



Removal of squatters from commercial premises

Summary Possession Order

- issue proceedings in the County Court seeking Order for Summary Possession. In exceptional circumstances, claims can be issued in the High Court but there needs to be substantial risk of damage to property or persons. Proceedings comprise the Claim Form and a supporting witness statement
- proceedings must be served on the squatters (as “Persons Unknown”) at the property
- in theory, a hearing can take place 48 hours after proceedings have been issued. In practice, the hearing date is usually five to seven days after issue
- once an Order for Summary Possession obtained, it is referred to the County Court bailiff (or High Court Enforcement Officer) for enforcement. The bailiff will warn the squatters to leave, failing which he will return to forcibly remove them. Initial warning takes place soon after hearing. Forcible removal may not take place for some weeks (although enforcement by the High Court Enforcement Officer is quicker)
- approximate overall timescale for possession: 10 days to four weeks (if forcible eviction required).

Advantages	Disadvantages
Relatively cheap	County Court process can be slow (but the High Court process is quicker)
Clear procedure and affords protection to the property owner against any claim of improper eviction by squatters	Obtaining a bailiff’s appointment can take a few weeks (but it is possible to transfer enforcement to the High Court Enforcement Officer)
It may be possible to rely on the Possession Order at a later date without having to re-issue proceedings	
Applications can be made to expedite process if justified	



Interim Possession Order (“IPO”)

- aim is to obtain a possession order quickly and as an interim measure, pending a full hearing at a later date. Proceedings are issued as above but, at the same time, an application for an IPO is made. This requires a statement in support from the property owner giving undertakings as to costs should the interim possession order be overturned at a full hearing
- upon issue of the court proceedings, the court fixes a date for the hearing of the application for an IPO (which must be not less than three days later) and the squatters must be served with notice of the hearing within 24 hours of issue of the proceedings
- if an IPO is made, it must be served on the squatters within 48 hours
- if the squatters fail to leave within 24 hours of service of the IPO, they are committing a criminal offence and may be arrested by the police
- a hearing for a Final Possession Order will be held within seven days of the IPO being granted. A final hearing is usually unnecessary as the squatters vacate after service of the IPO but it is sensible to attend the hearing to obtain the final order as the IPO will lapse automatically
- approximate overall timescale for possession: seven to 10 days.

NB: An IPO can only be used within 28 days of becoming aware of the squatters' occupation.

Advantages	Disadvantages
Potentially faster recovery of property	More expensive procedure with greater technical hurdles
Enforcement by police	Not available if seeking to recover damages/costs from squatters
	Procedure only available to recover possession of “premises” and not open land i.e. fields/vacant patch of land etc
	Police may be unwilling/slow to enforce IPO
	Not available if proceedings issued in High Court



Instruction of private certified enforcement agent (formerly “bailiff”)

- an Enforcement Agent can be instructed immediately to enforce a property owner’s common law right to possession, provided they do not use more force than is reasonably necessary in doing so
- approximate timescale for possession: 24-36 hours.

Advantages	Disadvantages
Very quick method of recovery	No guarantee possession will be obtained
Potentially cheaper than court process	Use of excessive force could result in claim against property owner by squatters
	No protection if the same individuals subsequently re-gain occupation
	Not suitable in all circumstances, particularly if high profile matter and there may be PR implications
	More suitable for small numbers of squatters and recovery of open land

Recommendations

- ensure that the premises are properly secured and, if vacant, boarded up. Squatters are adept at gaining entry. Open land is more vulnerable in summer months
- consider 24 hour security, particularly if a sale/redevelopment is planned
- act quickly. Some squatter groups are extremely well organised and actively use social media to tell others about vacant properties or even to encourage large numbers to join them
- collate a clear chronology of events to present to the Court.

Key contacts



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This article offers general guidance only. It reflects the law as at May 2015. The circumstances of each case vary and this article should not be relied upon in place of specific legal advice.

