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Criminal Law Act 1977

1977 CHAPTER 45

PART II

OFFENCES RELATING TO ENTERING AND REMAINING ON PROPERTY

6 Violence for securing entry.

(1) Subject to the following provisions of this section, any person who, without lawful authority, uses or threatens violence for the purpose of securing entry into any premises for himself or for any other person is guilty of an offence, provided that—

(a) there is someone present on those premises at the time who is opposed to the entry which the violence is intended to secure; and

(b) the person using or threatening the violence knows that that is the case.

(2) The fact that a person has any interest in or right to possession or occupation of any premises shall not for the purposes of subsection (1) above constitute lawful authority for the use or threat of violence by him or anyone else for the purpose of securing his entry into those premises.

(3) In any proceedings for an offence under this section it shall be a defence for the accused to prove—

(a) that at the time of the alleged offence he or any other person on whose behalf he was acting was a displaced residential occupier of the premises in question; or

(b) that part of the premises in question constitutes premises of which he or any other person on whose behalf he was acting was a displaced residential occupier and that the part of the premises to which he was seeking to secure entry constitutes an access of which he or, as the case may be, that other person is also a displaced residential occupier.

(4) It is immaterial for the purposes of this section—

(a) whether the violence in question is directed against the person or against property; and

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(b) whether the entry which the violence is intended to secure is for the purpose of acquiring possession of the premises in question or for any other purpose.

(5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding **[**[F1]level 5 on the standard scale**]** or to both.

(6) A constable in uniform may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under this section.

(7) Section 12 below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a displaced residential occupier of any premises or of any access to any premises.

Textual Amendments

F1 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**

Modifications etc. (not altering text)

C1 S. 6(6), 7(11), 8(4), 9(7), 10(5) saved by the Police and Criminal Evidence Act 1984 (c. 60), s. 26, **Sch. 2**

7 Adverse occupation of residential premises.

(1) Subject to the following provisions of this section, any person who is on any premises as a trespasser after having entered as such is guilty of an offence if he fails to leave those premises on being required to do so by or on behalf of—

(a) a displaced residential occupier of the premises; or

(b) an individual who is a protected intending occupier of the premises by virtue of subsection (2) or subsection (4) below.

(2) For the purposes of this section an individual is a protected intending occupier of any premises at any time if at that time—

(a) he has in those premises a freehold interest or a leasehold interest with not less than 21 years still to run and he acquired that interest as a purchaser for money or money's worth; and

(b) he requires the premises for his own occupation as a residence; and

(c) he is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser; and

(d) he or a person acting on his behalf holds a written statement—

(i) which specifies his interest in the premises; and

(ii) which states that he requires the premises for occupation as a residence for himself; and

(iii) with respect to which the requirements in subsection (3) below are fulfilled.

(3) The requirements referred to in subsection (2)(*d*)(iii) above are—

(a) that the statement is signed by the person whose interest is specified in it in the presence of a justice of the peace or commissioner for oaths; and

(b) that the justice of the peace or commissioner for oaths has subscribed his name as a witness to the signature;

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and a person is guilty of an offence if he makes a statement for the purposes of subsection (2)(*d*) above which he knows to be false in a material particular or if he recklessly makes such a statement which is false in a material particular.

(4) For the purposes of this section an individual is also a protected intending occupier of any premises at any time if at that time—
   (a) he has been authorised to occupy the premises as a residence by an authority to which this subsection applies; and
   (b) he is excluded from occupation of the premises by a person who entered the premises, or any access to them, as a trespasser; and
   (c) there has been issued to him by or on behalf of the authority referred to in paragraph (*a*) above a certificate stating that the authority is one to which this subsection applies, being of a description specified in the certificate, and that he has been authorised by the authority to occupy the premises concerned as a residence.

