

# MINISTRY OF JUSTICE TO CRIMINALISE SQUATTING IN RESIDENTIAL BUILDINGS

Author: Paul Leach, Partner

Planning, Development and Public Law

November 2011



## DOWNNS

YOUR COMPETITIVE EDGE

156 High Street, Dorking, Surrey RH4 1BQ T: 01306 880110 F: 01306 502283 DX 57300 Dorking  
The Tanners, 75 Meadrow, Godalming, Surrey GU7 3HU T: 01483 861848 F: 01483 861856 DX 58308 Godalming1  
[www.downslaw.co.uk](http://www.downslaw.co.uk)

Authorised and regulated by the Solicitors Regulation Authority

## **MINISTRY OF JUSTICE TO CRIMINALISE SQUATTING IN RESIDENTIAL BUILDINGS**

The Ministry of Justice (MOJ) has published a response to the Consultation Paper “Options for Dealing with Squatting”.

The MOJ intends to introduce a new criminal offence of squatting in residential properties which would be committed where a person does all of the following:-

1. is in a residential building as a trespasser, having entered the building as a trespasser;
2. Knows or ought to know that he or she is a trespasser; and
3. Is living in the building or intends to live in the building for any period.

It is fair to say that there is some disappointment with this response as it does not cover commercial properties and there is also a doubt over the issue of vacant land if that is attached to a residential building. Obviously more detail is required but there is also the issue of farmland and vacant land which is not attached to a residential building. This does not appear to be covered in what the MOJ intends to introduce which seems only to relate to residential properties.

Whilst the new squatting offence will only extend to residential properties, the consultation response states that the MOJ has decided to tackle squatting in residential buildings as a “first step”. Given this type of squatting causes the greatest mischief and distress this is probably the reason. However, whether it is extended to other buildings and vacant and open land, in particular farmland, remains to be seen. The MOJ will also look at how to improve both the current civil procedures and the enforcement of the existing criminal offences (such as criminal damage and burglary) as a means of dealing with squatting in commercial buildings that are in use.

There appears, therefore, to be a slight difference of procedure and opinion as to how to deal with commercial buildings.

No doubt the position will become clearer once further information is made public by the MOJ.

**To discuss this matter in more detail please contact Paul Leach either by telephone on 01306 502313 or by email: [p.leach@downslaw.co.uk](mailto:p.leach@downslaw.co.uk)**

**Details of our full range of legal services can be found on our website at [www.downslaw.co.uk](http://www.downslaw.co.uk).**