



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 9

OFFENCES

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.

Status: This is the original version (as it was originally enacted).

- (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) In section 17 of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest etc)—
 - (a) in subsection (1)(c), after sub-paragraph (v) insert—
 - “(vi) section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (squatting in a residential building);”;
 - (b) in subsection (3), for “or (iv)” substitute “, (iv) or (vi)”.
- (9) In Schedule 10 to the Criminal Justice and Public Order Act 1994 (consequential amendments), omit paragraph 53(b).