



GREATER
LONDON
AUTHORITY



Attending an illegal eviction

Guidance for responding police officers

- Most renters can only be lawfully evicted by an order of the court which must be overseen by an officer of the county court (Bailiff) or High Court Enforcement Officers.
- If there is no court officer present at the incident, it is most likely an illegal eviction.

The law

- All residential occupiers are protected from harassment by the Protection from Eviction Act 1977.
- Breaches of the Protection from Eviction Act are criminal offences that are prosecuted by the local authority.
- Squatters are not protected by the Protection from Eviction Act but there is a strict legal definition under **s144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012** that states that a person is only a squatter if they entered as a trespasser and knowing they were a trespasser at that time.
- Lodgers are not entitled to be evicted by court order but to be a lodger the landlord must genuinely live at the same property as the renter from the start of the occupier's agreement and share accommodation with them.

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What responding officers can do?

- Warn landlords or agents attending that they may well be committing a criminal offence and should leave.
- Arrest Landlord or agent under **s24 (1) Police and Criminal Evidence Act 1984**:
“A constable may arrest without a warrant anyone who(m):
 - a) is about to commit an offence;
 - b) is in the act of committing an offence;
 - c) they have reasonable grounds for suspecting to be about to commit an offence;
 - d) they have reasonable grounds for suspecting to be committing an offence”.
- **S3 (1) of the Criminal Law Act 1967** states:
” A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.”
- Report the case to the local authority using the Greater London Authority’s **“Report a rogue landlord or agent”** online portal, which is then automatically referred to the relevant council department: <https://www.london.gov.uk/what-we-do/housing-and-land/improving-private-rented-sector/report-rogue-landlord-or-agent>
- If attending after 5pm and the household can’t be re-instated, refer to local authority out of hours number for accommodation that evening only.

The information in this sheet is also covered in the Met Police NCALT online training module “Landlord and Tenant”