

Trespassers will be prosecuted?

Squatting is big news at the moment. In recent months several large and valuable London houses have been occupied by squatters, having been left empty by their owners. Such was the interest in squatting that Jason Hunter, partner and head of the Contentious Property Department at Russell-Cooke, was asked to comment on the subject in the Independent newspaper ([click here](#) for story) and on the television.

It appears that these high-profile cases of squatting have caused the government to reconsider the law in England and Wales. It has been reported that the Justice Secretary, Kenneth Clarke, is considering making squatting a criminal offence as it already is in Scotland.

There is no official word on that yet although an advice note prepared jointly by the Ministry of Justice and the Department for Communities and Local Government ([click here](#)) in November 2010 was updated this month to include the following pre-amble:

“For too long it has been the squatters, not the law-abiding homeowners, who seem to have had the upper hand. It is because the Government is aware of the misery squatters can cause that we are considering the options for strengthening the law in this area.”

It remains to be seen how the new law will work and how the law will discriminate between genuine cases of squatting and cases where occupiers have a legitimate right to be in occupation of the property.

In the meantime, people who believe that their property is being occupied by squatters are advised to take urgent legal advice. Legal action may not be as expensive and time-consuming as is often reported.

For advice on this or any other property-related issue please contact:

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