

A

B I L L

TO

Amend the law of England and Wales by making provision for exempting from civil and criminal liability in specified circumstances persons acting in defence of persons or property.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Home defence (criminal liability)

- (1) This section applies where a person (A) is in a dwelling and is either—
- (a) the occupier of the dwelling, or
 - (b) present in the dwelling with the licence of the occupier.
- (2) Where this section applies, A is not guilty of an offence by reason of any act done by him in relation to the person or property of another person (B) who is in the dwelling, or is attempting to gain entry to the dwelling, if A believes (whether reasonably or not)—
- (a) that A is acting—
 - (i) in self-defence, or 5
 - (ii) in defence of another person, or 10
 - (iii) to preserve or protect property, or
 - (iv) to apprehend B or any other suspected wrongdoer, or
 - (v) otherwise in prevention of crime, and
 - (b) that B is, or (if he gained entry) would be, a trespasser. 15

2 Home defence (restriction of prosecutions)

Where—

- (a) section 1 applies to a person (A) in relation to a dwelling, and
- (b) a Crown Prosecutor—
 - (i) is considering whether the public interest requires him to institute proceedings against A for an offence in relation to another person (B) who was in the dwelling, or was attempting to gain entry to the dwelling, and 20

(ii) believes that A may have a defence under section 1(2), the Crown Prosecutor shall take into account the fact that the public interest requires householders to be fully protected by the law against intruders in their home.

- | | | |
|----------|---|----|
| 3 | Home defence (civil liability) | 5 |
| (1) | This section applies where a person (A) is in a dwelling and is either— | |
| | (a) the occupier of the dwelling, or | |
| | (b) present in the dwelling with the licence of the occupier. | |
| (2) | Where this section applies, A is not liable in tort by reason of any act done by him in relation to the person or property of another person (B) who is in the dwelling, or is attempting to gain entry to the dwelling, if A believes (whether reasonably or not)— | 10 |
| | (a) that A is acting— | |
| | (i) in self-defence, or | |
| | (ii) in defence of another person, or | 15 |
| | (iii) to preserve or protect property, or | |
| | (iv) to apprehend B or any other suspected wrongdoer, or | |
| | (v) otherwise in prevention of crime, and | |
| | (b) that B is, or (if he gained entry) would be, a trespasser. | |
| 4 | Interpretation, extent and short title | 20 |
| (1) | In this Act, “dwelling” includes— | |
| | (a) any building or part of a building which is occupied as a dwelling; | |
| | (b) any caravan, houseboat or structure which is occupied as a dwelling; | |
| | and any yard, garden, garage or outhouse belonging to it and occupied with it. | |
| (2) | Section 1(2) does not apply where A was convicted of the offence before the passing of this Act. | 25 |
| (3) | Section 3 does not apply where judgment was given against A before the passing of this Act. | |
| (4) | This Act applies to England and Wales only. | |
| (5) | This Act may be cited as the Criminal Justice (Justifiable Conduct) Act 2004. | 30 |

Criminal Justice (Justifiable Conduct) Bill

A

B I L L

To amend the law of England and Wales by making provision for exempting from civil and criminal liability in specified circumstances persons acting in defence of persons or property.

*Presented by Mr Roger Gale
supported by
Mr Eric Forth, Mr Peter Atkinson,
Mr Richard Bacon, Mr Julian Brazier,
Derek Conway, Mr Gerald Howarth,
Mrs Eleanor Laing, Richard Ottaway,
Mr Andrew Turner, Ann Winterton
and Sir Nicholas Winterton.*

*Ordered, by The House of Commons
to be Printed, 12th January 2004.*

© Parliamentary copyright House of Commons 2004
*Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St. Clements House, 2-16 Colegate, Norwich, NR3 1BQ*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON: THE STATIONERY OFFICE
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx net