

# SQUATTERS - OPTIONS FOR REMOVAL

## COURT PROCEEDINGS

- Issue proceedings in the County Court. In exceptional circumstances claims can be issued in the High Court. Proceedings comprise Claim Form seeking an Order for Summary Possession and supporting witness statement.
- Proceedings must be served on the squatters at the property. A bailiff is usually instructed to effect service.
- In theory, a hearing can take place 48 hours after proceedings have been served. In practice, hearing date is usually 5 to 7 days after issue.
- Once Order for Summary Possession obtained, it is referred to the County Court Bailiff (or High Court Sheriff) 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 week.
- Approximate overall timescale for possession: 10 days to 4 weeks (if forcible eviction required).

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Relatively cheap</li> <li>• Clear procedure and affords protection to the landlord against any claim of improper eviction by squatters</li> <li>• If the same squatters return within 6 months, the same possession order can be relied upon and the landlord can proceed straight to obtaining a court bailiff's appointment to recover possession</li> </ul>	<ul style="list-style-type: none"> <li>• Court process can be slow depending on the county court</li> <li>• Obtaining a bailiff's appointment can take a few weeks</li> </ul>

## 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 issued as above but, at the same time, an application for an IPO is made. This requires a statement in support from the land owner giving undertakings as to costs should the possession order be reversed at a full hearing.
- Upon issue of the court proceedings, the court is likely to make the IPO. The IPO must be served on the squatters within 48 hours of being issued. A certified bailiff should effect service. If the squatters fail to leave within 24 hours, they are committing a criminal offence and may be arrested by the police or evicted by privately instructed bailiffs.
- A final hearing will be held within 7 days of the IPO being granted to convert the IPO into a final order for possession. Final hearing usually unnecessary as the squatters vacate.
- Approximate overall timescale for possession: 3 to 10 days.

BUT an IPO can only be used:

- Within 28 days of becoming aware of the squatters' occupation;
- To recover possession of "premises" and not open land i.e. fields/vacant patch of land etc;

AND cannot be used where there is also a claim for damages.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Faster recovery of property</li> <li>• Can instruct police/private bailiffs to evict squatters within 24 hours of being served</li> </ul>	<ul style="list-style-type: none"> <li>• More expensive procedure</li> <li>• Not available if seeking to recover damages/costs from squatters</li> </ul>

## INSTRUCT PRIVATE CERTIFIED BAILIFF

- Certified bailiff can be instructed immediately to enforce land owner's common law right to possession, provided they do not use more force than is reasonably necessary.
- Bailiff will act as the land owner's agent therefore it is the landlord, not the bailiff, who is held liable for the bailiff's actions.
- Approximate timescale for possession: 24-36 hours.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Very quick method of recovery</li> <li>• Potentially cheaper than court process</li> </ul>	<ul style="list-style-type: none"> <li>• No guarantee possession will be obtained</li> <li>• Landlord exposed as to actions of the bailiff</li> <li>• No Order for Possession to rely upon should the same individuals return</li> <li>• Not suitable in all circumstances, particularly if high profile matter and there may be PR implications</li> </ul>

## RECOMMENDATIONS

Commercial premises are at far greater risk now that squatting in residential property is a criminal offence.

- Ensure that the premises are properly secured and, if vacant, boarded up. Squatters are adept at gaining entry.
- Consider 24 hour security, particularly if a sale/ redevelopment is planned.
- Act quickly before squatter numbers grow and damage occurs. Particularly with open land, costs can run into tens of thousands of pounds.

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This fact sheet offers general guidance only. The circumstances of each case vary and this article should not be relied upon in place of specific legal advice.