(5) Subsection (4) above applies to the following authorities:—
   (a) any body mentioned in section 14 of the [M1]Rent Act 1977 (landlord's interest belonging to local authority etc.);
   (b) the Housing Corporation
   [[F2](ba) Housing for Wales**]**; and
   [[F3](c) a registered housing association within the meaning of the Housing Associations Act 1985.**]**

(6) In any proceedings for an offence under subsection (1) above it shall be a defence for the accused to prove that he believed that the person requiring him to leave the premises was not a displaced residential occupier or protected intending occupier of the premises or a person acting on behalf of a displaced residential occupier or protected intending occupier.

(7) In any proceedings for an offence under subsection (1) above it shall be a defence for the accused to prove—
   (a) that the premises in question are or form part of premises used mainly for non-residential purposes; and
   (b) that he was not on any part of the premises used wholly or mainly for residential purposes.

(8) In any proceedings for an offence under subsection (1) above where the accused was requested to leave the premises by a person claiming to be or to act on behalf of a protected intending occupier of the premises—
   (a) it shall be defence for the accused to prove that, although asked to do so by the accused at the time the accused was requested to leave, that person failed at that time to produce to the accused such a statement as is referred to in subsection (2)(*d*) above or such a certificate as is referred to in subsection (4)(*c*) above; and
   (b) any document purporting to be a certificate under subsection (4)(*c*) above shall be received in evidence and, unless the contrary is proved, shall be deemed to have been issued by or on behalf of the authority stated in the certificate.

(9) Any reference in the preceding provisions of this section other than subsections (2) to (4) above, to any premises includes a reference to any access to them, whether or not any such access itself constitutes premises, within the meaning of this Part of this Act; and a person who is a protected intending occupier of any premises shall be regarded

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for the purposes of this section as a protected intending occupier also of any access to those premises.

(10) A person guilty of an offence under subsection (1) or (3) above shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding **[**[F4]level 5 on the standard scale**]** or to both.

(11) A constable in uniform may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under subsection (1) above.

Textual Amendments

F2 S. 7(5)(ba) inserted by Housing Act 1988 (c. 50, SIF 61), s. 140, **Sch. 17 Pt. II para. 101**

F3 S. 7(5)(c) substituted by Housing (Consequential) Provisions Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 36**

F4 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**

Modifications etc. (not altering text)

C2 S. 6(6), 7(11), 8(4), 9(7), 10(5) saved by the Police and Criminal Evidence Act 1984 (c. 60), s. 26, **Sch. 2**

Marginal Citations

M1 1977 c. 42.

8 [[F5] Trespassing with a weapon of offence.]

(1) A person who is on any premises as a trespasser, after having entered as such, is guilty of an offence if, without lawful authority or reasonable excuse, he has with him on the premises any weapon of offence.

(2) In subsection (1) above "weapon of offence" means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use.

(3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding **[**[F6]level 5 on the standard scale**]** or to both.

(4) A constable in uniform may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing an offence under this section.

Textual Amendments

F5 S. 7 substituted (3.5.1995) by 1994 c. 33, **s.73**; S.I. 1995/127, art. 2(1), **Sch.1**.

F6 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**

Modifications etc. (not altering text)

C3 S. 6(6), 7(11), 8(4), 9(7), 10(5) saved by the Police and Criminal Evidence Act 1984 (c. 60), s. 26, **Sch. 2**

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9 Trespassing on premises of foreign missions, etc.

(1) Subject to subsection (3) below, a person who enters or is on any premises to which this section applies as a trespasser is guilty of an offence.

(2) This section applies to any premises which are or form part of—

(a) the premises of a diplomatic mission within the meaning of the definition in Article 1(*i*) of the Vienna Convention on Diplomatic Relations signed in 1961 as that Article has effect in the United Kingdom by virtue of section 2 of and Schedule 1 to the [M2]Diplomatic Privileges Act 1964;

[[F7](aa) the premises of a closed diplomatic mission;**]**

(b) consular premises within the meaning of the definition in paragraph 1(*j*) of Article 1 of the Vienna Convention on Consular Relations signed in 1963 as that Article has effect in the United Kingdom by virtue of section 1 of and Schedule 1 to the [M3]Consular Relations Act 1968;

[[F8](bb) the premises of a closed consular post;**]**

(c) any other premises in respect of which any organisation or body is entitled to inviolability by or under any enactment; and

(d) any premises which are the private residence of a diplomatic agent (within the meaning of Article 1(*e*) of the Convention mentioned in paragraph (*a*) above) or of any other person who is entitled to inviolability of residence by or under any enactment.

