



Crime and Courts Act 2013

2013 CHAPTER 22

PART 2

COURTS AND JUSTICE

Self-defence

43 Use of force in self-defence at place of residence

(1) Section 76 of the Criminal Justice and Immigration Act 2008 (use of reasonable force for purposes of self-defence etc) is amended as follows.

(2) Before subsection (6) (force not regarded as reasonable if it was disproportionate) insert—

“(5A) In a householder case, the degree of force used by D is not to be regarded as having been reasonable in the circumstances as D believed them to be if it was grossly disproportionate in those circumstances.”

(3) In subsection (6) at the beginning insert “In a case other than a householder case,”.

(4) After subsection (8) insert—

“(8A) For the purposes of this section “a householder case” is a case where—

- (a) the defence concerned is the common law defence of self-defence,
- (b) the force concerned is force used by D while in or partly in a building, or part of a building, that is a dwelling or is force accommodation (or is both),
- (c) D is not a trespasser at the time the force is used, and
- (d) at that time D believed V to be in, or entering, the building or part as a trespasser.

(8B) Where—

- (a) a part of a building is a dwelling where D dwells,

Status: This is the original version (as it was originally enacted).

- (b) another part of the building is a place of work for D or another person who dwells in the first part, and
 - (c) that other part is internally accessible from the first part,that other part, and any internal means of access between the two parts, are each treated for the purposes of subsection (8A) as a part of a building that is a dwelling.
- (8C) Where—
 - (a) a part of a building is forces accommodation that is living or sleeping accommodation for D,
 - (b) another part of the building is a place of work for D or another person for whom the first part is living or sleeping accommodation, and
 - (c) that other part is internally accessible from the first part,that other part, and any internal means of access between the two parts, are each treated for the purposes of subsection (8A) as a part of a building that is forces accommodation.
- (8D) Subsections (4) and (5) apply for the purposes of subsection (8A)(d) as they apply for the purposes of subsection (3).
- (8E) The fact that a person derives title from a trespasser, or has the permission of a trespasser, does not prevent the person from being a trespasser for the purposes of subsection (8A).
- (8F) In subsections (8A) to (8C)—
 - “building” includes a vehicle or vessel, and
 - “forces accommodation” means service living accommodation for the purposes of Part 3 of the Armed Forces Act 2006 by virtue of section 96(1)(a) or (b) of that Act.”
- (5) In subsection (9) (section intended to be clarificatory) after “This section” insert “, except so far as making different provision for householder cases,”.
- (6) An amendment made by this section does not apply in respect of force used before the amendment comes into force.