

Squatters update – changes in legislation

We have previously noted the Government's intention to strengthen the law on squatters (Russell-Cooke Client Review 2012, p.12, "*Nightmare on Millionaire's Row*"). Section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Royal Assent given on 1 May 2012) creates a new offence of squatting in a residential building. It is not in force yet. The new offence will be committed where a person:

- (i) Is in a residential building as a trespasser, having entered it as a trespasser and
- (ii) knows or ought to know that he or she is a trespasser and
- (iii) is living in the building or intends to live there for any period.

It is irrelevant whether the person entered the building as a trespasser before or after the commencement of section 144. However, the offence will not be committed by anyone holding over after the end of a lease or licence (even if they leave and re-enter the building). It does not apply to commercial properties.

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