[[F9](2A) In subsection (2) above—

"the premises of a closed diplomatic mission" means premises which fall within Article 45 of the Convention mentioned in subsection (2)(a) above (as that Article has effect in the United Kingdom by virtue of the section and Schedule mentioned in that paragraph); and

"the premises of a closed consular post" means premises which fall within Article 27 of the Convention mentioned in subsection (2)(b) above (as that Article has effect in the United Kingdom by virtue of the section and Schedule mentioned in that paragraph);**]**

(3) In any proceedings for an offence under this section it shall be a defence for the accused to prove that he believed that the premises in question were not premises to which this section applies.

(4) In any proceedings for an offence under this section a certificate issued by or under the authority of the Secretary of State stating that any premises were or formed part of premises of any description mentioned in paragraphs (*a*) to (*d*) of subsection (2) above at the time of the alleged offence shall be conclusive evidence that the premises were or formed part of premises of that description at that time.

(5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding **[**[F10]level 5 on the standard scale**]** or to both.

(6) Proceedings for an offence under this section shall not be instituted against any person except by or with the consent of the Attorney General.

(7) A constable in uniform may arrest without warrant any one who is, or whom he, with reasonable cause, suspects to be, in the act of committing an offence under this section.

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Textual Amendments

F7 S. 9(2)(aa) inserted by Diplomatic and Consular Premises Act 1987 (c. 46, SIF 68:1), **s. 7(1)(a)**

F8 S. 9(2)(bb) inserted by Diplomatic and Consular Premises Act 1987 (c. 46, SIF 68:1), **s. 7(1)(b)**

F9 S. 9(2A) inserted by Diplomatic and Consular Premises Act 1987 (c. 46, SIF 68:1), **s. 7(2)**

F10 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**

Modifications etc. (not altering text)

C4 S. 6(6), 7(11), 8(4), 9(7), 10(5) saved by the Police and Criminal Evidence Act 1984 (c. 60), s. 26, **Sch. 2**

Marginal Citations

M2 1964 c. 81.

M3 1968 c. 18.

10 Obstruction of court officers executing process for possession against unauthorised occupiers.

(1) Without prejudice to section 8(2) of the [M4]Sheriffs Act 1887 but subject to the following provisions of this section, a person is guilty of an offence if he resists or intentionally obstructs any person who is in fact an officer of a court engaged in executing any process issued by the High Court or by any county court for the purpose of enforcing any judgment or order for the recovery of any premises or for the delivery of possession of any premises.

(2) Subsection (1) above does not apply unless the judgment or order in question was given or made in proceedings brought under any provisions of rules of court applicable only in circumstances where the person claiming possession of any premises alleges that the premises in question are occupied solely by a person or persons (not being a tenant or tenants holding over after the termination of the tenancy) who entered into or remained in occupation of the premises without the licence or consent of the person claiming possession or any predecessor in title of his.

(3) In any proceedings for an offence under this section it shall be a defence for the accused to prove that he believed that the person he was resisting or obstructing was not an officer of a court.

(4) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding **[**[F11]level 5 on the standard scale**]** or to both.

(5) A constable in uniform or any officer of a court may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under this section.

(6) In this section "officer of a court" means—

(a) any sheriff, under sheriff, deputy sheriff, bailiff or officer of a sheriff; and

(b) any bailiff or other person who is an officer of a county court within the meaning of the [M5]County Courts Act 1959.

