

## Your Legal Questions

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### **Squatting: The new criminal offence**

**Q** I own a shop with a flat over it. The property is empty and I am worried about squatters. I understand that a new law has made squatting a criminal offence. Would it apply to my case?

**A** New legislation came into force on 1st September 2012 making squatting a criminal offence punishable by up to six months in prison and/or a £5,000 if:-

- The person enters a residential building
- The person knows he/she is a trespasser
- The person is living in the building or intends to live there for any period

The offence is committed upon entering the building not by refusing to leave it. A home owner can call the police who can enter and arrest the trespasser.

The new offence does not apply to purely commercial buildings which presents a problem for buildings such as yours with a mixed use. It may well be that a squatter moving into the shop only would be in the clear as it is not a residential building.

Although the legislation covers caravans and park homes it is less clear whether it covers garden sheds and outbuildings or individuals in tents in the gardens who are using the main building for something else.

However, your local Police Officer may not be keen to become embroiled in what has historically been seen by the police as a 'civil matter' and you may be thrown back to Civil Court Possession proceedings. Advice from a specialist Solicitor is essential.

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