has the power to *end* a licence. If they have that power, it follows they must have the power to *grant* licences as well — and if they are at all friendly they may do this (without meaning to, of course).

Secure Licences Under the 1985 Housing Act

If you have been granted 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, a housing association or a housing cooperative, you may be a secure licensee under section 79 of the Housing Act, 1985. There are two

main exceptions to this:

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

If you suspect that you may be a secure licensee contact a housing advice agency or a friendly lawyer to find out what your status is.

Unintentional Licences

A licence can be granted either intentionally or by mistake, but legally they are equally valid. For example, a visitor from the council, who is supposed to ask you to leave, says 'You'll have to leave when we want the property but you can stay till then'. This is a licence — you have been given permission to stay.

What Type of Licence

There are two main types of licence: those you give the owner something for and those that are entirely free. In either case, possession proceedings can't be started against you until the licence has been ended. Nor can you be evicted under Sections 6 and 7 of the Criminal Law Act (see p.18 and 10)

The most common form of short-life licence, sometimes mistakenly called a 'licensed squat' or a 'legal squat', is written permission from a housing association, short-life housing group or council to be in the property. Most of these organisations charge a licence fee, and some of them can grant a secure licence.

Payment for a licence does not have to be money. If you are asked to do repairs or maintenance or merely to 'keep an eye on the house' the owner is getting something off you for the licence. But if an owner just says 'you can stay there until I need the property' they are not getting anything for the licence. This distinction can be important: a licence you pay for, either in kind or money, is assignable (transferable to someone else) unless there is something in writing which forbids this. A totally free licence is not usually assignable, and applies only to the people it is given or



Britain's biggest eviction — Huntley Street, 1978

said to, and not to anyone else who moves in afterwards. If you have any doubts about the validity of your licence or what type of licence you have, contact ASS.

If negotiations have been opened up between squatters and an owner about continuing occupation of a place, the squatters become licensees as long as negotiations continue *unless* the owner says the negotiations are 'without prejudice' to possession proceedings.

Ending a Licence

A licence can be ended only by a person with the right to do this, either in writing or verbally, depending on how it was originally granted. Any licensee is entitled to 'reasonable notice', which is generally between one and four weeks.

A fixed-term licence — granted for a specific amount of time — cannot be ended until the time has run out, unless you have broken one of the conditions of the licence.

A secure licence cannot be ended by the owner. All they can do is issue a 'notice seeking possession', which means they intend to go to court to get the place back. The notice must say why they want you out. The case will then be heard as an ordinary action in the county court, not under Order 24 or 113, and the owner must prove that one of the grounds for possession listed in the

Housing Act applies. In most cases the owner should offer alternative accommodation which is secure and suitable.

Illegal Eviction of Licensees

Licensees cannot be legally evicted whilst the licence or 'reasonable notice' period lasts. If it happens, the licensee can get an injunction in the county court to put him or her back in the house, plus damages. Also the people who carried out the eviction can be prosecuted under either section 1 of the Protection from Eviction Act 1977 or, if the licensees were in at the time of the eviction, under Section 6 of the Criminal Law Act. This is not likely to apply to entirely free licensees, though.

In the Civil Courts

About the only real defence you have against Orders 24 and 113 (possession proceedings against squatters) is that you have a licence which hasn't ended, or that you are a secure licensee.

The first problem when your case is heard is convincing the judge that you actually do have a licence. To do this you must give evidence, preferably in writing in the form of an affidavit (see **EVICTON**) showing exactly when, where, how and by whom you were granted your licence. Each person can only give evidence of what they themselves have witnessed. If you are relying on a verbal

licence, you will have problems if the witnesses did not make notes of what was said very soon after the conversation.

As it is often your word against the owners', both sides may be called to give further evidence verbally and be cross-examined. They may admit your licence but claim they have ended it, so be prepared to deny such a claim.

You cannot argue a licence from payment of fuel bills, or even rates. You are supposed to pay all these anyway! (See **GETTING THE PLACE TOGETHER**). Even if the owner is the council, acceptance of rates doesn't imply a licence.

While Orders 24 and 113 can be used against ex-licensees as well as squatters, the judge has the power to suspend a possession order against ex-licensees for up to four weeks, without the owner's permission. This doesn't usually apply to squatters.

It is important to think carefully before using the defence of a licence 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 people how long they have in a house, by bringing this out in court as an argument for a licence he or she may be told to stop, and other squatters won't get any information in future.

