

Scottish & Community Activist Legal Project Legal Guide to Squatting and Occupations in Scotland

3rd Edition, June 2026

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If you have specific questions, or if you experience anything that is completely different to what is written in this Guide, please help us to keep it accurate by getting in touch:

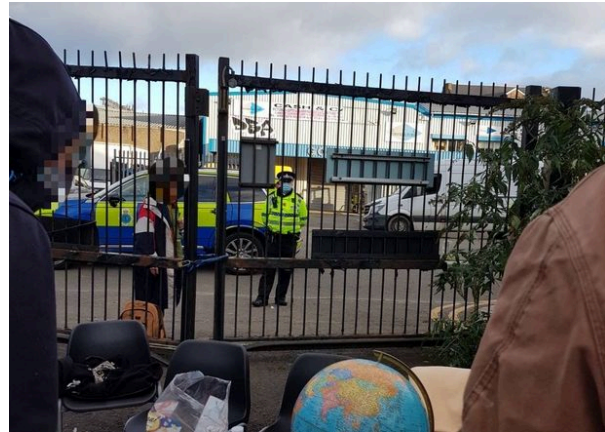
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If asking a question keep it hypothetical and you can anonymise your experience if you are telling us about specific interactions with the police or courts.

Instead of writing 'I did / I'm planning this - what will the police do?', try writing, 'If somebody were to do this, what might the consequences be?'.

This guide is for people occupying buildings or land where they don't have permission from the owner. If you need advice on evictions or your rights as a tenant please see [Shelter Scotland](#) or [Living Rent](#).

Scotland does not have specific Squatters Rights. There isn't any set way that the police deal with occupations, but here we will list some of the possible outcomes and laws the police have used. It is worth noting that this is an aspect of law that has very little clarity or test cases, and in most situations the way that the police and courts have dealt with occupations has been different from the last. [An article in the Scottish Law Society](#) sums it up well:



“In the absence of any test cases, it seems inevitable that squatters will be subject to arbitrary and often illegal treatment by untrained police.”

So if you don't understand the law around squatting don't worry, you are not alone.

It should be noted that a lot of information online about evictions of encampments, is centred on people from the Gypsy and Traveller communities. Because of the historic and continued persecution these people have faced by settled society and the authorities, there are specific rules and procedures in place that should be followed by police, courts and councils. These do not apply to people who are not part of those communities.

Notes on the 3rd Edition:

1. We have continued to update our guidance on university occupations based on testimonies shared with us by current and former students who have taken part in occupations at Scottish universities. Thank you to all who contributed.
2. We have added guidance on circumstances where the court can waiver the notice period for bailiff evictions.
3. We have included guidance on occupations that may be a criminal offence under the National Security Act 2023 and Serious Organised Crime & Police Act 2005

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Evictions

Police have two main ways to deal with an occupation: They can treat it as a civil court issue and let the land or building owner deal with it, or they can treat it as a criminal matter and deal with it themselves. Often this seems to come down to which approach will be less effort or less politically damaging for them.

Police Eviction

In cases where the police have ended an occupation, they have mainly removed people using laws that are not specific to squatting.

For example, in one instance Police Scotland arrested everyone inside a squatted building on a spurious Breach of the Peace, knowing it would not go to court but that while they were in custody the building could be secured. In another case everyone in a building was arrested for vandalism, because of a smashed window that was used to gain entry, even though police had no way of knowing who had smashed that window or whether they were in the building. During one situation in Glasgow, the police threatened the squatters of a building with arrest unless they left, and the threat was enough to end the occupation. These approaches are less common with land occupations and camps.



Police arresting someone removed from a tunnel by Bailiffs from the National Eviction Team. Mainshill, South Lanarkshire, 2010.

Bailiffs

A landowner or building owner can apply to the Sheriff Court for an order to repossess land or buildings being occupied. This process will normally start with a “notice to quit” where you will be told to leave by a specific time. There will then be a court hearing where the owner has to show they have the right to the land/building and that you do not. If they are granted a possession order, the order should give a timeframe to leave.

In some cases, the court can waive or reduce the notice period (14 days) you would normally be given to comply with a court decree or warrant [see the [Act of Sederunt \(Actions for Removing from Heritable Property\) Act 2012](#) and the [Bankruptcy and Diligence \(Scotland\) Act 2007](#)]. This means you could be forcibly removed from the property immediately, if they can logistically do it.

Protest camps occupying sites to prevent their destruction have been evicted in Scotland by private security company bailiffs working for a Sheriff Officer. The Sheriff Officer will read out an eviction notice and then the bailiffs will remove people. Once removed, occupiers are handed over to the police and arrested for Aggravated Trespass (see below). The company favoured for these evictions is the National Eviction Team.

Laws which Cover Occupations and Squatting

Trespass (Scotland) Act 1865

The [Trespass \(Scotland\) Act 1865](#) makes it a criminal offence to lodge, occupy or encamp on any privately owned land without the consent of the owner or legal occupier.

This law was passed following the Highland Clearances and was created to stop evicted families camping on land without permission. Despite its brutal and historic origin it is still in use today, mainly against Travellers. It also doesn't require any disruption to be involved, it is enough to just be occupying land without permission. The penalty for this offence is a fine up to £200.

As per an amendment that was made in 2005, the act does not apply to things that someone does whilst exercising their legal ‘right to roam’ under the [Land Reform \(Scotland\) Act 2016](#). Commonly known as the ‘Right to Roam’, this allows the right to responsible access of all land, which includes camping (but not with vehicles). There are some exceptions including areas around someone's house, or where it would cause disruption to someone's activity, areas that charge entry fees, and military bases. It also isn't intended to cover organised events or large groups.