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Textual Amendments

F11 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**

Modifications etc. (not altering text)

C5 S. 6(6), 7(11), 8(4), 9(7), 10(5) saved by the Police and Criminal Evidence Act 1984 (c. 60), s. 26, **Sch. 2**

Marginal Citations

M4 1887 c. 55.

M5 1959 c. 22.

[F12]11 . . . . . .

Textual Amendments

F12 S. 11 repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I**

12 Supplementary provisions.

(1) In this Part of this Act—

(a) "premises" means any building, any part of a building under separate occupation, any land ancillary to a building, the site comprising any building or buildings together with any land ancillary thereto, and (for the purposes only of sections 10 and 11 above) any other place; and

(b) "access" means, in relation to any premises, any part of any site or building within which those premises are situated which constitutes an ordinary means of access to those premises (whether or not that is its sole or primary use).

(2) References in this section to a building shall apply also to any structure other than a movable one, and to any movable structure, vehicle or vessel designed or adapted for use for residential purposes; and for the purposes of subsection (1) above—

(a) part of a building is under separate occupation if anyone is in occupation or entitled to occupation of that part as distinct from the whole; and

(b) land is ancillary to a building if it is adjacent to it and used (or intended for use) in connection with the occupation of that building or any part of it.

(3) Subject to subsection (4) below, any person who was occupying any premises as a residence immediately before being excluded from occupation by anyone who entered those premises, or any access to those premises, as a trespasser is a displaced residential occupier of the premises for the purposes of this Part of this Act so long as he continues to be excluded from occupation of the premises by the original trespasser or by any subsequent trespasser.

(4) A person who was himself occupying the premises in question as a trespasser immediately before being excluded from occupation shall not by virtue of subsection (3) above be a displaced residential occupier of the premises for the purposes of this Part of this Act.

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(5) A person who by virtue of subsection (3) above is a displaced residential occupier of any premises shall be regarded for the purposes of this Part of this Act as a displaced residential occupier also of any access to those premises.

(6) Anyone who enters or is on or in occupation of any premises by virtue of—
- (a) any title derived from a trespasser; or
- (b) any licence or consent given by a trespasser or by a person deriving title from a trespasser,

shall himself be treated as a trespasser for the purposes of this Part of this Act (without prejudice to whether or not he would be a trespasser apart from this provision); and references in this Part of this Act to a person's entering or being on or occupying any premises as a trespasser shall be construed accordingly.

(7) Anyone who is on any premises as a trespasser shall not cease to be a trespasser for the purposes of this Part of this Act by virtue of being allowed time to leave the premises, nor shall anyone cease to be a displaced residential occupier of any premises by virtue of any such allowance of time to a trespasser.

(8) No rule of law ousting the jurisdiction of magistrates' courts to try offences where a dispute of title to property is involved shall preclude magistrates' courts from trying offences under this Part of this Act.

VALID FROM 03/02/1995

12A Protected intending occupiers: supplementary provisions.

(1) For the purposes of this Part of this Act an individual is a protected intending occupier of any premises at any time if at that time he falls within subsection (2), (4) or (6) below.

(2) An individual is a protected intending occupier of any premises if—
- (a) he has in those premises a freehold interest or a leasehold interest with not less than two years still to run;
- (b) he requires the premises for his own occupation as a residence;
- (c) he is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser; and
- (d) he or a person acting on his behalf holds a written statement—
  - (i) which specifies his interest in the premises;
  - (ii) which states that he requires the premises for occupation as a residence for himself; and
  - (iii) with respect to which the requirements in subsection (3) below are fulfilled.

(3) The requirements referred to in subsection (2)(d)(iii) above are—
- (a) that the statement is signed by the person whose interest is specified in it in the presence of a justice of the peace or commissioner for oaths; and
- (b) that the justice of the peace or commissioner for oaths has subscribed his name as a witness to the signature.