In the Criminal Courts

If you are charged under Section 7 of the Criminal Law Act (see p.10) it is a defence to prove that you have, or have had, a licence. This applies to a licence granted by a tenant to a friend or relative, where the tenant has later ended their tenancy or moved away leaving the licensee in occupation. You cannot be found guilty of these two offences in these circumstances, but some magistrates may have difficulty in understanding this, as they have no training in housing law. Get a lawyer, or at least a 'McKenzie' adviser (see **EVICTON**).

HOW YOU CAN GET A LICENCE

Short-Life Licence Groups

Various groups exist, in London and elsewhere, which obtain short-life property and then license it out. Most groups obtain their houses from councils or housing associations, while some of them are housing associations themselves. Almost all groups

have very long waiting lists and it is getting harder to get into short-life housing. For advice about this and a very useful guide contact the Empty Property Unit (see **CONTACTS**).

Some short-life groups may be prepared to take on a house which has already been squatted and make the squatters members of the group. These groups originally developed out of squatting and are often sympathetic, but some of the newer ones can be very different and see squatters as the 'enemy'! Remember, though, that getting a short-life licence on a house may not be a great advantage. Many councils will not evict squatters until they actually need a place back, which is just when they would be ending a short-life licence anyway. On the other hand, short-life groups will do their best to provide another place when a licence is ended, but this can never be guaranteed.

Direct Licences

Occasionally, owners are prepared to negotiate short-life licences direct with squatters in their houses. It makes sense in their terms, even if they don't ask for money, as occupied houses remain in better condition than empties. Councils and housing associations will usually only deal with recognised short-life groups because they (wrongly) fear legal problems if they deal direct with squatters. It may be worth educating them! (Empty Property Unit can help with this — see **CONTACTS**). Other public bodies, big commercial organisations, churches etc are worth tackling. They usually want a firm undertaking that you will move out when they need the place back, without being taken to court. If they own other properties it makes sense to stick to that undertaking or they're unlikely to license any more houses to squatters.

HOUSING ASSOCIATIONS

Housing Associations are a way to get central and local government money (under the Housing Associations Act 1985) to pay for housing, improvements and maintenance. Any seven people can form one with an appropriate set of rules and subject to registration with the Registrar of Friendly Societies or the Registrar of Companies. To be eligible for grants you must also register with the Housing Corporation. Associations which have been approved by the Housing Corporation can get money, for anything from ten to thirty years, for improvements



Dave Walkling/Bay Leaf Books

and maintenance. They can buy property or negotiate licences or leases. The most common type is where a management committee of people who will not live in the houses get government and council money to control the housing on behalf of the tenants.

The same finance however, is available to co-operative housing associations — that is, associations where members are tenants and tenants are members, so that tenants control their own housing.

Neither housing associations nor co-ops will solve any immediate housing problems. They can take years to set up.

HOUSING CO-OPERATIVES

Housing co-ops have tended to develop out of two kinds of situations. The first is where a group of people already living in a block of flats or houses form a co-op to take control over their living situation. Either they take over the management from the owners or they buy the properties. Both of these have been done by private as well as council tenants and also by groups of squatters (usually negotiating a licence to manage the properties). At times, the government and councils are keen to promote co-ops as it takes away their responsibility for managing housing.

Other co-ops have formed when people want to own or manage housing for people with needs for special care or support, or as a way for people who can't afford mortgages and don't usually get council housing to permanently manage their own property.

Any group of people can get together to form a co-op which will provide housing for its members. They need to discuss the aims and objects of the group: whether they want a specific type of property in a particular area, who would be eligible for membership, etc. It is possible for co-ops which start out simply running a few houses on short-life licences to progress to permanent housing, but it will take a few years and is getting harder.

How Co-ops Work

Co-ops are non-profit making organisations run by and for their members. Houses are bought on behalf of all the members, so no individual can sell their home for personal gain. Co-ops get various grants and subsidies for both permanent and short-life properties.

Drawbacks

Forming a housing co-op does not solve immediate housing problems. It is a long laborious process and needs a lot of work, commitment and hassling bureaucracy. Co-ops usually need official recognition from the local council, so try to find out their attitude towards squatters first if you're squatting their property.

Forming a co-op may be an exclusive and divisive step among a group of squatters if not everyone wants to join or the houses would be overcrowded. One of the basic principles of the squatting movement is that no-one should be evicted. The co-op should at least arrange alternative accommodation.

Co-ops can face problems from bureaucracy, which may force them to charge higher rents than they want to and interfere in the way their money is spent. Squatters should balance the practical potential of co-ops against the possible risks. The change from squatting to a 'legal' co-op does not take all the politics out of the situation! People in co-ops can not only organise their own housing, but also through collective action fight against a system which creates homelessness and slums as a permanent feature.

