



Activity 4: Squatting as a new criminal offence

On 1 September 2012, squatting in a 'residential building' became a criminal offence, with the maximum sentence being imprisonment for six months.

The offence is located in section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPOA) 2012, and is set out below, in a slightly abridged form:

144

Offence of squatting in a residential building

- (1) A person commits an offence if—
 - (a) the person is in a residential building as a trespasser having entered it as a trespasser,
 - (b) the person knows or ought to know that he or she is a trespasser, and
 - (c) the person is living in the building or intends to live there for any period.
- (2) The offence is not committed by a person holding over after the end of a lease or licence (even if the person leaves and re-enters the building).
- (3) For the purposes of this section—
 - (a) “building” includes any structure or part of a structure (including a temporary or moveable structure), and
 - (b) a building is “residential” if it is designed or adapted, before the time of entry, for use as a place to live.
- (4) For the purposes of this section the fact that a person derives title from a trespasser, or has the permission of a trespasser, does not prevent the person from being a trespasser.
- (5) A person convicted of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 5 on the standard scale (or both).
- (6) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (5) to 51 weeks is to be read as a reference to 6 months.
- (7) For the purposes of subsection (1)(a) it is irrelevant whether the person entered the building as a trespasser before or after the commencement of this section.
- (8) [...]
- (9) [...]



The purpose of this legislation is very different to the law we have been examining so far, which has concerned itself with giving rights to squatters. Section 144 LASPOA does the opposite: it *criminalises* the conduct of certain types of squatters, in certain types of places. The new offence has provoked much discussion in the media.

In this activity, your task is to find out more about s 144 LASPOA, by conducting internet-based research. Cast your search as widely as possible, considering in particular the following questions:

- Why was the offence enacted? What problems was it trying to solve?
See, in particular, this website: <http://www.justice.gov.uk/news/press-releases/moj/homeowners-protected,-squatters-criminalised>
- Has anybody been prosecuted yet for commission of the s 144 offence?
- Why are some campaigners critical of the new offence?
See, in particular, this website: <http://www.squashcampaign.org/repeal-law/the-case-against-section-144-2/>