



# 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.

[<sup>F1</sup>(1A) Subsection (1) above does not apply to a person who is a displaced residential occupier or a protected intending occupier of the premises in question or who is acting on behalf of such an occupier; and if the accused adduces sufficient evidence that he was, or was acting on behalf of, such an occupier he shall be presumed to be, or to be acting on behalf of, such an occupier unless the contrary is proved by the prosecution.]

- (2) [<sup>F2</sup>Subject to subsection (1A) above,] 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.

<sup>F3</sup>(3) .....

- (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
  - (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.

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**Changes to legislation:** *Criminal Law Act 1977, Section 6 is up to date with all changes known to be in force on or before 28 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(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 [<sup>F4</sup>level 5 on the standard scale] or to both.

<sup>F5</sup>(6) .....

(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 [<sup>F6</sup>and section 12A 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 protected intending occupier of any premises or of any access to any premises.].

#### Textual Amendments

- F1** S. 6(1A) inserted (3.2.1995) by 1994 c. 33, s. 72(2); S.I. 1995/127, art. 2(1), **Sch.1**.
- F2** Words in s. 6(2) inserted (3.2.1995) by 1994 c. 33, s. 72(3); S.I. 1995/127, art. 2(1), **Sch.1**.
- F3** S. 6(3) omitted (3.2.1995) by 1994 c. 33, s. 72(4) and repealed (*prosp.*) by 1994 c. 33, ss. 168(3), 172(2), **Sch.11**; S.I. 1995/127, art. 2(1), **Sch.1**.
- F4** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46
- F5** S. 6(6) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 7 para. 19(2), **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)
- F6** Words in s. 6(7) inserted (3.2.1995) by 1994 c. 33, s. 72(5); S.I. 1995/127, art. 2(1), **Sch.1**.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 6(3) repealed by [1994 c. 33 s. 72\(4\)168\(3\)Sch. 11](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38A(5)(ia) by [2000 c. 43 Sch. 7 para. 55](#)
- s. 38B(5)(a) by [2000 c. 43 Sch. 7 para. 56](#)