To set up a co-op, the group must adopt a constitution and a set of rules on co-operative principles. It must register with the same bodies as other housing associations. The National Federation of Housing Associations can supply a set of model rules (see **REFERENCES**) as can the Empty Property Unit, who can also give information and advice (see **CONTACTS**).



Rural squat in Ireland

BENEFITS

This chapter applies only until April 1988.

THE DOLE

There are two types of benefit for people who are not working:

1. National Insurance *contributory* benefits, such as unemployment, sickness, maternity, invalidity benefits and pensions. These are benefits you have contributed to by paying National Insurance (NI) when you were working.
2. Supplementary Benefit (Social Security) is *non-contributory* (you do not need to have paid any NI) but it is means tested. If you are entitled to receive any one of the contributory benefits mentioned above, but it is not enough for you to live on, you can also claim Supplementary Benefit. If you are unemployed, a single parent, sick, disabled, a pensioner, caring for an old or disabled relative, or on a government training scheme you can get Supplementary Benefit to keep your weekly income up to a minimum.

A woman living with a man 'as his wife' can now claim Supplementary Benefit for both of them if she fulfils certain conditions. For example, the woman can claim if she has been doing more than 8 hours' paid work each week for the last 6 months, or if she has been signing on at the Unemployment Benefit Office or registering as sick for the last 6 months. If in doubt, get advice.

How Do I Claim Supplementary Benefit?

1. To claim Supplementary Benefit if you are unemployed, you must fill in a form called a postal B1, which can only be obtained from the Department of Employment. Your benefit is payable from the date on the B1. Even if you are entitled to one of the contributory benefits, it can take several weeks for your money to come through, so get a B1 to claim Supplementary Benefit to tide you over.
2. If you are sick, disabled or pregnant and have a medical certificate from your doctor, or if you are a single parent, you do not have to sign on as available for work. Fill in a SB1 and post it to the DHSS. Envelopes with pre-paid postage can be obtained from the DHSS and the Post Office. Or it may be quicker to phone up and make an appointment.

What Questions Are on the Form?

There are an awful lot of questions on the form which have to be answered very carefully because if you make a mistake the DHSS may interpret something the wrong way and decide not to pay you benefit. They will ask you about your previous job, if you are claiming for anyone else besides yourself and if you have any savings. They will want to know the names of all the other people at the same address. *Don't give the names of other people unless you have their permission* — it is enough to give first names or say '2 people live on the first floor' or '1 person lives in the basement'. Beware of saying that you 'live with' someone, as you may get a reduced rate of benefit or possibly none at all. They may ask what room in the squat each person occupies and an officer may come to visit. They should give you advance warning of a visit but often their letter arrives at the same time as the officer. If you are out when the visiting officer calls your benefit can be suspended until another visit is arranged — so ring them straight away.

If your claim is accepted and you are signing on, take a form B1C from the signing office to the DHSS. If you are sick take a medical certificate. This authorises payment of Supplementary Benefit until your name goes on the computer and you get a running order (regular payment). You should receive a Giro (to be cashed at your local post office) at regular intervals. If your squat is not a safe place to have Giros sent to you by post, you can ask for 'personal issue' over the counter.

How Much Money Do I Get on Supplementary Benefit?

Supplementary Benefit is supposed to cover a person's or couple's basic living expenses.

There are four rates of Supplementary Benefit: under 18, single person, householder and couple. To get the householder rate, which is not much more than the single person rate, you have to be over 18 and prove that you form a household, i.e. you live separately, store food independently, pay bills etc — this may prove difficult if you share the bills and they are not in your name, but it is worth a try. If you live communally with other people you should each get a proportion of the householder allowance.

If you want a breakdown of your benefit you can ask for a form A124 which explains how your benefit is calculated.

The benefit rates are reassessed each November. You can get the current figures from the Claimants Union, your local advice centre or the DHSS.

Extra Weekly Benefits

If you cannot live on your benefit, in certain cases, you may qualify for an additional weekly allowance for the following expenses: heating, laundry, special diets, baths, wear and tear on clothing, hospital fares, furniture storage, HP and home helps.

There are specific conditions listed if you want to claim for any of the above (e.g. you can qualify for the heating allowance if someone has an illness that would be helped by extra heating, if your accommodation is damp or very hard to heat, or if you have a child under five). For more details see DHSS leaflets SB8 and SB9 or ask at your local advice centre or Claimants Union.

Single Payments

To claim a single payment you must be on Supplementary Benefit and have less than £500 savings. The DHSS regulations say that squatters do not qualify for single payments but licensees do (see **WHEN IS A SQUAT NOT A SQUAT?**). Even licensees and other occupiers will now usually get payments only for bedding or secondhand cooking or heating appliances.