(4) An individual is also a protected intending occupier of any premises if—

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(a) he has a tenancy of those premises (other than a tenancy falling within subsection (2)(a) above or (6)(a) below) or a licence to occupy those premises granted by a person with a freehold interest or a leasehold interest with not less than two years still to run in the premises;

(b) he requires the premises for his own occupation as a residence;

(c) he is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser; and

(d) he or a person acting on his behalf holds a written statement—

(i) which states that he has been granted a tenancy of those premises or a licence to occupy those premises;

(ii) which specifies the interest in the premises of the person who granted that tenancy or licence to occupy ("the landlord");

(iii) which states that he requires the premises for occupation as a residence for himself; and

(iv) with respect to which the requirements in subsection (5) below are fulfilled.

(5) The requirements referred to in subsection (4)(d)(iv) above are—

(a) that the statement is signed by the landlord and by the tenant or licensee in the presence of a justice of the peace or commissioner for oaths;

(b) that the justice of the peace or commissioner for oaths has subscribed his name as a witness to the signatures.

(6) An individual is also a protected intending occupier of any premises if—

(a) he has a tenancy of those premises (other than a tenancy falling within subsection (2)(a) or (4)(a) above) or a licence to occupy those premises granted by an authority to which this subsection applies;

(b) he requires the premises for his own occupation as a residence;

(c) he is excluded from occupation of the premises by a person who entered the premises, or any access to them, as a trespasser; and

(d) there has been issued to him by or on behalf of the authority referred to in paragraph (a) above a certificate stating that—

(i) he has been granted a tenancy of those premises or a licence to occupy those premises as a residence by the authority; and

(ii) the authority which granted that tenancy or licence to occupy is one to which this subsection applies, being of a description specified in the certificate.

(7) Subsection (6) above applies to the following authorities—

(a) any body mentioned in section 14 of the [M6]Rent Act 1977 (landlord's interest belonging to local authority etc.);

(b) the Housing Corporation;

(c) Housing for Wales; and

(d) a registered housing association within the meaning of the [M7]Housing Associations Act 1985.

(8) A person is guilty of an offence if he makes a statement for the purposes of subsection (2)(d) or (4)(d) above which he knows to be false in a material particular or if he recklessly makes such a statement which is false in a material particular.

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(9) In any proceedings for an offence under section 7 of this Act where the accused was requested to leave the premises by a person claiming to be or to act on behalf of a protected intending occupier of the premises—

(a) it shall be a defence for the accused to prove that, although asked to do so by the accused at the time the accused was requested to leave, that person failed at that time to produce to the accused such a statement as is referred to in subsection (2)(d) or (4)(d) above or such a certificate as is referred to in subsection (6)(d) above; and

(b) any document purporting to be a certificate under subsection (6)(d) above shall be received in evidence and, unless the contrary is proved, shall be deemed to have been issued by or on behalf of the authority stated in the certificate.

(10) A person guilty of an offence under subsection (8) above shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.

(11) A person who is a protected intending occupier of any premises shall be regarded for the purposes of this Part of this Act as a protected intending occupier also of any access to those premises.

Marginal Citations

M6 1977 c. 42.
M7 1985 c. 69.

13 [F13 Abolitions and repeals.]

(1) The offence of forcible entry and any offence of forcible detainer at common law are hereby abolished for all purposes not relating to offences committed before the coming into force of this Part of this Act.

(2) The following enactments shall cease to have effect—

(a) the M8Forcible Entry Act 1381;

(b) chapter 2 of 15 Ric. 2 (1391);

(c) the M9Forcible Entry Act 1429;

(d) the M10Forcible Entry Act 1588; and

(e) the M11Forcible Entry Act 1623.

Textual Amendments

F13 S. 12A inserted (3.2.1995) by 1994 c. 33, **s. 74**; S.I. 1995/127, art. 2(1), **Sch. 1**.

Marginal Citations

M8 1381 c. 7.
M9 1429 c. 9.
M10 1588 c. 11.
M11 1623 c. 15.

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