**SHELTER’S ADVICE FOR POLICE OFFICERS ATTENDING AN ILLEGAL EVICTION**

Most tenants can only be evicted lawfully by an order to the court.

An eviction must be overseen by a county court bailiff or high court enforcement officer.

If there is no court officer present, it is most likely an illegal eviction.

**The landlord must apply to court to evict this tenant lawfully.**

**WHAT POLICE OFFICERS CAN DO**

* **WARN** the landlord or agent that they may well be committing a criminal offence and should leave.
* **PERSUADE** the landlord to let the tenant back in, change the locks back or give the tenant a key.
* **GATHER EVIDENCE** that may be relevant to a criminal offence. This could include assault, breach of the peace or harassment under the Protection from Harassment Act 1997.
* **ARREST THE LANDLORD OR AGENT** under section 24(1), Police and Criminal Evidence Act 1984 if they are committing or about to commit an offence. This would include trying to get into the property against the wishes of the tenant.
* **REPORT THE LANDORD TO THE COUNCIL** – Use the [London Assembly website](https://www.london.gov.uk/what-we-do/housing-and-land/improving-private-rented-sector/report-rogue-landlord-or-agent) if in a London borough. Outside of London you should contact a tenancy relations officer or the private sector housing team.
* **CONTACT THE COUNCIL’S HOMELESS TEAM** – If you cannot help the tenant to access their home, the homeless team may have a legal duty to provide emergency housing for some tenants. All councils have an out of hours team if it’s after 5pm.

**THE LAW**

All residential occupiers are protected from harassment and illegal eviction.

Under section 1, Protection from Eviction Act 1977 it’s a criminal offence to:

* deliberately and unlawfully exclude the occupier from the property
* carry out acts intended to cause the occupier to give up their home or their rights under the tenancy

The local authority can prosecute these offences.

Lodgers are not entitled to a court order before eviction. An occupier is only a lodger if the landlord lives there throughout the tenancy and they share living space.

Squatters are not entitled to a court order before eviction. But an occupier is only a squatter if they entered the property knowing they were trespassing.

A tenant with no written agreement or whose fixed term agreement has ended is still a tenant and can only be evicted lawfully by court bailiffs.