There are other single payments to be claimed, but the rules are quite complicated. The DHSS often refuse single payments, even to people who are entitled to them. If they say you don't qualify, ask for reasons in writing and get advice. **(IF IN DOUBT, CLAIM, CONTACT THE CLAIMANTS' UNION, AND APPEAL.)**

Appeals

You should appeal against refusal of benefit or against the benefit officer's interpretation of a regulation. You do not need a special form to appeal. Write, within 28 days of being notified in writing of the decision, to the DHSS office stating that you wish to appeal and explain why. Always keep a copy of any letters that you write to the DHSS, in case they say that they have lost or never received them. You should get a reply within 10 days – if not, phone the DHSS office. They may reverse their decision simply on the basis of your appeal letter, or you may have to go to an Appeal Tribunal Hearing. If

this happens, take a friend with you to the hearing or you can get someone to represent you. If you do appeal you should contact an advice centre or Claimants' Union. Also talk to other squatters who're claiming to see how they have got on.

Lost or Missing Giros

If you lose your giro or it is not delivered, go to the DHSS office and tell them, and make a statement. You should get an emergency payment straight away, if your loss is genuine and hardship could occur, but it is unlikely that they will replace the giro in full for 13 weeks. If your giro never arrived you can threaten to sue the DHSS in the county court and you will probably get a full refund in 4 weeks instead of 13. For more advice, get in touch with the Child Poverty Action Group (CPAG) Legal Department, 1 Macklin Street, London WC2. Tel: 01 242 9149.

Rates

If the council charges you rates, you can claim Housing Benefit, in the form of a rate rebate to pay them. (This may not cover the water rates.) There are two types of Housing Benefit:

- 1) 'Certificated' Housing Benefit – if you are claiming a non-contributory benefit already, go to the DHSS, show them the rates demand, and ask them to send a certificate saying you are on benefit (called an A359) to the council. You should get a full rate rebate.
- 2) 'Standard' Housing Benefit – if you are receiving some benefit, and are working part time, or you are working full time and have a low income, you can claim standard housing benefit. Get a council form to apply, fill it in, and return it to the Town Hall. You won't get a full rebate but you will get a proportion of your rates paid, calculated on your income.

As well as Housing Benefit, you can sometimes get Housing Benefit Supplement if, with your income, and any benefits you receive, including housing benefit, you are finding it difficult to meet all the bills etc. To claim Housing Benefit Supplement is quite difficult. You first make a claim for supplementary benefit, for which you won't qualify. The DHSS should then send a figure to the council called the excess income figure. This is the amount of Housing Benefit Supplement that you will get. You should then claim the money from the council.

More copies of this Legal Warning available from ASS. Tel: 01-359 8814.

LEGAL WARNING

(Section 6 Criminal Law Act 1977)

TAKE NOTICE

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

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

THAT any entry into this house without our permission is a **criminal offence** as any one of us who is in physical possession is opposed to any entry without their permission.

THAT if you attempt to enter by violence or by threatening violence we **will prosecute you**. You may receive a sentence of up to **six months imprisonment** and/or a **fine** of up to **£2,000**.

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 valid certificate in terms of S.7, Criminal Law Act, 1977.

Signed

The Occupiers

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

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 asked by private landlords. It can also be the answer for people who have spent years on council waiting lists without a home of their own. Squatting is a way of using houses that would otherwise stay empty while the bureaucrats quibble over statistics and people stay homeless.

With the present cuts in public spending, housing authorities are finding it hard to carry out many of their planned improvements, resulting in even more houses and flats being left empty — so it's up to us to beat the cuts by squatting houses that would otherwise be left to deteriorate or sold off to speculators.

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 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 skills they might not otherwise be able to learn, to increase their confidence in dealing with officialdom and 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 with the quality of people's lives or their happiness.