Criminal Justice and Public Order Act 1994

Section 61

[Section 61 of the Criminal Justice and Public Order Act 1994](#) act makes it an offence if two or more people are occupying land, planning to reside there and refusing to leave when instructed to by the land owner and the police.

The occupier must either have 6 or more vehicles on the land or “has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier*, a member of his family or an employee or agent of his.”

*Occupier in this instance means the “legal occupier”, so the person who owns or rents the land. The police must tell you to leave the land, and allow you to do so, the offence is of not complying with the police and the occupier’s instruction to leave.

Aggravated Trespass (s.68)

The offence of Aggravated Trespass applies if, while trespassing, you disrupt or obstruct or intimidate people engaged in lawful activity [\[ss. 68 Criminal Justice and Public Order Act 1994\]](#). If a senior police officer believes you are on land for that purpose they can instruct you to leave and if you don’t or if you return within three months, that is an offence in itself [\[ss. 69, Criminal Justice and Public Order Act 1994\]](#). The maximum sentence is three months imprisonment or a fine of £2500 (or both), but it usually results in a lower fine. This applies to both S68 and S69. For S69, it is a defence to show that you were not trespassing or that you had a reasonable excuse for failing to leave the land.

This UK-wide law was specifically created to stop road protest occupations during the 90s. In one case, the argument in court which was used to convict was that refusing the order read by a Sheriff’s Officer to leave was disrupting their lawful activity.

Bylaws & Other Geography-Specific Laws

Some areas are covered by bylaws, which are specific local laws made by a council or local authority. Bylaws can prohibit some activities like camping. For example, the Loch Lomond Country Park has bylaws in place for some areas during the summer months which require a permit to camp in “Camping Management Zones.”

Serious Organised Crime & Police Act (SOCPA) 2005

Under SOCPA, it is a criminal offence to enter specific sites without lawful authority on grounds of national security. In Scotland, SOCPA legislation covers The Scottish Parliamentary Building (and its grounds), nuclear power station sites (Torness, Hunterston A and B, Chapelcross), the Scottish Universities Environmental Research Centre at Birniehill,

Rosyth Dockyard (navy docks), Dounreay, (decommissioned nuclear power site), and some MoD sites (HMNB Clyde (Faslane) and RNAD Coulport).

If convicted as part of a summary proceeding, the maximum sentence is a 6 month prison sentence and/or a fine. At the time of writing, three activists have been prosecuted under SOCPA in Scotland after climbing the fence of Faslane naval base in 2008. Two were found 'not guilty' and the third was admonished. In 2024, there was an occupation lasting several weeks on parliament ground which is designated under SOCPA in 2021. SOCPA legislation was not threatened or used on that occasion.

The National Security Act (NSA)

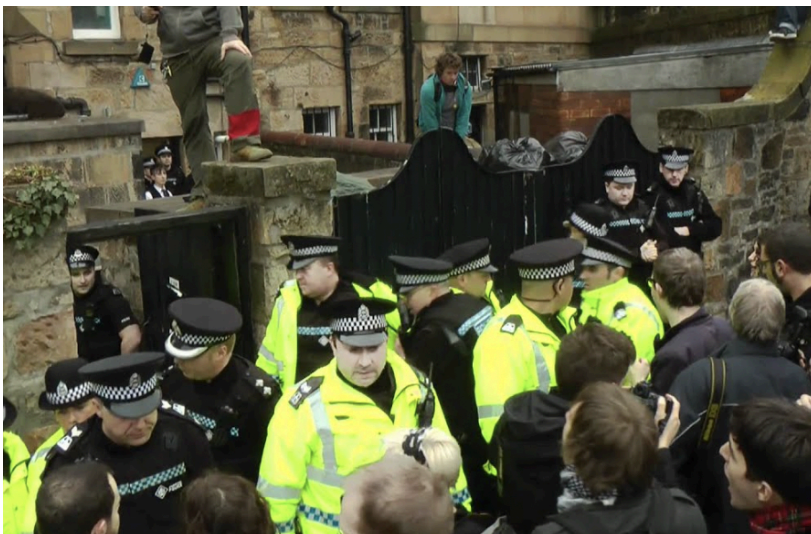
An occupation of a 'Prohibited Place' could be a criminal offence under section 5 of [The National Security Act 2023](#). This includes Crown land and any vehicles/land used for UK defence (including facilities involved in the research, production, storage or disposal of weapons).

If convicted as part of a summary proceeding, the maximum sentence is a 6 month prison sentence and/or a fine. More information about the NSA can be found in our [NSA Guide](#).

University Occupations

Occupations of university buildings by students are fairly common in Scotland, and are often dealt with without involving the police.

One notable exception was the occupation of Hetherington building at the University of Glasgow in 2011 which was attended by 40 police officers, a police helicopter and dog-handling units. A number of students were arrested, several students were injured by the police, and one student was hospitalised. A subsequent inquiry found that police officers had removed students from the building with no legal authority.



Police eviction of the Hetherington Research Club at the University of Glasgow in 2011.

In 2022, police also attended a student occupation at the University of Dundee after being called by campus security. Police Scotland took details of all student occupiers under [section 13 of the Criminal Procedure \(Scotland\) Act 1995](#) as a condition of their being permitted to leave the building without being arrested. Students were unlawfully told by police that they were legally required to give their phone number and place of occupation under section 13. No further legal action was taken against the students.

In 2024, an occupation ended when a court summons was issued by University of Edinburgh in a civil court claim against an anonymous group of students who were occupying a university building.

Whilst student occupations typically end without legal repercussions, there have been incidents of university disciplinary procedures being enacted against students, including temporary suspensions, as well as reports of aggression from campus security teams.