REFERENCES

PUBLICATIONS

- **FILLING THE EMPTIES — SHORT LIFE HOUSING AND HOW TO DO IT** by Ross Fraser. Price £5.95. Published by Shelter (see CONTACTS).
- **SELF-HELP HOUSING REPAIR MANUAL**
By Andrew Ingham. (Penguin Books) Step by step guide with lots of clear diagrams on how to repair your home. Out of print, so order from a library. ISBN 014 046 2147
- **COLLECTIVE HOUSING HANDBOOK**
By Sarah Eno and Dave Treanor. Published by Laurieston Hall Publications, £3.50. Available from National Federation of Housing Co-ops (see CONTACTS). Lots of useful information on setting up a co-op and much more.
- **SQUATTING — THE REAL STORY**
Ed. Nick Wates & Christian Wolmar. Published: Bay Leaf Books (1980). Celebration of squatting and its history written by past and present squatters. Out of print — get it from library — ISBN 0 9507259 1 9 or 0 9507259 0 0.
- **TRAVELLERS' HANDBOOK**
Rights on the law on mobile homes and land squatting. Slightly out of date. Interchange Books, 15, Wilkin Street, London NW5. £6.50 inc p&p.
- **KNOW YOUR RIGHTS**
Wallet containing fact sheets on arrest, search and bail, also information on the Police and Criminal Evidence Act. Available from NCCL, 21 Tabard Street London SE1 4LA. Price £1.75 (inc pp).
- **USING THE MEDIA**
By Denis McShane. Pluto Press (1979). May be out of print — try library. ISBN 0 86104 089 9 or 86104 090 2
- **BENEFITS — Housing and Supplementary Benefits Guide**
Published by CHAR, 5/15 Cromer Street, London WC1. ISBN 0 906951 15 1

OTHER ADDRESSES (Contacts over the page)

Companies House, 55, City Road London EC1. Tel: 01 253 9393. Information on companies, including any mortgages they may have made to purchase property, not full lists of property owned by company. Information is available on microfilm in London, the original records are in Companies Registration Office, Crown Way, Maindy, Caerdydd (Tel: 0222 388588). Costs £1 for a company search.

City Business Library, 55 Basinghall Street, London EC2. Tel: 01 638 8215. Open Mon-Fri, 9.30-5. Information on companies, no charge.

Registry of Friendly Societies, 15-17 Great Marlborough Street, London W1V 2AX, but phone first. Tel: 01 434 1759. Information on registered housing associations and co-ops.

National Federation of Housing Associations, 175 Gray's Inn Road, London WC1X 8UT. Tel: 01 278 6571.

CONTACTS

■ ADVISORY SERVICE FOR SQUATTERS

2 St. Paul's Road, London N1 2QN. Tel. 01-359 8814.

Legal and practical advice for squatters and homeless people, plus contacts for local groups. Open Monday to Friday, 2-6pm, but always phone first.

■ RELEASE 01-603 8654

Emergency 24-hour service which can put you in touch with a solicitor and give basic legal advice about police problems, but not squatting or housing.

■ HOUSING ADVICE SWITCHBOARD

47 Charing Cross Road, London WC2. Tel: 01-434 2522.

No visitors, telephone service only. 10-6pm plus 24-hour emergency service.

Advice to single homeless people in London.

■ SHAC - THE LONDON HOUSING AID CENTRE

189a Old Brompton Road, London SW5. Tel: 01-373 7841/7276.

Monday, Tuesday, Friday 1-4.30, Thursday 9.30-4.30. Phone first. Helps anyone in London with housing problems. Elsewhere contact local housing aid centre, advice centre or Citizens Advice Bureau.

■ SHELTER HOUSING AID

88 Old Street, London, EC1V 9AX. Tel. 01-253 0202.

They can put you in touch with local independent housing aid centres outside London.

■ EMPTY PROPERTY UNIT

88, Old Street, London EC1V 9AX Tel. 01-253 0202.

Advice and help on negotiating short-life leases for groups and individuals. Also information on setting up housing co-ops and obtaining funding.

■ WOMENS AID FEDERATION

52-54 Featherstone Street, London EC1. Tel: 01-251 6537.

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.

■ CAMPAIGN AGAINST POLICE REPRESSION

Box CAPR, 83, Blackstock Road, London N4.

■ FESTIVAL WELFARE SERVICES

347A, Upper Street, London, N1 Tel. 01-226 2759.

■ NATIONAL COUNCIL FOR CIVIL LIBERTIES (NCCL)

21, Tabard Street, London SE1 Tel: 01-403 3888.

■ HOMELESS AGAINST SOCIAL SECURITY LODGING LAWS

c/o CLSSAF, 5th Floor, Russell Chambers, The Piazza, London WC2. Tel: 01-836 5320

■ NATIONAL FEDERATION OF HOUSING CO-OPS

88, Old Street, London, EC1V 9AX. Tel. 01-608 2494.

Provide support and information for housing co-ops, and act as a national body representing them.

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

■ EDINBURGH SHAC

103, Morrison Street, Edinburgh EH3 8BS. Tel: 031-229 8771.

■ BELFAST COMMUNITY LAW CENTRE

62-66 Bedford Street, Belfast BT2 7SH. Tel: 0232-321307.